

# The 2010 Wolesi Jirga Elections in Afghanistan

National Democratic Institute



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**National Democratic Institute**  
2030 M Street NW, Fifth Floor  
Washington, DC 20036 USA  
Tel: (202) 728 5500  
Fax: (202) 728 5520

[www.ndi.org](http://www.ndi.org)

[www.afghanistanelectiondata.org](http://www.afghanistanelectiondata.org)

The National Democratic Institute (NDI) is a nonprofit, nonpartisan, nongovernmental organization that responds to the aspirations of people around the world to live in democratic societies that recognize and promote basic human rights.

Since its founding in 1983, NDI and its local partners have worked to support and strengthen democratic institutions and practices by strengthening political parties, civic organizations and parliaments, safeguarding elections, and promoting citizen participation, openness and accountability in government. Currently, NDI works in over 70 countries.

With staff members and volunteer political practitioners from more than 100 nations, NDI brings together individuals and groups to share ideas, knowledge, experiences and expertise. Partners receive broad exposure to best practices in international democratic development that can be adapted to the needs of their own countries. The Institute's multinational approach reinforces the message that while there is no single democratic model, certain core principles are shared by all democracies.

NDI's work upholds the principles enshrined in the Universal Declaration of Human Rights. It also promotes the development of institutionalized channels of communications among citizens, political institutions and elected officials, and strengthens their ability to improve the quality of life for all citizens.

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## ACKNOWLEDGEMENTS

The National Democratic Institute is grateful for the welcome and cooperation it received from Afghan voters and election officials, candidates and their supporters, political party leaders and members, domestic election observers and civic activists.

More than 160 Afghan and international observers, analysts and staff dedicated their time and expertise to the Institute's 2010 election monitoring effort. The mission's reports, election updates and statements, issued throughout the 2010 electoral process in Dari, Pashtu and English, were based on findings and information gathered by mission participants deployed across Afghanistan. The data contained on the *afghanistanelectiondata.org* website was also produced through the coordinated activities of all concerned.

Several analysts and observers contributed to this report, which was edited by Jared Ferrie, the mission's analyst for the Northern region, and Andy M. A. Campbell, NDI Afghanistan Country Director and 2010 Election Observation Mission Director. The mission and its final report were completed under the supervision of Peter Manikas, NDI Director of Asia Programs and Raissa Tatad-Hazell, NDI Washington-DC Director for Afghanistan Programs.



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# NDI in Afghanistan

The 2010 observation mission builds upon NDI's global experience monitoring more than 200 elections over the past 25 years as well as its election-related and operational experience in Afghanistan.

NDI arrived in Afghanistan in early 2002 and has conducted programs to promote the participation of civic groups, political parties, women, and government bodies in the country's political and electoral processes. Currently, NDI works in partnership with Afghanistan's 34 provincial councils to enhance their ability to represent their constituents and support the local development planning process. This work is conducted through NDI's offices across Afghanistan – in Balkh, Herat, Kandahar, Kabul, Khost, Kunduz and Nangarhar.

**Electoral Support.** For the 2004 presidential and 2005 parliamentary and provincial council elections, NDI conducted technical assistance programs that engaged over 60,000 participants – including candidates, campaign staff and polling agents. It also assisted in the establishment of the Free and Fair Elections Foundation of Afghanistan (FEFA), a monitoring network that conducted the most extensive domestic observation effort for the 2005 elections. For the September 2010 parliamentary polls, NDI implemented programs to assist candidates, political parties, and election monitoring groups to participate in the electoral process. These programs were funded by the United States Agency for International Development (USAID) and the Canadian International Development Agency (CIDA).

**Strengthening Political Party and Candidate Participation.** NDI worked to strengthen the capacity of Afghan political parties to develop campaigns that address voter concerns. The Institute provided training to political party representatives through its Political Training Program, an intensive six-week course in practical party-building and campaign management. In addition, in the lead up to the 2010 candidate registration period, NDI offered technical guidance to smaller political parties on approaches to strengthen their internal structures, build coalitions, and better position themselves to compete, particularly in light of the requirements under the 2009 Political Party Law.

In July 2010, NDI conducted Candidate Orientation Training seminars across the country to inform registered candidates of the legal framework and regulations relevant to the elections. These sessions also covered the roles and responsibilities of candidates, with special emphasis on ways to identify and combat election fraud and misuse of state resources. These seminars were carried out in 30 of the country's 34 provinces and reached 1,709 candidates (68 percent of all registered candidates), including 208 female candidates.

**Increasing Women's Political Participation.** As a record number of women were running as candidates for Wolesi Jirga seats, NDI implemented a program to strengthen the capacity of these women to compete. The Institute organized campaign schools with a curriculum tailored to address the challenges particular to Afghan women, build key campaign skills, and broaden knowledge of the electoral framework. Approximately 246 (or 62 percent of all) women candidates participated in these schools. Following the elections, NDI conducted orientation workshops for women elected to the Wolesi Jirga to help them build the skills necessary to fulfill their mandates and overcome the unique challenges they face as female politicians in Afghanistan.

**Supporting Candidate Agents.** The Institute implemented a Candidate Agent Training program to strengthen the capacity of candidate agents to observe and report on election-day activities. Through a pool of 96 Afghan trainers, NDI ran workshops across 31 of the country's 34 provinces to help over 36,000 candidate agents (including more than 9,700 women) learn about election procedures, effective election administration, and the rights and obligations of polling agents as well as the distinction between observers and agents. The Institute developed a candidate agent manual, in Dari and Pashtu, and collaborated with the Independent Election Commission of Afghanistan to distribute thousands of manuals throughout the country.

**Election Observation.** NDI provided technical and financial support to FEFA, the country's principal domestic monitoring network. The Institute assisted the organization in its preparations for the 2010 elections, including the training of district-level staff, the observation of the voter and candidate registration periods, and the mobilization of monitors on election day. For the 2010 polls, FEFA deployed 7,000 monitors across the country.

NDI also conducted an observation mission to monitor the 2010 elections, mobilizing 164 observers and analysts. This mission involved in-depth analysis of the electoral process before, during, and after polling day as well as an independent assessment of the process based on Afghan conditions, Afghan law, and international principles of electoral management and observation. Issues examined included electoral administration, the electoral complaints process, women's political participation and security. Mission personnel also trained representatives of the diplomatic community in Kabul on the elements and procedures involved in election observation.

**Election Data Mapping.** Building on the website [afghanistanelectiondata.org](http://afghanistanelectiondata.org), that it created in 2009, NDI added data from the 2010 electoral process. The site includes an online mapping tool to facilitate analysis of election results data using demographic, ethnographic, topographic, and security information. By making this data widely accessible, those involved in the Afghan political process – including government officials, political parties and domestic monitoring groups, and members of the international community – can use the information to help improve future elections.

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## EXECUTIVE SUMMARY

Afghanistan held elections on September 18, 2010 to choose representatives to the *Wolesi Jirga* (lower house of the National Assembly). These were the second parliamentary polls, and the fourth national elections, conducted since the fall of the Taliban in 2001. More than 2,500 candidates – including nearly 400 women – contested seats to the 249-member chamber. Although violence affected the electoral process in many parts of the country, millions of Afghans turned out to vote in these elections. The Independent Election Commission (IEC)'s preparations, which included the adoption of several fraud mitigation measures, showed substantial improvement over past elections. However, the electoral process was marred by a number of problems and challenges, some dating back to Afghanistan's first elections in 2004. These included a defective voter registration process, barriers to women's participation, and the need to secure the independence of Afghanistan's two election bodies, the IEC and the Electoral Complaints Commission (ECC).

Afghanistan's 2010 elections followed an electoral cycle plagued with widespread vote fraud, the threat of violence from the Taliban and other insurgent groups, and doubts about the independence of election authorities. The 2009 presidential and provincial council polls were the first to be organized primarily by Afghan institutions, and preparations for these elections took place amid armed conflict in the southern and eastern regions and sporadic violence in other areas of the country. The polling was marred by extensive fraud, particularly in areas most affected by the insurgency, and final electoral results were delayed for months as electoral complaints were adjudicated and recounts were conducted.

In the lead up to the September 2010 polls, domestic and international observers noted that key problems needed to be addressed in order to build greater confidence in the integrity of Afghan elections. A flawed registration process led to multiple registrations and the registration of ineligible voters in 2009 – leaving the door open for fraud and other types of electoral misconduct in 2010. A new electoral law, issued by a presidential decree in February 2010, gave the president the power to appoint national and provincial commissioners of the ECC; this fueled concerns regarding the ability of the ECC to act independently. In addition, the political opposition raised concerns that state resources were being used to determine the outcome of the 2010 process.

A new political parties law, which came into force in late 2009, involved significant changes to the requirements for the establishment and formal registration of parties. This required all parties to re-register with the Ministry of Justice in advance of the elections. Due to the numerous steps involved in the revised process, only five political parties managed to re-register in time to have their names and symbols appear on the September ballot.

Although several candidates, including some of the most prominent ones, were widely suspected of having ties to militias, very few were disqualified for links to illegally armed groups. As election day neared, the Taliban and other anti-government militants attempted to disrupt the polls through threats to retaliate against voters and violence directed at candidates and their supporters.

For the 2010 polls, the IEC implemented several measures to promote public confidence in the

electoral process. A new IEC chair and chief electoral officer were appointed, and both took steps to improve election administration and IEC operations. The list of polling stations was finalized and released a month before the elections (last year, the list was publicized days before polling day). The IEC also enacted several fraud mitigation measures such as: blacklisting approximately 6,000 former polling officials suspected of engaging in fraud in the 2009 elections; rotating provincial and some district polling officials to distance them from local power and patronage networks; eliminating the ability to transfer ballots from one polling station to another; and placing unique serial numbers on ballot packs.

Despite such improvements, the IEC met several challenges. Closer to election day, it was decided that polling centers in certain provinces would be closed due to security concerns and the need to guard against electoral misconduct. However, these changes were not well publicized. On polling day, thousands of voters had to seek alternative polling locations. In the post-election period, candidates and their supporters complained about the lack of public information on changes in polling site locations and the resulting disenfranchisement of various groups on election day.

Primary authority for the resolution of electoral complaints was placed at the provincial level. The decentralization of the ECC posed a substantial challenge in recruiting and training provincial level staff and developing new procedures late in the election cycle. With thousands of complaints lodged after polling day, it was difficult for provincial ECC staff to address complaints and publicize decisions in a timely manner.

Final election results were expected to be announced on October 30, 2010. However, this was delayed to accommodate IEC audits and allow the ECC to complete investigations of complaints serious enough to affect numerical results. Audits and recounts eventually led the IEC to invalidate more than 1.5 million votes, and the ECC investigations resulted in the disqualification of several candidates who were listed as winners based on preliminary results. The lack of transparency in the ECC's work caused frustration among electoral contenders and fueled suspicion of government interference in the electoral process. The IEC approved and released the final election results on November 24, 2010.<sup>1</sup>

The following day, the Attorney General's office publicly challenged the final election results and stated that candidates who may have committed fraud and other election-related crimes should be investigated. In late December 2010, President Hamid Karzai called for the formation of a special tribunal to study the electoral returns and review the cases of losing candidates, countering the IEC's constitutionally protected mandate. The electoral management bodies responded by declaring that no institution has the legal right to change or modify the results declared by the IEC.

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<sup>1</sup> On November 24, 2010 the IEC approved and released the final results for all electoral constituencies except for Ghazni province (and by extension, the Kuchi constituency). Ghazni, an ethnically mixed province, is made up of Hazara and Pashtun-populated districts. For the 2010 polls, voter turnout in Pashtun-dominated districts was low, and preliminary election results showed that the province's 11 parliamentary seats were won by Hazaras. Pashtun candidates complained that their supporters had been disenfranchised, and President Karzai called for a fresh election for the province. The IEC replied that Article 61 of the Afghan Constitution mandates the IEC with handling election administration and the process of finalizing results, not the president. This led to a protracted exchange between election officials and the palace, delaying the announcement of final results for Ghazni. Ultimately, the preliminary results were kept as the final results for the province.

Karzai ordered the postponement of the inauguration of the new parliament to allow the tribunal to review the cases of losing candidates, many of whom were from regions that showed support for Karzai in the last presidential elections and whose votes were invalidated by the IEC's audits and recounts. After a protracted standoff between Karzai and the winning parliamentary candidates declared by the IEC, the new parliament was seated on January 26, 2011.

Although the new *Wolesi Jirga* had been inaugurated, the special tribunal continued to conduct investigations and provincial recounts. On June 23, 2011, the tribunal declared its findings, disqualifying 62 members – approximately 25 percent of the entire lower house of the National Assembly – and designated candidates to replace those to be unseated. The *Wolesi Jirga* regarded the tribunal as an 'illegal body' and refused to recognize revisions to the electoral results. In an effort to quell a possible constitutional crisis, Karzai nullified the tribunal and decreed that the IEC should examine the fraud allegations. In late August 2011, given intense political pressure, the IEC announced that nine sitting members should be disqualified and replaced. A parliamentary coalition, with several *Wolesi Jirga* members, has formed and is opposing this decision. Afghan and international political observers highlighted that the conflict involving the parliament, the IEC and the presidential palace could continue to stall the work and operations of the National Assembly.

Many of the problems that continue to plague Afghanistan's elections have been repeatedly documented by domestic and international observers in 2004, 2005, and 2009 but remain unaddressed. These problems are identified in the list of recommendations that appears below. Comprehensive electoral reform, that is Afghan-led and engages all key stakeholders, is critical to strengthening public confidence in the country's electoral process.

## **RECOMMENDATIONS**

NDI and other observation groups made several recommendations in August 2009 that were adopted in the months following that election. For instance, the IEC received funding earlier in the election cycle. Election security planning commenced well in advance of the polls and the IEC undertook a security assessment of all polling center locations in a timely manner. In addition, all candidates were offered the opportunity to participate in a program to help them better understand the election law and the rules and regulations surrounding the campaign (1,709 candidates from across the country participated in this candidate orientation program).

However, recommendations made by NDI's 2009 delegation remain in need of urgent action. These include: ensuring the independence of the IEC and ECC; reforming the voter registration process; reviewing the appropriateness of the single non-transferrable voting (SNTV) system; and making greater efforts to recruit women polling and election day security personnel.

For the 2010 elections, the following recommendations were offered in the spirit of international cooperation:

### ***Electoral Oversight***

- 1. *The Wolesi Jirga should approve the appointment of IEC commissioners.*** Public confidence in the election commission is dependent on the appearance and reality that it acts in an unbiased manner. All seven members of the commission are appointed by the

President with no legislative approval or oversight. While the current IEC adopted several significant reforms and acted in a more transparent manner, a statutory check on executive authority in the selection of commissioners is needed to help ensure the commission's independence, impartiality and competence in the years ahead and would be consistent with international best practices. In 2009, the *Wolesi Jirga* passed legislation calling for greater legislative oversight in the selection of commissioners, but the president did not approve the proposed law. An appointment process based on clear criteria for impartiality and competence, and a structure that ensures independent action also should be part of the legal framework.

2. ***The Wolesi Jirga should secure the independence of the ECC.*** As with the IEC, the ECC's credibility depends on its acting independently and transparently. The election law was changed by presidential decree as this election approached to permit the president to appoint all five national and 113 provincial commissioners of the ECC. The revision of the law by presidential decree was rejected by the *Wolesi Jirga*. This use of the president's power, along with a lack of transparency at the provincial level in the handling of complaints, has led to the widespread perception that the ECC is not acting independently of the executive branch. Oversight is needed in the appointment of national and provincial ECC commissioners. This might include legislative approval or, as was done in 2009, appointment by different bodies such as the Afghan Independent Human Rights Commission (AIHRC) and the Supreme Court of ECC commissioners. The appointment process should be based on clear criteria for impartiality and competence, and a structure that ensures independent action also should be part of the legal framework.
3. ***The Wolesi Jirga should launch a comprehensive review of the electoral process.*** In February 2010, the President acted under the emergency provision of Article 79 of the constitution to revise the legal framework for this year's polls. The *Wolesi Jirga* had rejected the decree, but the *Meshrano Jirga*, the upper house of the National Assembly, overruled its objection. Several matters contained in the decree, such as the presidential appointment of all IEC and ECC members remain controversial and are in need of review. The recommendations contained in this statement can also help the *Wolesi Jirga* form a comprehensive electoral reform agenda. The *Wolesi Jirga's* review should be informed by the views of a broad range of electoral participants, including political parties and civil society organizations. International assistance to future elections should be based on an objective analysis of whether electoral reforms are consistent with international standards.

### ***Electoral Conduct***

4. ***The Afghan government should vigorously prosecute those responsible for election-related violence and electoral misconduct.*** In addition to the insurgents who attempted to disrupt the elections, there were instance in which candidate supporters perpetuated violence and intimidation. These incidents, as well as those involving misconduct – such as attempts to use fraudulently obtained or fake voter identification cards – should be investigated and prosecuted in a timely manner. The Afghan National Police (ANP) and the National Directorate for Security (NDS) have already arrested several persons who attempted or committed election-related crimes. These persons

should be vigorously prosecuted to send an unambiguous message that election misconduct will not be tolerated.

5. ***The ECC should take steps to ensure that provincial complaints commissions apply uniform procedures and act in a transparent manner.*** Access to information about complaints filed has varied among the Provincial Electoral Complaints Commissions (PECCs). Procedures followed in processing complaints also were inconsistent at the provincial level. Establishing uniform procedures for access to information from the PECCs and permitting citizens to follow the processing of complaints from filing to final disposition on the ECCs website would help enhance the public's confidence in the complaints process.
6. ***Female access to polling stations should be improved.*** As in the 2009 elections, there was a shortage of female poll workers and search agents. The shortfall is especially acute in the traditional or least secure areas of the country. The difficulty in recruiting female searchers for the polls is at least partly due to confusion among government agencies over which had the principal responsibility for recruitment. Greater clarity is needed in assigning this responsibility. In addition, more outreach to civil society organizations could help alleviate the deficit in female poll workers and searchers. Further public education on the rights and opportunities for women to participate in Afghanistan's democratic process is also needed.
7. ***Greater security for women candidates is needed.*** The Ministry of Interior has the responsibility of providing security for candidates, yet many female candidates complained that although they requested security, none was provided. Women candidates are often subject to threats of violence and greater efforts are needed to ensure their protection.
8. ***Candidate vetting must be based on established criteria and independent identification of illegally armed individuals.*** Public confidence in the electoral process in Afghanistan is undermined by the presence of suspected militia leaders on the ballot and the implicit threat they present to voters and opposing candidates. Provisions in the electoral law that bar leaders and members of illegal armed groups have been sporadically enforced, however, due to weaknesses in the judicial system. Future electoral vetting must be predicated on clearly established criteria and independent identification of illegally armed individuals. Unequal enforcement of vetting provisions in the electoral law reduces the credibility of electoral institutions, and vetting provisions should be abandoned if they cannot be consistently and effectively enforced.

### ***Electoral Planning and Design***

9. ***Alternatives to the SNTV system should be reviewed.*** The SNTV system, which tends to produce large numbers of independent candidates, has the advantage of being easily understood by voters. It was adopted prior to Afghanistan's first legislative elections in 2005 – a time when memories of the civil war were fresh and political parties were often equated with armed groups. However, the disadvantages of the SNTV system, used to elect *Wolesi Jirga* and provincial council members, have become increasingly clear: candidates can obtain a seat in parliament with a very low number of votes (as was seen

in 2005 in Kabul, where the candidate who got the last provincial seat won with 0.6 percent of the vote) and discourages the formal participation of political parties, which could offer voters more distinct policy choices.

- 10. *A national census should be conducted as soon as practicable.*** Despite the mandate in the Bonn Agreement for the United Nations to conduct a census of the population, no census has taken place. Accurate population figures are needed to properly allocate seats in legislative assemblies, assist in the planning of development programs and help in electoral preparations. The conducting of a census continues to be impeded by a lack of security in several areas of the country, and by fears that it could exacerbate ethnic tensions. The absence of a census creates unequal access to polling stations for different groups in Afghan society.
- 11. *An accurate voter registry and /or civil registry should be prepared.*** Afghanistan has never had an accurate voter list, which is an important means of preventing electoral misconduct. As the 2010 elections approached, it was widely reported that false voter cards were being prepared in Pakistan and Afghanistan. The existence of a massive number of duplicate or false voter cards has plagued past elections and continues to undermine public confidence in the current electoral process. In many countries, voter lists are derived from a more comprehensive civil registry, which provides identity cards to all citizens, not just eligible voters. In Afghanistan both systems face similar logistical and security problems in their implementation. Nevertheless, for the next election, either substantial reform of the voter list or the adoption of a civil registry is required to mitigate electoral fraud and aid in the preparation of the elections. Transparency, inclusiveness and oversight by political contestants and impartial citizen organizations will be required in either case, and safeguards against illicit issuances of identification cards, as well as security measures, will be required.
- 12. *The ECC should be made into a permanent body.*** The development of the ECC's capacity has been hindered by its not being a permanent entity. Rather, it is established anew as each election cycle commences and its mandate expires two months following the certification of election results. This short life span does not allow sufficient time to recruit and train staff, prepare materials, develop written administrative procedures for the complaints process, and carry out effective public outreach on the work of the commission.

## THE 2010 MISSION

NDI organized an Election Observation Mission (EOM) for Afghanistan's September 18 *Wolesi Jirga* elections. The mission's purpose was to demonstrate the international community's continued support for advancing the democratic process in Afghanistan and to provide an impartial assessment of the elections. NDI— one of the founding parties of the Declaration of Principles for International Election Observation,<sup>2</sup> which was formally adopted by the United Nations on October 27, 2005 — developed its mission based on these principles, including those described in the following articles:

*Article 4. International election observation is: the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis.*

*Article 5. International election observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation, employing a variety of techniques. As part of these efforts, specialized observation missions may examine limited pre-election or post-election issues and specific processes (such as, delimitation of election districts, voter registration, use of electronic technologies and functioning of electoral complaint mechanisms).*

*Article 7. International election observation missions are expected to issue timely, accurate and impartial statements to the public (including providing copies to electoral authorities and other appropriate national entities), presenting their findings, conclusions and any appropriate recommendations they determine could help improve election related processes.*

NDI was the first organization to be accredited for the 2010 electoral process. The structure of its EOM was designed to enable in-depth analysis of issues as they presented themselves throughout the process, and to share information through the periodic publication of Election Updates. These Updates<sup>3</sup> focused on thematic and regional issues and were distributed widely to electoral stakeholders in Afghanistan. All of these reports were issued in English, Dari and Pashtu.

Thematic analyses focused on:

- election administration
- the electoral complaints process
- the participation of women and minorities (including disabled)
- security
- the role of the media and the Election Media Commission
- the participation of political parties
- observer engagement
- data analysis

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<sup>2</sup> Declaration of Principles for International Election Observation, 2005. [www.accessdemocracy.org/files/1923\\_declaration\\_102705.pdf](http://www.accessdemocracy.org/files/1923_declaration_102705.pdf)

<sup>3</sup> See Appendix 4 for all updates in English. Visit [http://www.ndi.org/afghanistan\\_elections\\_update](http://www.ndi.org/afghanistan_elections_update) for the Dari and Pashto versions.

NDI's observation mission mobilized 164 Afghan and international observers and analysts. The mission involved the analysis of the election process before, during and after election day, and the development of an independent assessment of the process based on Afghan conditions, Afghan law and international principles.

All of the mission's international observers — a diverse group with representation from 13 countries — had experience in previous Afghan elections. The group included current and former government, political party and election officials, legislative staff, representatives of democracy and human rights organizations, and academics. The mission's Afghan observers included male and female master trainers who prepared thousands of candidates and polling agents for the 2009 and 2010 elections, and who were knowledgeable about local conditions and electoral procedures.

The mission's observers covered all of the country's regions and the capital. Six weeks before and six weeks after election day, NDI observers monitored electoral activities and met with candidates, political parties, government officials, national and provincial IEC and ECC representatives, international and Afghan NGOs, domestic election monitors and other organizations related to the electoral process. Using NDI's provincial offices and networks, mission personnel conducted more than 1,260 interviews throughout the country.

On election day, NDI observers operated in 30 of the country's 34 provinces and visited more than 700 polling stations, despite limitations created by the security situation – this effort provided the broadest geographic coverage in 2010 by an international observer mission. NDI released a preliminary statement two days after the election, which was widely featured by Afghan and international media.

## **ELECTORAL HISTORY AND AFGHANISTAN'S LEGAL FRAMEWORK**

The August 2010 election was another step in Afghanistan's gradual progress to a fully functioning democratic political system. To view this progression in context, this section deals with key milestones and the country the electoral framework.

### ***The Bonn Agreement***

Following the removal of the Taliban regime in October 2001, the United Nations (UN) brought together leading Afghan groups to Bonn, Germany in November 2001 to discuss plans for a future government in Afghanistan. The groups included: the Northern Alliance, which represented the governments driven from power by the Taliban in 1996; the Rome Group, which represented former King Zahir Shah; the Peshawar Group, which represented millions of Afghan refugees in Pakistan; and the Cyprus Group, which represented an Iranian backed group of Afghan exiles.

The meeting in Germany culminated with the signing of the Bonn Agreement, which provided for short-term power sharing among the Afghan groups in attendance and established a timetable for a two-year transitional period. According to the Bonn agreement, an Interim Administration would be established to govern Afghanistan for the first six months of 2002. The interim administration's immediate work was to administer the distribution of aid in the country.

In June 2002, the interim administration convened a *Loya Jirga*, (grand council) of tribal leaders

and other notables. King Zahir Shah, who returned to Afghanistan in April 2002, presided over the gathering to give the process legitimacy, but was relegated to a largely ceremonial role by certain sections. The meeting was unofficially chaired by representatives of the US government and Lakhdar Brahimi, then the United Nations' special representative for Afghanistan. The *Loya Jirga* in turn elected a transitional authority to govern until a representative government was elected in 2004.

Hamid Karzai was appointed chairman of the interim administration. The government had a strong presence of personalities from the United Islamic Front – commonly referred as the Northern Alliance – including General Mohammed Fahim, Younis Qanooni, and Dr. Abdullah Abdullah, who are all ethnic Tajiks from the Panjshir valley.

As stipulated by the Bonn Agreement, on June 9, 2002, an emergency *Loya Jirga* was convened. This brought to Kabul more than 1,700 Afghans from across the country charged with selecting a broad-based, representative government. The attendees included tribal and regional leaders, military and religious figures, royalty and government officials. On June 19, Karzai was officially sworn in, by the emergency *Loya Jirga*, as interim President of Afghanistan. Ten days later, Karzai appointed a cabinet to lead the newly established Afghan Transitional Administration (ATA).

### ***The Constitution***

Under the Bonn Agreement, the ATA was responsible for drafting and implementing a new Constitution. The constitutional drafting process was viewed by many to be problematic because it largely took place behind closed doors. The government refused to release drafts of the Constitution for public review, preventing citizens from commenting on the actual document. This limited public input on several issues including the type of political and electoral system, the length of the terms of elected officials, the role of political parties as well as the role of women and minorities in the new government. (This unwillingness to allow for public scrutiny has been a consistent theme with the subsequent election laws issued by Karzai, which has in turn plagued the country's electoral processes).

The Constitutional *Loya Jirga* (CLJ) was convened in mid-December 2003. After three weeks of deliberation, it ratified Afghanistan's new constitution on January 4, 2004. The CLJ was composed of 450 elected delegates, including reserved seats for women, minorities and refugees; 52 delegates were appointed by President Karzai, half of whom were women. Many observers reported intimidation and vote-buying throughout the election process, enabling warlords to make a strong showing. The new Constitution called for a strong presidential system of government, but gave the National Assembly—which consists of the *Wolesi Jirga* (the lower house) and the *Meshrano Jirga* (the upper house)—oversight powers including the right to impeach ministers and approve cabinet appointments.

The Constitution also stipulated that men and women have equal rights and duties before the law. To administer the presidential election in 2004 and the *Wolesi Jirga* and provincial council elections in 2005, the Joint Electoral Management Body (JEMB) was formed to oversee the process. The JEMB supervised Afghanistan's elections and was comprised of representatives from the Afghan government and the international community. The leadership of the JEMB consisted of nine Afghan members appointed by the President and four international electoral experts appointed by the UN Special Representative of the Secretary General (SRSG) for

Afghanistan. A non-voting Chief Electoral Officer ran the day-to-day operations of the JEMB Secretariat (JEMBS). All staff were employed by the United Nations.

### ***The 2004 Presidential Election***

On October 9, 2004, Afghanistan held the first direct presidential election in its history.<sup>4</sup> Approximately 10.5 million Afghans registered to vote, with women making up 41.3 percent of those registered. The election was held in three countries – Afghanistan, Iran, and Pakistan (the latter two due to the sizable communities of Afghan refugees). The International Organization for Migration administered the Out-of-Country Voting (OCV) elections.

Despite widely publicized threats to disrupt polling made by remnants of the Taliban regime, 18 candidates campaigned for the presidency and over 70 percent of registered citizens voted. Interim President Hamid Karzai was elected president with 55.4 percent of the vote, a total of 4.4 million votes. The other 17 presidential candidates consisted of former officials, politicians with strong ethnic group support, professionals and tribal leaders. Karzai's strongest opponents were: former education minister Younis Qanooni, a Tajik; Mohammad Mohaqeq a member of the Hazara ethnic group; and General Abdul Rashid Dostum, a commander during the civil war and a leader in the Uzbek ethnic group. Qanooni received 16 percent of the vote, Mohaqeq received 12 percent, and Dostum received 10 percent of the vote. The remaining 14 candidates received a total of seven percent of the valid votes cast.

Immediately after the vote, there were allegations of voting irregularities. The UN created a three-person impartial panel of experts who, along with investigators from the OCV program, undertook the role of what would, in 2005, become the Electoral Complaints Commission.

### ***The 2005 Parliamentary and Provincial Council Elections***

On September 18, 2005, Afghanistan held its first elections for representatives of the *Wolesi Jirga* and provincial councils. The upper house of the Afghan parliament, the *Meshrano Jirga*, was convened following the results of the provincial council election. The *Meshrano Jirga* is comprised of 102 members – 34 of whom are elected from among the provincial councils, 34 members from district councils and 34 members appointed by the President. In the absence of district councils, which were not established, 68 members were elected from the provincial councils in November 2005. On December 11, 2005, Karzai announced his own 34 appointments to the *Meshrano Jirga*.

Even as they were taking their seats, provincial council members expressed frustration at the lack of power given to them by the Law on Provincial Councils. Aside from electing members to be sent to the *Meshrano Jirga*, the provincial councils play an advisory role in their province's development plans and have little power to change or censure the decisions of the provincial governor. The lack of clarity in the law as to how power should be distributed between provincial councils, the governor's office, the community development committees and the local shuras has hampered sub-national governance development in Afghanistan.

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<sup>4</sup> Previous elections in the new Democracy period in the 1960s were of limited franchise.

## ***The 2009 Presidential and Provincial Council Elections***<sup>5</sup>

On August 20, 2009 Afghans voted to elect a president and members of provincial councils for the second time in the nation's history. The elections were the first to be organized primarily by Afghan institutions and preparations for the elections took place amid armed conflict in the southern and eastern regions and sporadic violence in other areas of the country. The polling was marred by widespread fraud particularly in areas most affected by the insurgency. The final provincial council results were delayed for almost four months as electoral complaints were adjudicated and audits as well as recounts were conducted. The IEC announced a runoff election between Hamid Karzai and former foreign minister Abdullah Abdullah after no single candidate received more than 50 percent of the valid votes cast. Six days before the scheduled runoff, Abdullah announced he would not participate since adequate measures had not been taken to prevent the recurrence of fraud.<sup>6</sup> The IEC cancelled the runoff and declared Karzai the winner of the 2009 presidential election. Karzai was sworn in as president on November 19, 2009.

Security affected every aspect of the 2009 electoral process. As election day neared, the Taliban and other anti-government militants attempted to disrupt the polls through calls for a boycott, threats to retaliate against voters and violence directed at candidates and their supporters. Other militant groups also contributed to the overall instability of some locations. Despite the intimidation and violence, candidates campaigned actively and Afghan citizens demonstrated a deep interest in the electoral process.

The fraud on election day was systematic and widespread. After vetting the results, the IEC excluded 18 percent of the votes from the final tally. While fraud was found to affect all the top presidential candidates, 76 percent of the votes removed were marked in Karzai's favor. In the months following the August 20 polling, the ECC reviewed over 2,000 complaints and examined a sample of suspicious ballot boxes, finding that no presidential candidate passed the 50 percent threshold. Election officials discussed measures to reduce the potential for fraud in the days before the November 2009 runoff, although no major reforms could be carried out.

Allegations of fraud and electoral irregularities also marred the provincial council polls and led to the recount of ballots in a number of provinces. The adjudication of complaints surrounding the provincial council races was delayed due to the extensive fraud in the presidential election, and the final results of the provincial council elections were not certified until late December 2009. The certification process was criticized by Afghanistan's National Assembly, which further postponed the inauguration of the new provincial councilors and the *Meshrano Jirga* elections. The newly elected representatives of all 34 councils were seated in late January 2010.

## ***The Electoral Framework***

The legal framework that governs Afghanistan's elections consists principally of the Constitution of Afghanistan, the Electoral Law, and the Political Parties Law, together with applicable presidential decrees and the rules and regulations of the election commissions, including the ECC.

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<sup>5</sup> See NDI's full report on the 2009 electoral process in Afghanistan. [http://www.ndi.org/files/Elections\\_in\\_Afghanistan\\_2009.pdf](http://www.ndi.org/files/Elections_in_Afghanistan_2009.pdf)

<sup>6</sup> Observers noted that there was no allowance within the Afghan electoral law to specifically address the withdrawal of a candidate from a second round election. The 2010 Election Law, issued by Karzai in the lead up to the September 2010 polls, included a provision to address this issue.

However between the August 2009 and September 2010 elections, a new Election law was drafted—by the executive, not the parliament—and issued under Article 79 of the Afghan Constitution, as a decree by the President.

The government of Afghanistan, in its framing documents, agreed to follow international and accepted standards for elections. Chapter One of Afghanistan’s Constitution pledges respect for international agreements and treaties, including the Universal Declaration of Human Rights. Article 21 of the Universal Declaration states that “the will of the people shall be the basis of authority of government; this shall be expressed in periodic and genuine elections....” Afghanistan has ratified or signed the major international instruments containing election standards. Chapter Two of Afghanistan’s Constitution provides for the protection of fundamental rights and duties essential for the conduct of elections that comply with international standards. These include the rights “to elect and be elected” as well as the rights of free expression, assembly, travel and forming political parties. Article 156 of the Constitution establishes an Independent Election Commission. Article 83 of the Constitution provides for *Wolesi Jirga* elections every five years. The right of citizens to vote is guaranteed by Article 33 of the Constitution. All citizens 18 years or over on election day are eligible to vote, provided their voting rights have not been removed by a court of law.

According to the electoral timeline in the Afghan constitution, elections for seats in the *Wolesi Jirga* were scheduled for May 2010. In late 2009 and early 2010, the IEC and President Karzai indicated that they intended to adhere to this timeline. However, several Afghan entities objected to this, saying that more time was needed to implement reforms and prepare for the 2010 elections. On January 24, 2010 the IEC announced that it would postpone the elections until September 18, 2010, citing security concerns, logistical challenges and insufficient funding. Two months later, on March 25, the IEC released the official timeline for the elections, reaffirming September 18 as the date of the elections and establishing a number of important dates, including candidate registration (April 20 through May 4), voter registration (June 12 through August 12), the official campaign period (June 23 through September 16), and the announcement of the preliminary and final results (October 9 and October 30, respectfully).

### ***The Article 79 Presidential Decree***

The administration of the elections was further complicated by controversy surrounding the changes to the electoral law. On February 17, 2010 – three days before parliament was to resume session – President Karzai signed a decree that replaced the previous electoral law, citing presidential authority to issue a decree under emergency circumstances while parliament is in recess. There was immediate discussion regarding the validity of the decree and the recourse available to parliament through the constitution. Ultimately, the debate focused on two articles of the constitution, Article 79 and Article 109. Article 79 stipulates that “during the recess of the *Wolesi Jirga*, the government can adopt legislation in emergency situations on matters other than budget and financial affairs.” The president’s office did not articulate the “emergency situation” that would justify such a decree and none of the emergency conditions specified within the State of Emergency clauses in the Constitution (Articles 143-148) were relevant at the time.

According to Article 79, the government must submit the decree to the National Assembly within 30 days of the body’s first session, at which point the National Assembly may vote on the decree.

Citing this clause, the *Wolesi Jirga* rejected the decree in a nearly unanimous vote on March 31. However, many proponents of the decree, including several members of the *Meshrano Jirga*, maintained that the *Wolesi Jirga* did not have the authority to vote on the decree given Article 109, which states that proposals for “amending the electoral law shall not be included in the agenda of the Assembly during the last year of the legislative term.” NDI was also told by *Meshrano Jirga* leaders that if Article 79 was cited, the *Wolesi Jirga’s* vote had taken place after the 30-day period specified by the provision; if Article 109 was used, as the *Wolesi Jirga* was in the final year of its term, it would be unable to challenge the decree. Regardless, the decree became law.

Afghan institutions such as the *Wolesi Jirga* and FEFA, as well as members of the international community, opposed the new electoral law, both due to the content of the law and the questionable process through which it was implemented. One provision, Article 61.1 received significant attention since it related to the appointment of ECC commissioners. Whereas the previous electoral law required that three separate bodies appoint the five ECC commissioners—one by the Afghan Supreme Court, one by the AIHRC, and three by the SRS— the new law granted the president the authority to appoint all five commissioners, ‘in consultation’ with the head of the *Wolesi Jirga*, *Meshrano Jirga*, and the Chief Justice of the Supreme Court.

During the 2009 elections, the ECC, and to a lesser degree the Media Complaints Commission, was regarded by some as the only administrative bodies that displayed independence from the president’s office, which was instrumental in addressing the electoral irregularities that occurred. Given that the president already had the authority to appoint the leadership of the IEC, seizing the power to appoint the ECC commissioners effectively consolidated authority over the administration of the elections in the office of the president and represented a significant obstacle to the possibility of administering free and fair elections. To mitigate concerns regarding the impartiality of the ECC, President Karzai eventually agreed to appoint at least two international commissioners.

Underscoring the concern regarding presidential control over the administration of the elections, however, the new electoral law omits what was Article 9 in the previous law. This article, on “Impartiality and Commitment to Confidentiality,” required that electoral officials “perform the duties assigned to them in an impartial and unbiased manner” and specified that electoral officials may neither seek nor receive instruction from any government or non-governmental authority, except the Director of the Secretariat. Further, the article required that electoral officials declare prior to taking office that they would fulfill their duties “with decency, truthfulness, and confidentiality.”

In addition, there were a number of changes that raised concerns about potentially negative effects on the conduct of elections. Such changes included the following:

- Article 14 specifies that voters shall vote in the constituency indicated on the voter list, rather than in the constituency indicated on the voter card, as the previous law required.
- Article 15 includes a provision allowing voters to prove their identity by showing “documents” provided by the IEC, whereas the only proof of identity allowed in the previous law was a voter registration card. In addition, there is no reference to out-of-country voters in the new law.

- Article 17.1 indicates that the President is elected by obtaining more than 50 percent of votes cast, but the stipulation that these be valid votes was removed.
- Article 43 significantly increases the deposit required for candidates to register. For presidential candidates, the deposit was raised from 50,000 Afghani to 250,000 Afghani; for *Wolesi Jirga* candidates, the deposit was raised from 10,000 Afghani to 30,000 Afghani.
- Article 62.5 delegates preliminary authority to adjudicate electoral complaints to the Provincial Electoral Complaints Commission (PECC), except in exceptional circumstances, in which case ECC headquarters may adjudicate as the preliminary authority.

As mentioned above, the process through which the new law was implemented raised objections for a number of reasons. Aside from the questions of the constitutionality of the decree and the unilateral manner in which the new law was drafted, there were differences in the text between the version signed by President Karzai on February 17 and the version published by the Ministry of Justice (MoJ). For example, Article 22.3 in the MoJ version indicates that, in the event an elected candidate needs to be replaced, his or her replacement would be the candidate of the same gender with next highest number of votes, “according to the prepared list of the Commission,” a phrase that did not appear in the version signed by President Karzai. In numerous occasions, the differences between the two versions were more substantive. Article 28.1, for example, defines the allocation of Provincial Council seats by population and the discrepancies are as follows:

- (a) Provinces with less than 500,000 inhabitants: 9 members in the MoJ version; 7 members in the presidential version.
- (b) Provinces with more than 500,000-1,000,000 inhabitants: 15 members in the MoJ version; 13 members in the presidential version.
- (d) Provinces with more than 2,000,000-3,000,000 inhabitants: 23 members in the MoJ version; 25 in the presidential version.
- (e) Provinces with more than 3,000,000 inhabitants: 29 members in the MoJ version; 31 in the presidential version.

Similarly, in Articles 35, 36, and 40, the time allowed to resolve cases in which candidates receive an equal number of votes is significantly decreased in the MoJ version. Whereas the presidential version allows 30 days to resolve cases regarding Village Council seats (Article 35), seven days to resolve Mayoral seats (Article 36), and 20 days to resolve Municipal Council seats (Article 40), the MoJ version allows 48 hours to resolve any such case.

Interestingly, some of the concerns regarding seats allocated to women were addressed in the MoJ version. Article 23.1 in the MoJ version incorporated language from the previous law requiring that the allocation of seats for women be determined based on the population of each province and that the number be at least twice the number of existing provinces in the country. Further, Articles 23.3 and 29.5 in the MoJ version appear to rectify the ambiguity of the version signed by President Karzai regarding filling vacant seats allocated to women replacing it with the same text from the previous version. In both articles, the MoJ version includes the phrase “to women (from the same gender)” in reference to the “specific measures” the IEC must adopt to prevent seats allocated to women from remaining vacant. In most cases where there are discrepancies, the MoJ version appears to improve upon the presidential version.

## **KEY ASPECTS OF THE 2010 WOLESI JIRGA ELECTIONS**

The September 2010 *Wolesi Jirga* elections were the second parliamentary polls, and the fourth national elections, conducted since the fall of the Taliban in 2001. More than 2,500 candidates – including nearly 400 women – contested seats to the 249-member chamber.

In contrast with the deteriorating aspects in the electoral environment, there was some progress made at an institutional level. The IEC, which is the electoral management body (EMB) charged with organizing, managing and overseeing elections, showed a marked improvement in its performance relative to the 2009 polls. The reputation of the IEC suffered in 2009 when over 6,000 of its staff were implicated in the widespread fraud that tarnished the presidential and provincial council elections that year. An additional five senior staff, Provincial Election Officers (PEOs), were later terminated due to a number of irregular practices including fraud.<sup>7</sup>

In preparation for the 2010 elections, the IEC implemented reforms aimed at preventing fraud and many stakeholders noted the confidence with which the IEC carried out its role. Integral to the process was the replacement of both the IEC Chairman and the Chief Electoral Officer. Additional reforms made it possible for the IEC to detect fraud, and recounts and audits eventually led to the invalidation of more than 1.3 million ballots.

Nevertheless, the performance of the IEC and the ECC were severely challenged. Not only was security an overwhelming and constant concern, but flaws in Afghanistan's electoral system affected the independence of both bodies throughout and after the process. This was highlighted when much-delayed final results were released and immediately rejected by the administration of President Karzai. The Attorney General, an appointee of the president, also opposed the results and ordered the arrest of several IEC and ECC members. This action, along with public statements by Karzai and the Attorney General, put the IEC and ECC under tremendous pressure.

While the Attorney General's legal authority to intervene in the work of the IEC or ECC was far from clear, this controversy might have been avoided if the actions of these electoral bodies had been more transparent. The Attorney General's actions, and the establishment of the Special Court, underscore defects in Afghanistan's legal framework for elections as well as shortcomings in the nation's constitutional framework, which fail to adequately define the legal authority of the courts, executive branch and electoral bodies. The controversy emphasizes the need for a formal and comprehensive review of the country's electoral system that would lead to reforms (*see the report's section on Recommendations*).

## **SECURITY**

The 2010 *Wolesi Jirga* elections were conducted in a violent atmosphere as the country's security environment had deteriorated in the lead up to the polls. In recent years, security incidents had increased and the influence of insurgent groups had spread throughout the country. There was a considerable influx of opposition groups in provinces directly around Kabul and in different regions. In addition to the spread of armed opposition groups (AOGs) into areas previously considered secure, militia groups connected to candidates posed a particular threat to security

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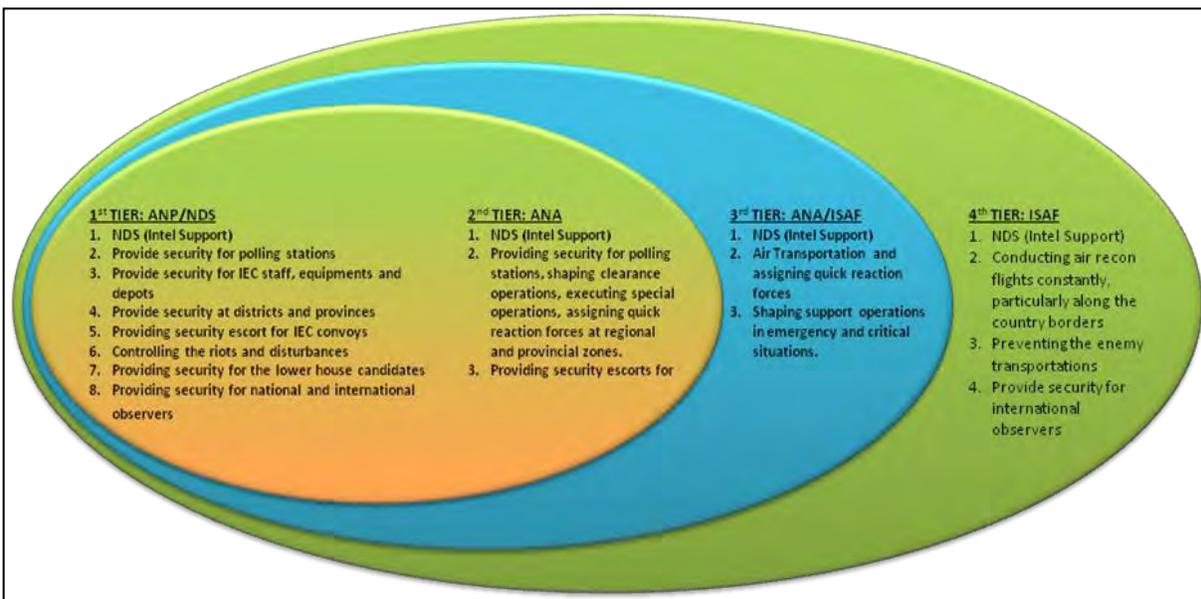
<sup>7</sup> As permanent civil service employees, all were entitled to appeal the decision of the IEC, which they did.

during the *Wolesi Jirga* elections. Security concerns were anticipated by international and Afghan security agencies, which drew up plans that were effective to varying degrees.

### ***Security Planning***

In 2010, security may have declined but security forces were better prepared in addressing issues related to security support and management for the 2010 polls – largely due to the fact that national actors such as the IEC, the Afghan National Security Forces (ANSF) together with the International Security Assistance Force (ISAF) begun cooperation at a much earlier stage in the electoral process as compared to 2009. This resulted in better coordination and more decisive security support measures. In early 2010, to help ensure a safe environment for voters, ANSF conducted a thorough risk assessment exercise covering all potential polling locations. Risk levels for these locations were then categorized as high, medium and low. The exercise allowed security forces to concentrate personnel and assets where they were most needed.

Of note, elections in Afghanistan require assistance from ISAF in terms of air lift support. For example, to secure the delivery of polling materials to the most insecure provinces, ISAF and the Afghan Air Force (AAF) cooperated together to fly materials from Kabul to provincial warehouses to ensure their accountability. The onward transport of election material from the provincial warehouses to the districts or polling locations was done over land with the assistance of ANSF in securing the convoys. A total of 390 polling centers needed to be serviced by air due to security threats from insurgent groups, transportation issues or other logistical reasons. Though the efforts were shared with ISAF, nearly half of the 390 polling centers were serviced by the AAF alone. In total, the Afghan Air Force flew over 225 flight hours to distribute and recover over 147,000 pounds of polling materials and to transport 530 election related personnel. According to the North Atlantic Treaty Organization (NATO) Training Mission in Afghanistan, this effort expended by AAF reflects a significant increase in their capacity and capability.



As in previous elections, security forces were organized in concentric circles of defense around polling centers. About 52,000 Afghan National Police (ANP) were deployed directly in the vicinity of polling centers throughout the country. The Afghan National Army (ANA) deployed about 63,000 troops in a second circle around the ANP. A third tier consisted of Quick Reaction Forces from ANA and ISAF, with ISAF only responding *in extremis*. A fourth tier was tasked with air surveillance along the borders of the country, monitoring possible infiltration of insurgents and anti-government elements. The role of Afghanistan's National Directorate for Security (NDS) was to provide all tiers with intelligence information. A notable improvement in the tier system was that the physical distances between the first three layers were closer than the arrangement established in 2009, enabling the ANA and ISAF to assist the ANP more quickly, should such actions become necessary. To respond to possible post-election violence, security forces remained positioned near high risk polling locations until September 28.

### ***Coordination***

The ANP took charge of almost all of the 500 security incidents recorded by the Ministry of Defense (MoD) during the 24 hours before and 24 hours after election day. The ANA handled four of the incidents. As local security forces were able to deal with these incidents, it did not become necessary to call upon ISAF resources. Two main factors could explain the ANP's posture in carrying out its mandate with little assistance: in contrast to the 2009 elections, attacks this year were not complex<sup>8</sup> and on a smaller scale. In addition, the ANSF — which involve the ANP, ANA and NDS— were better able to allocate resources.

The Afghanistan NGO Safety Office (ANSO) recorded 443 AOG initiated events on election day – a 56 percent increase from the 2009 polling day. Figures from the Afghan Ministry of Defense revealed that 24 individuals were killed on election day in 2010 (13 police officers and 11 civilians). In contrast, 31 civilians, 11 IEC officials, 26 ANP and eight ANA personnel were killed on election day in 2009.<sup>9</sup> The Afghan National Police Coordination Center (NPCC), a 24/7 hub with six regional police coordination centers, recorded a total of 315 incidents on election day alone. According to an ISAF mentor, 75% of all incidents occurred were reported at the NPCC (the rest were through the National Military Coordination Center).

In an attempt to improve election security, ISAF and ANSF carried out more than 2,800 counter-terrorist operations in the three months prior to polling day. The rationale was that keeping AOGs busy would distract insurgent groups from preparing large scale attacks on election day. According to the security actors 'keeping insurgents busy' contributed to a more secure environment for voters to come out and cast their vote. One international official noted, however, that ISAF/ANSF operations sometimes resulted in retaliatory attacks, contributing further to deteriorating security.

ANSF also put in place measures for protecting candidates as they campaigned in insecure districts. Perhaps due to the increased number of candidates in 2010, these plans appeared to have been under-resourced compared to the previous year's elections. In 2009, the Ministry of

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<sup>8</sup> 'Complex' means an incident involving more than one weaponry system used at a single time. None of the incidents that occurred on polling day in 2010 were categorized by Afghan and international security forces as complex.

<sup>9</sup> Initially, 18 ANP personnel were reported killed but was later corrected by the Afghan Ministry of Interior to 26 ANP casualties.

Interior (MoI) developed a security program for presidential and female provincial candidates. The presidential protection program entailed the involvement of tens of thousands of ANP personnel, the involvement of NDS for intelligence gathering and logistics support from MoD. Female provincial candidates were offered the protection of two ANP staff in the period around elections. Many female candidates preferred their own private security detail as they had little trust in the ability of ANP to protect them. In that case, MoI offered to train and equip a maximum of two protection officers in basic security and weapon handling. The sudden resignations of the MoI and NDS ministers resulted in changes in approach, so much so that female candidates were offered no security for the 2010 *Wolesi Jirga* elections.

Compared to 2009, the efforts by ANP to secure candidates were minimal. In 2010, candidates were offered the opportunity to apply for additional security if they felt insecure while campaigning. Once the request was put forward to ANP, a threat assessment was conducted to determine the level of security required. However, many candidates told NDI they were unable to campaign in insecure districts. In some provinces, especially those in the south, candidate requests were denied due to a lack of ANP staff.

Poor security, which cannot be placed entirely on the shoulders of the ANSF, resulted in tragic events during the campaign period. According to reports gathered from NDI analysts, as well as information supplied by the IEC, at least four candidates were killed, two were kidnapped, and there were several assassination attempts that occurred as a result of candidate engagement in the electoral process.

Campaigning was especially difficult for female candidates. For example, several campaigners in support of incumbent parliamentarian Ms. Fawzia Gailani in Farsi district of Herat province were kidnapped in September. In the province of Ghazni, incidents of kidnapping and violent attacks affected campaigns. Female candidates from Bamiyan and Kapisa provinces told NDI and their supporters were attacked, beaten and robbed. In Balkh, a female candidate told NDI that her female campaign team was threatened in three neighborhoods of Mazar-e-Sharif, and were told that women were not allowed to campaign in the area. The last incident involved a man pointing a gun at the candidate and her campaign team.

### ***Challenges, Anticipated and Unexpected***

Despite their preparations, security forces faced considerable challenges. Violence was expected in some regions, especially the south and east. In the north, security deteriorated further from 2009 in places such as Kunduz and Balkh province. This is especially notable, as the north was, until recently, considered relatively secure in comparison to the south.

Provinces such as Kunduz and Balkh have previously been held up as success stories of post-war reconstruction. Over the past few years, however, most of Kunduz has fallen under the influence of AOGs. This was evident during the 2009 election. After carrying out attacks against candidates and intimidating voters during the campaign period, AOGs rocketed Kunduz city on election day. This year, the security environment was comparable.

Similarly, security in Faryab province was poor last year and appeared to have declined even further in 2010. Election officials told NDI, for example, that they had to hide their identification and official papers when travelling by road to Kabul as AOGs frequently stopped vehicles seeking people who work with the government or international organizations.

In Balkh, NDI observers discovered that security forces were unprepared for the high level of election day violence. The province's deputy police chief said there were more security incidents than expected in the districts of Charbolak, Chintal and Shulgurah. There were some early indications that such a scenario might unfold in this province. During the run-up to the 2009 election, AOGs made their presence known in these particular districts. Security decreased in those districts over the course of the following year. An international representative based in Balkh told NDI that in June 2010, Balkh experienced more security incidents than Kunduz during the same month. The official said there was a widespread perception that the security situation in Balkh mirrored that of Kunduz at the end of 2007, just before the province fell under the sway of insurgents. At the beginning of September 2010, Balkh Governor Mohammad Atta warned that there were not enough police to provide adequate security in the three districts. He told NDI that the polling day security plan was sound on paper, but he predicted that it could not be implemented fully due to a lack of resources.

Due to security concerns, 12 of the 32 planned polling centers in Charbolak, and 10 of the planned 27 in Chintal were closed. The deputy police chief said there was effectively "no election" in Charbolak, as people were afraid to vote. He added that there were no female polling center searchers in either district because local people told the women it was too dangerous to work on election day. FEFA said its observers were unable to stay at polling stations to oversee ballot counting because of security concerns.

### ***Militia Groups***

In addition to AOGs, militia groups connected to certain candidates created disruptions before, during and after election day. Faryab province provided a telling example. Ethnic militias were "mushrooming", in the words of one international official, during the period between the 2009 and 2010 elections. International officials told NDI before election day that there were concerns that militias could influence the electoral process in Faryab and further destabilize the province if commanders were not satisfied with results of the vote. Uzbek militias proliferated during that period in response to escalating activity by AOGs. Officials said the groups are connected to candidates who could use them to intimidate voters. They also worried that, in the post-election period, disgruntled candidates could use militias to attack government buildings, the IEC, or rival armed groups.

In 2009, the government paid 20 militias to provide security at some polling stations. In 2010, such groups were still protecting many government buildings, and the provincial governor asked the Ministry of Interior to endorse their services on election day. On at least one occasion, prior to election day, militias were enlisted to protect election materials. On the evening of September 15, AOGs attacked a convoy carrying election materials through Kohistani district. A former commander, who is now a provincial council member, sent armed men to repel the attack.

International representatives in the area said that connections between militia groups and candidates – some of whom are commanders – are well known. AOGs have been blamed for the increasing violence in Faryab, but there are allegations that candidates have used militias to stage security incidents, which would be blamed on the Taliban or other AOGs. Such incidents would serve to discourage agents of rival candidates or FEFA observers from entering certain districts.

In Samangan province, one candidate filed complaints with the ECC alleging that a candidate who

was a former mujaheddin used his militia to intimidate IEC staff and take over a polling center in Zaigpain village. According to the complaint, militia members posed as Taliban and told IEC that they would be in charge of security in the village, and that they would not allow women to vote. Despite the alleged lack of the female polling center, the village recorded 505 female votes and 274 male votes, according to the complainant. He filed a separate complaint against the same candidate, accusing him of ordering his militia to fire weapons near the district capital the night before election day. He said this was an attempt to intimidate voters throughout the district into staying home rather than voting.

Militia groups appeared to influence the voting on polling day. In some cases, candidate agents were militia members. Complaints were filed with the ECC about militia members showing up at polling stations. The Faryab PECC investigated complaints about militia members engaged in unlawful activities on election day. The PECC received a complaint about candidate agents and unauthorized armed men stuffing a ballot box in a polling station. The incident was video-taped. After investigating, the PECC invalidated all ballots at polling center #2205109 in Qaisar district. In a similar case, armed men cooperated with IEC staff in unspecified irregularities on behalf of a candidate in two polling stations in Bamb Sorkh Kohistan district. It invalidated ballots from both stations (the ECC did not release the polling station numbers).

### ***Did AOGs Influence The Outcome Of The Elections?***

During the campaign period, NDI received reports that that the Taliban and *Hezb-i-Islami Gulbuddin* (HiG) were, in certain districts, encouraging people to vote for certain candidates. If true, this would mark a shift in strategy by AOGs, which have warned voters not to take part in elections. The development was particularly interesting at a time when the Afghan authorities were reported to be engaging in peace talks with both the Taliban and HiG. It may have indicated a sophisticated attempt by AOGs to further their goals by influencing the political process rather than simply opposing it. If AOGs were able to place affiliated candidate in parliament, they could potentially use that leverage to extract concessions from the Afghan government.

Previously, AOGs had rejected elections as illegitimate, often warning voters they would be harmed or killed if they took part. AOGs issued similar statements in 2010. However, based on over 160 interviews with *Wolesi Jirga* candidates and dozens of interviews with other stakeholders, NDI gathered examples from some provinces around the country where AOGs urged voters to elect candidates who might be sympathetic to their goals. This is clearly a significant development in the political landscape of Afghanistan.

A group identifying itself as Taliban was distributing night letters in parts of the northwestern province of Faryab and warning people to vote only for certain candidates, according to the AIHRC. "On one hand, they disrupt the election and issue threats against the election. On the other hand, they attempt to participate in the election of *Wolesi Jirga*," the AIHRC reported in July 2010. In Ghor, a western province, a journalist with an independent radio station told NDI that a Taliban commander said that voters can participate in the election but only to cast ballots for candidates he endorses. A shura member in the northern province of Balkh told the Afghanistan Research and Evaluation Unit (AREU) that both the Taliban and HiG have effectively endorsed some candidates. "For instance, they told the head of one school to make their students vote for certain candidates, otherwise their fingers will be cut off," he said.

An international official in Balkh also noted that HiG appeared to have provided preferential access for some candidates to remote districts with security concerns. Those candidates were affiliated with the political party *Hezb-i-Islami*, according to the official. The Balkh governor made the same claim. *Hezb-i-Islami* has denied links to Gulbuddin Hekmatyar's organization.

In Baghlan and Kunduz, some candidates were directly appealing to groups identifying themselves as Taliban to reduce attacks within those constituencies, according to an international official's comments to NDI. In these cases, armed groups had leverage over candidates by increasing or decreasing attacks in the lead-up to voting.

### ***Election Day Security Training***

The European Union Police Mission in Afghanistan (EUPOL) was tasked by EU Embassies to initiate a three- stage cascade training program of ANP staff with the aim of teaching 35,000 policemen on election security, police conduct, police law and basic election procedures. The reason was to enhance the performance of police on election day and subsequently increasing voter security. The first stage was the responsibility of EUPOL to train 350 ANP local trainers. From that on, the MoI would take over and monitor the second stage in which those trainers would train ten other trainers (train the trainer), resulting in 3,500 second stage trainers. Each of these would then train a minimum of 10 policemen, resulting in a total of 35,000 policemen trained at the district level. In addition, EUPOL printed 40,000 training booklets in Dari and Pashto outlining election security and proper conduct on election day. The booklet included illustrations that allowed it to be used by illiterate personnel of the ANP.

By early September, EUPOL had trained 278 Afghan senior officers in Kabul, Herat, Mazar and Tarin Kwot. The 350 target was not met as MoI could not provide enough local trainers in time for the project. The outcome of the two other stages remains unclear: EUPOL is not aware how far the cascade training reached into the provinces and districts as little information is reported back from MoI. EUPOL told NDI it had not received information from MoI on how the training was implemented in each province. MoI, in turn, said it did not receive information from provincial ANP offices.

In Balkh province, the deputy police chief told NDI that the training took place and praised its effectiveness. However, the program's reach in other provinces is unknown. Police officials in Herat and Khost told NDI they were not aware of the program.

EUPOL said it was initially reluctant to take up the mission because of a disappointing experience in preparation for the 2009 elections, but it agreed to implement the training after requests from a number of European embassies. In 2009, the training reached only 10,000 of the targeted 35,000 ANP officers, and EUPOL described the program as having been poorly implemented by MoI. EUPOL said MOI's capacity had not improved in 2010, and the program was adversely affected by the replacement of MOI's head of education on September 1, which left the ministry with little institutional knowledge about implementing the program.

It is important to place this training into perspective with what the ANP can currently offer its recruits. Only one-third of the ANP basic training curriculum of the program entails civilian policing such as values and ethics, human rights, prohibition against torture and right to life. The other two-thirds of the program relates directly to counterinsurgency activities, weapon

handling, surveillance detection and intelligence gathering.<sup>10</sup> After the NATO Training Mission-Afghanistan (NTM-A) took over from Combined Security Transition Command-Afghanistan (CSTC-A), the program duration dropped from eight to six weeks in order to increase the number of ANP personnel to meet the end of the year's goal. Further, it is noteworthy that some ANP recruits are trained by military personnel (notably US Marines), not sworn police officers. While needed for counterinsurgency efforts, these military trainers have little knowledge about civilian policing and therefore put more attention towards combat skills rather than improving their skills in community related work.

In addition to the EUPOL training, similar mystery shrouds the plan to recruit female searchers for polling centers. The National Security Council appointed the Independent Directorate for Local Governance (IDLG) to be responsible for recruiting 10,500 women as searchers at female poll locations. The Ministry of Interior was to then oversee the program from that point onward, including the provision of transportation for women to and from the training. The ANP were tasked with providing a two-day training session. The international community made available a budget of about \$800,000 USD, most of which was to go towards paying salaries.

In early September, IDLG instructed the governor's offices to start the identification and recruitment of female searchers. According to an ISAF representative, and confirmed later by an EU Delegation representative, just one week before elections, only 2,099 women had been identified. A few days before polling day, IDLG produced a list of about 7,500 names, but little is known about the actual output, as feedback remained limited. NDI found, for example, that no training was provided to female searchers in Kandahar, Zabul, Helmand and Uruzgan provinces. In certain locations, female searchers were deployed, as some NDI observers reported. But observers also noted the absence of female searchers even at polling centers in secure districts. In several less secure provinces, it was unclear as to whether women actually worked at female poll locations. The deputy police chief in Balkh province told NDI that female searchers did not work in two insecure districts.

A lack of female searchers poses security risks, which could discourage women from voting. For example, suicide bombers – be they male or female dressed in burqas – would have little difficulty accessing polling locations. There was recent precedent for such an attack. During the peace *Jirga*, on May 2 2010, male suicide bombers wearing burqas were able to penetrate security because no female police were available to search women.<sup>11</sup>

## **THE INDEPENDENT ELECTION COMMISSION (IEC)**

### ***Admitting Weaknesses and Seeking to Reform***

After presiding over 2009 elections that were marred by widespread fraud, the IEC enacted reforms aimed at salvaging its damaged reputation and preventing similar irregularities in 2010. The IEC focused on removing staff who may have been involved in fraud, and improving balloting procedures. One of the IEC's first actions was to blacklist 6,000 of its 164,000 staff who worked

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<sup>10</sup> ANP curriculum NTM-A. October 4, 2010

<sup>11</sup> Police killed the attackers before they were able to detonate suicide vests.

on the 2009 presidential and provincial council elections, including over 300 district field coordinators (DFCs). The IEC drew up this roster based on allegations of misconduct investigated by the ECC. In late 2009, five provincial election officers (PEO) were also dismissed, including the PEOs from Nangarhar and Kandahar.

Some blacklisted staff used false names to apply and receive IEC positions in 2010. Upon discovery of this deception, several individuals were fired. In addition to dismissing 114 DFCs, the IEC relocated 100 DFCs to different districts after it was discovered that they had links to candidates, among other violations. Three days before the election, IEC headquarters directed its provincial offices to work an additional shift, splitting up teams of DFCs (usually a male and female), an action described by IEC officials as a last minute attempt to further reduce the potential for fraud. If DFC teams had arranged deals with candidates to deliver votes, breaking the teams up would presumably disrupt such plans.

The IEC also assigned all 34 PEOs to posts not within their home provinces. This effort - described by a senior IEC official as costing more than \$300,000 - was intended to distance PEOs from their local power and patronage networks, allowing them to better maintain their independence and integrity and avoid being pressured.<sup>12</sup> Of note, the IEC does not have the power to prosecute workers who violate the Election Law. For example, the PEOs that were dismissed in late 2009 were entitled to appeal to the Afghan Civil Service Commission as they were permanent members of the public sector workforce. But the IEC put into place some measures to allow judicial bodies to identify violators swiftly and use data for future reference. These measures include the creation of a database of contracts, photos, ID copies and certificates of all DFCs and voter educators.

The former IEC chairman Azizullah Ludin and former Chief Electoral Officer Dr. Daoud Ali Najafi resigned on April 7, 2010. Ten days later, President Hamid Karzai appointed Fazal Ahmad Manawi, former IEC commissioner and Supreme Court judge who was generally held in high regard, as the new Chairman. The spokesman for Dr. Abdullah, Mr. Karzai's 2009 presidential rival, told the Associated Press that the appointment was a "positive step". The appointment on May 4 of Chief Electoral Officer Abdullah Ahmadzai, a former JEMBS/IEC senior staff member was also welcomed for his reputation of impartiality.

In addition to admitting weakness on the part of the IEC, the international community was critical of the United Nations Development Programme - Enhancing Legal and Electoral Capacity for Tomorrow (UNDP ELECT) project that sought to support the IEC in 2009, when Afghan institutions were to take the lead in election management and administration. In 2009, significant disconnect was observed between the leadership of the IEC and UNDP-ELECT. In addition, the ECC stated that their relationship with UNDP ELECT was 'difficult one'.

In 2010, the UNDP ELECT project was reduced by almost one-third in terms of staffing and budget, and the Chief Technical Advisor was replaced. Significant limitations were placed on UN staff; most were restricted to Kabul or other major city centers that met new UN security guidelines. These restrictions came about as a result of the Bakhtar Guesthouse attack in Kabul on October 28, 2009.

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<sup>12</sup> This measure was discussed as far back as 2005.

## ***Structure of the IEC***

The 2010 *Wolesi Jirga* elections were the second elections to be administered solely by the IEC. The 2004 presidential and the 2005 *Wolesi Jirga* elections were overseen by the Joint Electoral Management Body (JEMB), administered by Afghans and internationals employed through the United Nations. The JEMB Secretariat was comprised of 541 international staff at its peak. In 2010, the number of UNDP employed advisors was just over 100. In contrast, the IEC is an Afghan-run institution required by the constitution to “administer and supervise every kind of election as well as refer to general public opinion of the people in accordance with the provisions of the law”.

In practice, the IEC manages preparations and administers the elections, registers candidates and voters, and is responsible for inviting international observation missions. The IEC also tallies, certifies and announces election results. The IEC consists of a board of commissioners and has a secretariat that implements its decisions. The Afghan president appoints the seven-member board, of whom two were women during the 2010 elections. The board is a supervisory body, in charge of policy making and oversight to ensure the credibility of the elections. This includes overseeing the work of its operational and technical divisions, along with the secretariat, which implements decisions made by the commission. This bifurcating of responsibility has both helped and hampered the work of the secretariat, the body that actually runs the elections.

The secretariat established eight regional offices as well as offices in all 34 provinces, which were overseen by PEOs. Each office then designates other staff to focus on administration, finance and logistics. During electoral events, additional temporary staff are employed. For operational purposes, eight regional offices were established in Balkh, Bamiyan, Herat, Kabul, Kandahar, Kunduz, Nangarhar and Paktia provinces. Each regional office generally had four to five staff: a regional coordinator, a regional security officer, a regional operations officer, a regional logistics officer and an interpreter.

The international technical advisory team, which consisted of advisers from the UNDP ELECT and IFES,<sup>13</sup> was managed by the IEC Chief Electoral Officer and his two deputies. The international technical assistance team from UNDP ELECT reproduced the IEC structure at the regional level. The regional team consists of a regional electoral advisor, a regional security advisor, a regional logistics advisor and one or two regional operations advisors according to the size of the region.

### ***District Field Coordinators***

Among the key staff roles for election day is that of the district field coordinator (DFC). Widely seen as *the* weak link in the IEC in 2009, and by former JEMB Secretariat staff in 2004 and 2005, the role of the DFC is to coordinate locations of polling sites, which requires liaison with community leaders. Recruited from within the district they are to work in, they are extremely susceptible to influence from strong, local entities. They are tasked with receiving all election materials from their respective provincial offices, and delivering materials to their allocated polling centers where they are handed over to the polling center managers. Upon completion of polling and counting, DFCs collect all election materials from polling center managers and deliver them to provincial offices.

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<sup>13</sup> IFES; formerly International Foundation for Election Systems.

In 2010, observers and political commentators were cautious when the new leadership of the IEC announced it was seeking to make the recruitment process of the DFC more transparent. A total of 3,020 DFCs<sup>14</sup> reported to their relevant PEO. The IEC reformed its recruitment process to further discourage fraud. Applications were processed at IEC headquarters in Kabul by a software program embedded with criteria that allowed it to pick the best candidates. NDI observed this process, including the entrance exam in a number of places and judged it to be a small but significant improvement. A shortlist was then drawn up by IEC headquarters and sent to provincial officers. Once DFCs were recruited, provincial offices cross-checked the names against the list of blacklisted individuals. The increased scrutiny was important particularly due to the key role DFCs perform.

Despite the stringent hiring process for DFCs, 114 were eventually dismissed due to allegations of misconduct prior to election day. Of those, 50 were from the southeast region. That region also saw the PEO from Ghazni replaced due to involvement in fraud in the 2009 election, while the Paktika PEO was fired for attempting to rehire blacklisted staff. After the election, the PEO in Khost was arrested after allegations of corruption. In interviews, election officials from the region admitted to having serious doubts about the impartiality of lower level IEC staff, with some suggesting that blacklisted candidates had managed to acquire jobs by applying under false names and submitting fake resumes.

### ***Polling Day Staff***

The IEC recruited and trained more than 85,000 staff to carry out polling and counting. Of these, 23,813 were female and 3,492 were Kuchi. Polling staff members were subject to the same vetting recruitment process as DFCs. In addition, the IEC imposed a restriction against hiring multiple members of immediate families for the same polling centers. While this was a positive reform, it was of questionable effectiveness considering the extended family and tribal loyalties prevalent in Afghanistan.

### ***Voter Registration***

Candidates, political party members, government and election officials, and Afghan and international observers share the view that more voter registration cards have been distributed in Afghanistan than the actual number of eligible voters. This is an accepted fact by all concerned. Costly voter registration programs have been carried out prior to each of the elections since 2004. The registration process ran for two months before the 2010 elections, during which 377,197 cards were distributed. This brought the total number of voter registration cards to 17,160,546 – which is in substantial excess of the number of voters, which the IEC estimates to be 11.4 million. Even in 2005, it was estimated by UN staff that there was at least an excess of one million cards in circulation from the 2004 election.

Unfortunately, there is no way to know the actual number of registered voters in Afghanistan, as there is no voter list and there has never been a full census undertaken in Afghanistan. Therefore, it is also erroneous to refer to the turnout as a percentage of population.

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<sup>14</sup> Of the 3,020 DFCs, 2,272 were male, 572 were female and 176 were Kuchi.

There have been well documented cases of people obtaining multiple voting cards. Female voting cards are particularly easy to obtain, as the law grants women the choice to have their faces photographed or not at all. In addition, both fake and fraudulently obtained voting cards were found during the run-up to election day. The fake cards were rumoured to have been printed in Pakistan. NDI observers supplied photographic evidence and witnessed police confiscating large numbers of voting cards from individuals, in Khost province.

The lack of an official voter's list will continue to be a significant hindrance in ensuring an effective electoral process. While significant money from the international community has been spent on each successive election to update the flawed voter registration process, it has failed to produce a usable voter list. Until such time as a reliable system is introduced, subsequent electoral processes will remain potentially flawed.

### ***Voter Education***

The IEC sought to educate voters throughout on the *Wolesi Jirga* elections, including providing information on how to vote, the right to secrecy, the roles of candidate agents and observers, and how to file complaints. The IEC distributed printed materials, including posters such as those encouraging women to vote, mock ballots and stickers. The IEC also disseminated information through media, sent text messages to mobile phones, and set up a call center. Although many voters were familiar with elections, the outreach program was considered particularly important given that the *Wolesi Jirga* elections were more complicated than, for example, presidential elections, due in part to the Single Non Transferable Voting (SNTV) system and the increased number of candidates.

The IEC, through its public outreach department, hired 1,535 voter educators throughout the country, of whom about 29 percent were female. Traditional attitudes toward women contributed to the low number of female voter educators recruited, even though the plan called for teams of one man and one woman. To make up the shortfall in female recruitment, 322 mullahs and elders were recruited. In Paktia and Nuristan, no women were hired. It is unfortunate that no Kuchi female voter educators were employed due to a lack of applicants.

Voter educators conducted face-to-face voter education activities and informed eligible voters of all key information relevant to the electoral process, such as polling center locations and the requirements for voting. Due to the poor security, the voter education campaign was dramatically restricted compared to previous years. Voter educators were trained by 110 provincial office trainers, and provincial public outreach trainers who had taken part in a four day workshop at IEC headquarters in Kabul. Voter educators were provided three days of training before fanning out into districts. IEC provincial officials told NDI that educators would often visit village mosques to speak to voters. They also distributed pamphlets and conducted public outreach seminars with mullahs and elders, and at various institutions. The IEC also utilized mobile theatre as a way to inform voters about the elections.

Such efforts, however, were hampered by poor security. During the outreach period, IEC officials told NDI observers that educators were unable to visit insecure districts and were mainly utilized in the provincial or district capitals, rarely in the villages. Far more effective, according to the IEC, was an outreach campaign conducted through radio. IEC officials noted that about 70 percent of Afghans have access to radio.

## ***Observers***

The right to observe and election as well as to be an advocate for one's candidate or political party is an integral part of the electoral process. Even though each Afghan election has been marred by controversy, the interest of candidates, their supporters, and observers to participate has not diminished. The 2010 election was no different.

The process of accreditation permits individuals aside from polling staff to access and observe activities in electoral facilities during all the stages of the electoral exercise. The accreditation period officially ended one week prior to election day. In practice, observers were being accredited up until the day before polling. In 2010, the IEC distributed 379,416 handwritten accreditation cards – a positive sign of citizen interest and participation in the electoral process. NDI was the first organization to be accredited with over 160 personnel registered prior to election day. However, there were only a few hundred officially accredited international observers who were not Afghan, since many of the staff of international organizations are Afghan.

The vast majority of cards were issued for candidate agents, a total of 368,708 (279,950 male; 88,754 female) representing 1,911 candidates. In addition, the IEC issued:

- 1,209 cards for agents (1,010 male; 199 female) representing 10 political parties;
- 7,462 cards for observers (6,552 male; 910 female) representing 15 domestic observing organizations;
- 1,171 cards for observers (1,042 male; 132 female) representing 33 international observing organizations;
- 463 cards for domestic media reporters (430 male; 33 female);
- 340 cards for international media reporters (311 male; 29 female); and
- 63 cards for special guests (all male) representing two diplomatic representations.

The Free Elections Foundation of Afghanistan (FEFA) is the country's largest domestic observer group, and was established with the support of NDI prior to the 2004 presidential election. In 2009, FEFA received support from the UNDP ELECT program, which provided financial, technical and organizational development support. In 2010, FEFA's 2010 observation mission largely operated independently of outside technical support or oversight. Its 2010 observation mission was financed substantially by the German government (\$2.3 million USD), and the Danish Nordic Council (\$500,000 USD). FEFA also had a campaign finance monitoring project supported by IFES as well as funding from The Asia Foundation to support the recruitment of female observers in certain provinces. NDI supported the training of 237 district coordinators - this activity was completed between March 2010 and August 2010. NDI, IFES and TAF coordinated their support to FEFA to minimize overlap of resources as well as to reduce the possibility of overburdening the organization with reporting obligations.

As it does not maintain provincial offices, FEFA partnered with local organizations that recruited observers and provided logistical support at a provincial level. FEFA recruited both long term observers and short term observers in all 34 provinces. Provincial coordinators and district coordinators (approximately 400 in total) served as long term observers while fulfilling their coordination and training functions. The provincial coordinators were brought to Kabul for a three-day training workshop led by FEFA in coordination with the Asian Network for Free Elections (ANFREL), of which FEFA is a member. ANFREL was also one of the accredited

international observer groups. These coordinators in turn were responsible for the recruitment and training of 6,600 election-day observers, a figure supplied by FEFA.

In 2010, the Afghan Independent Human Rights Commission (AIHRC) had limited capacity due to a lack of technical, financial and logistical support. For previous elections, it had partnered with UNAMA for some of its work; in 2010, this was not the case. As a constitutionally mandated body, the AIHRC is able to receive direct funding from the Afghan Government as well as international donors. However, for this election, UNAMA and other UN agencies did not provide funding to support observation of the 2010 election, in part due to the extensive criticism of UN involvement in the final stages of the 2009 election – this included the roles of UN appointed advisors in determining the audit process that the ECC used. As one official said to NDI, “that election hurt the UN”.

AIHRC leadership had expressed hopes of fielding some 400 observers on election day, comprised of permanent staff supported by additional recruits. However, this did not happen. AIHRC deployed its core staff – an estimated 180 individuals – in many provinces to engage in observation and focused on the electoral and rights environment. Specific outputs of the AIHRC during this election period included two reports on political rights verification and a brief post-election statement.

The organization, Transparent Elections for Afghanistan (TEFA), was formed in great part as a reaction to perceived problems with FEFA’s performance in 2009, according to its officials. TEFA reported deploying between 100 and 160 election day observers in 15 provinces. The number is unclear, as they had not finalized their deployment in the days before the election. There were no indications that TEFA received technical or financial support from any donor or partner agency.

Diplomatic missions also participated as short-term observers on election day in Kabul and major locations. In the past, the European Union had organized such activities; however, in 2010, the EU decided not to mobilize an Election Support Team instead of short-term observers. Approximately 100 members of the diplomatic corps were observers on polling day.

### ***Relationship with Observers***

On the whole, the IEC was forthcoming and responsive to the many requests submitted by observer groups, a marked improvement on the 2009 election. Part of the improvement in the ability of the IEC to respond to observer requests is that observer groups were more organized amongst themselves in sharing information. Observers from a number of missions were former-JEMB and ECC staff as well as observers from previous Afghan elections, and had a good understanding of the challenges faced by the IEC.

A key factor for this increased coordination was regular meetings between various stakeholders. The IEC and UNDP-ELECT held their own meetings to update on election progress, but the stakeholders organized a series of sub-group meetings that were coordinated by UNDP-ELECT, but run by various stakeholders such as NDI, IRI and FEFA.<sup>15</sup> These meetings were also attended by other donors and stakeholders including the IEC, UNAMA and ISAF Senior Civilian

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<sup>15</sup> The meetings developed from an NDI-initiated coordination roundtable held on April 6, 2010 with all USAID funded entities engaged in supporting the 2010 election process.

Representative's Office. The purpose of these meetings was to foster open dialogue among all participants so as not to duplicate efforts. The various sub-group coordination meetings were organized across four themes: observer groups, gender, security and political parties.

### ***Candidate Agents***

Candidates, as well as elections officials, told NDI that candidate agents were integral to fraud prevention. One candidate went so far as to say that having agents to watch over the process was "the only way to prevent fraud". Many candidates reported recruiting around 1,000 candidate agents. The IEC endorsed the candidate agents as an important oversight measure. In the weeks running up to election day, a total of 368,708 accreditation cards were issued for agents (279,950 male; 88,754 female) representing 1,911 candidates.

NDI trained over 36,000 candidate agents on polling day procedures, of whom almost 10,000 were women. The Institute worked with the IEC to develop a candidate agent manual. More than 100,000 manuals in Dari and Pashtu were produced and distributed through provincial IEC offices and NDI offices. Each manual had a checklist specifically designed for candidate agents to use on polling day.

Large numbers of candidate agents were apparent in many polling stations on election day, where they sometimes greatly outnumbered voters. One NDI observer noted the youth of most candidate agents, saying: "We took this as a positive sign that despite the flaws in the process in years past, there is still energy among youth to participate in the process." Candidates told NDI that candidate agents were particularly important for insecure districts that were difficult if not impossible for observers to access, and therefore more susceptible to fraud.

While the broad engagement of candidate agents was viewed as an integral oversight measure, it also posed challenges, some of which were observed on election day. Some agents appeared to overplay their watchdog role by attempting to disrupt polling stations, while others reportedly intimidated voters. An IEC official in Mazar-e-Sharif accused candidate agents of creating disturbances at some polling stations around the city to force staff to close the station and quarantine ballots. The official said this happened primarily at polling stations where rival candidates appeared to be getting a large number of votes. But he was able to respond to these incidents and prevented polling stations from being shut.

Also in Mazar-e-Sharif, NDI observers watched a group of candidate agents at one polling center stop a young man from entering the building. The candidate agents gathered around him and scrutinized his voting card until security personnel told him to leave. Although the young man appeared to be below the legal voting age of 18, candidate agents are not permitted to accost voters or otherwise disrupt the voting environment. In Faryab province, an international official reported groups of candidate agents clashing with those of rival candidates. The official said many candidate agents in the province were members of armed militias connected to candidates, and their presence was a form of voter intimidation. In Kabul, NDI observers noted the positive approach of some candidate agents in preventing underage voting when IEC were initially reluctant to stop underage voters.

## ***Candidate Nomination***

The candidate nomination period started on April 20 – 151 days before election day – and was completed on May 6. One week prior to this period, interested individuals were able to obtain information on this process from the IEC provincial offices. The 2010 Electoral Law outlines the conditions in which an individual can become candidate for the *Wolesi Jirga*:

- the individual must be a citizen of Afghanistan;
- not ***convicted*** (emphasis added) of crimes against humanity, or any other crime, or have been deprived of civil right by court;
- be at least 25 years old on the day of candidacy; and
- be registered as a voter.

Those seeking to be candidates were required to provide a list of signatures of support from at least 1,000 registered voters and to pay a deposit of 30,000 Afghanis (~\$640 USD). Those who held positions specified in the Electoral Law, such as ministers, civil servants or IEC staff, were required to resign from their positions prior to submitting applications.

Once these requirements were fulfilled, the procedure required that a digital photograph be taken for use on the ballot paper, and an electronic copy of the photograph be given to the candidate for campaign purposes. Based on a lottery, independent candidates were provided a symbol that was included on the ballot, along with the candidate's name and photograph. A candidate running as a member of a registered political party could select a symbol related to the political party.

Only five political parties were re-registered with the Ministry of Justice in time for their names to appear on the ballot paper. This represented a total of 34 candidates and most for the party of vice-president Khalili, *Hezb-i-Wahdat Islami Mardom*. In actuality, a total of 218 registered candidates identified themselves as members of political parties, according to the IEC.

Prior to announcing the preliminary list of candidates, the IEC conducted checks on the information that could be verified, such as the list of supporters. Information provided by the candidates was verified against IEC's voter registration database – which was used for the first time in a large-scale exercise. As a result, 226 candidates were excluded. Unfortunately, the IEC's verification capacity was restricted by the lack of depth of the database on topics such as the criminal convictions, birth dates and citizenship. A consistently misunderstood issue was that of the 'conviction of a crime', not the act of or the allegation of having committed one. In addition, for many Afghans, their date of birth is recorded as the year of birth and the first of January as the estimated date – this information mattered considerably to those seeking office since positions such as *Wolesi Jirga* members have a minimum age requirement.

The IEC announced the preliminary list of candidates on May 12; the list was then displayed for seven days. The candidates had the chance to review the accuracy of the information on the list during this period. Candidates who wished to request correction of the information on the preliminary list, or eligible candidates whose names were not on the list for different reasons, could apply to the IEC headquarters and its provincial offices within seven days after the preliminary list was announced and displayed. If the IEC refused a candidate's application for nomination, the IEC officially notified the candidate of the reasons for the refusal. Applicants

refused by the IEC could appeal to the ECC within seven days after receiving notification. The ECC had to officially inform the IEC of its final decision on the issue by June 11. Voters could challenge the candidacy of an individual by filing a complaint with the ECC. Once all complaints were adjudicated, a final candidate list was publicized. At the end of the process, 2,556 individuals were placed on the candidates list, including 406 women.<sup>16</sup>

### ***Vetting Process***

Candidate vetting was conducted during the nomination process in order to verify and ensure that candidates do not command or belong to illegally armed groups (IAG). The vetting process started with candidate registration and continued until the final list of candidates was published on June 22. The disarmament of IAG (or DIAG) has been linked to each Afghan election and has caused a considerable degree of frustration; this year was no different.

The Vetting Commission was composed of a Chairman, selected from the IEC, and three members nominated from the Ministry of Defense, the Ministry of Interior, and the National Directorate of Security. These organizations are then responsible for providing information, through their members, to the commission. In 2009, the ECC passed responsibility of vetting to the Disarmament and Reintegration Commission, in particular the commission's Joint Secretariat (JSDRC). It was this body that initiated the vetting process, not the ECC.<sup>17</sup> Their mandate is drawn from Article 12, paragraph 7 of the 2010 Electoral Law:

*Persons who command military or militia structures (Illegal Armed Groups) or are members of those groups shall not participate in elections as candidates. The command membership of persons in the military or militia structures (Illegal Armed Groups) shall be vetted by a separate commission comprised of representatives from the Ministries of Defense, Interior, and National Directorate of Security, under the chairmanship of a member of the Commission.*

NDI noted a number of flaws in the vetting process, some of which were also apparent in previous elections. The fact that armed groups were active on behalf of candidates during the campaign period and on election suggests serious problems in the vetting process. Given the widespread perception that warlords have secured seats on elected bodies, an improved process for vetting political candidates has been recommended repeatedly since the 2004 elections. However, vetting appeared to be even more flawed this year than in past elections and observers had trouble making sense of what was an opaque and convoluted process.

The procedure started with the Vetting Commission, which was responsible for presenting the list of candidates with links to armed groups to the ECC. Although it was not responsible for investigating alleged links to armed groups, the ECC issued the final ruling on whether to

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<sup>16</sup> Of this number, there were two members of the Sikh community, one male and one female. Neither was elected. In the past, non-Muslim communities were represented in parliament.

<sup>17</sup> The Disarmament and Reintegration Commission (D&RC) is in charge of the implementing DIAG by defining policy and guidelines. The D&RC is chaired by Vice President Khalili; its vice-chair is the Special Advisor to the President, Minister Mohammad Masoum Stanikzai. The executive tool of the D&R Commission is the Joint Secretariat, composed of representatives from the six key stakeholders: Ministry of Defense, Ministry of Interior Affairs, National Directorate of Security, UNAMA and ISAF. Afghanistan's New Beginning Program (ANBP) provides only technical and logistical support to the implementation of DIAG.

disqualify a candidate. Earlier in 2010, the Vetting Commission presented the ECC with 83 candidates for disqualification. All 83 appealed and produced documentation refuting the Vetting Commission's decision. Instead of reviewing the appeals, the Vetting Commission simply passed this information to the ECC. The ECC demanded that the Vetting Commission complete its mandate and investigate the appeals. The Vetting Commission then exonerated 78 of the accused candidates and handed the ECC a list of 13 individuals - *eight of whom were entirely new* - for disqualification. Even after many repeated requests for explanation, the reasons for this action were never made known to NDI or other observer groups.

After an appeals period for the newly listed candidates, the ECC stated that "some" were able to provide documents proving their innocence. The UN Secretary General's Special Representative for Afghanistan (UN-SRSG) Staffan de Mistura, among others, expressed disapproval of the process. President Karzai then summoned the Vetting Commission to his office; and shortly thereafter, the Commission provided the ECC *with yet another list* - this time with 26 individuals to be disqualified. The Vetting Commission stated that it would be "unreasonable" to allow for an appeals period for these newly identified candidates; the ECC insisted that 48 hours be provided for appeals. On July 7, the ECC announced it had received an official list from the Vetting Commission with the names of 31 candidates, all of whom were disqualified after failing to submit sufficient evidence during the appeals period.

It remains unclear how the ECC determined the final figure of 36 candidates disqualified for links with illegally armed groups.<sup>18</sup> Candidates struggled to decipher the process by which they were vetted and the methods for appealing verdicts against them. A number of candidates stated that they were disqualified not as a result of evidence but due to arbitrary or potentially politicized decision-making.

### ***Polling Centers and Stations***

The subject of where to open polling centers on election day was a contentious one. The IEC first had to take into account the matter of security. Early in 2010, the IEC requested the MoD, MoI and NDS to conduct a security assessment of the 6,835 potential polling center locations that involved 19,945 polling stations.<sup>19</sup> After the assessment was conducted, security representatives advised the IEC not to open 797 centers from suggested locations. The IEC then conducted its own assessment and decided not to open an extra 141 centers due to security and logistical concerns. ISAF and provincial governors were also included in meetings to decide the final outcome, according to interviews conducted by NDI observers. After several months, security authorities advised IEC that they could secure only 5,897 of the proposed polling center locations, which comprised of 18,762 polling stations.

The IEC released a list of 5,897 polling centers and 18,762 polling stations on August 18, 2010, over a month before election day.<sup>20</sup> This was of significant importance since in previous

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<sup>18</sup> In their last press release on January 31, 2011 the ECC mentioned that the 36 removed "had been identified by the Vetting Commission as members of illegal armed groups".

<http://www.ecc.org.af/en/images/stories/pdf/42%20media%20release%20300111%20final%20version.pdf>

<sup>19</sup> A polling station is the location where a person votes. Each station is part of a polling center. A center generally is in a geographical location such as a school or mosque. In 2010, the smallest center had two stations; the largest had 14.

<sup>20</sup> [http://www.iec.org.af/pdf/wolesi-pressr/pressr\\_polling\\_centers\\_list.pdf](http://www.iec.org.af/pdf/wolesi-pressr/pressr_polling_centers_list.pdf)

elections, locations were not made public until a few days before polling day due to potential security threats. In the past, this affected the ability of voters and candidate agents to access their nearest polling centers on election day.

While candidates, observers and political commentators praised the IEC for this improvement, the measure also generated other responses. In the lead up to the election, the IEC came under pressure from candidates to open additional centers in their areas. Some of the candidates lobbied the IEC using government connections. Of concern during this time was the unilateral decision of the MoD to announce how many polling centers the IEC should open, in direct conflict with the IEC's responsibilities and authority. The IEC asserted its independence, announcing the list as final on September 5, 2010.<sup>21</sup> On September 7, the IEC removed an additional 81 polling centers in Nangarhar province from the list due to security concerns.<sup>22</sup>

While security was clearly the primary factor in deciding where to open polling centers, analysis of data and interviews with stakeholders suggest that there were other forces at play. It is entirely possible that the allocation of polling centers in certain districts was subject to political manipulation. For example, the ECC received complaints from voters and candidates about the reduction of the number of polling centers in Bamiyan province as well as in Ghazni's Jaghori district, areas predominantly populated by Hazaras. The *Wahdat-e-Islami Mardom* party – led by Haji Mohammad Mohaqeq, a member of parliament and 2004 presidential candidate – provided NDI with a copy of its written complaint on the IEC's reduction of stations in these places. Party officials made public statements alleging that the closures were part of a broader approach that intentionally disenfranchised Hazara voters. The IEC denied such claims, explaining that it based its decisions on security concerns and voter turnout in 2009.

When the IEC announced in August 2010 the allocation of polling stations, it was met with similar criticism. Candidates and their supporters complained that, in comparison to the 2009 election, there were fewer stations in Hazara-populated areas while there was an increase in stations in less stable areas populated by Pashtuns. Of particular concern for some Hazara candidates and political leaders was the reduction in Bamiyan of 69 assigned stations in 2010 from the 177 that reported a provisional result in 2009. In comparison, districts in Ghazni, such as the Pashtun-dominated Ander, had only 26 stations report a provisional result in 2009 but were assigned 71 stations in 2010.<sup>23</sup>

In Ghazni, NDI observers noted that while Jahori district had 19 percent of the province's total number of stations that reported results in 2009, the district's stations were reduced to 17 percent of the provincial total for 2010. Jaghuri, an ethnically mixed district doubled in provincial share — from four percent of the province's stations that reported results in Qarabagh, an ethnically mixed district in the center of the province.

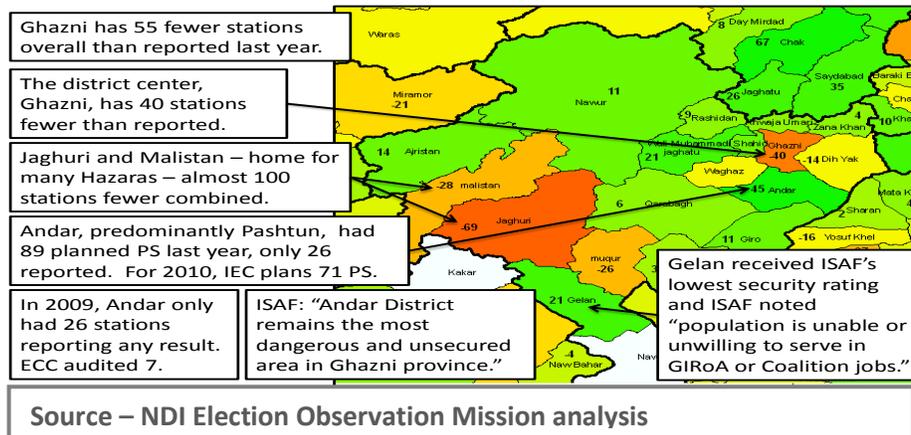
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<sup>21</sup> [http://www.iec.org.af/pdf/wolesi-pressr/pressr\\_on\\_no\\_changes\\_pc\\_list.pdf](http://www.iec.org.af/pdf/wolesi-pressr/pressr_on_no_changes_pc_list.pdf)

<sup>22</sup> [http://www.iec.org.af/pdf/wolesi-pressr/pressr\\_on\\_nangarhar\\_pc\\_security.pdf](http://www.iec.org.af/pdf/wolesi-pressr/pressr_on_nangarhar_pc_security.pdf)

<sup>23</sup> Of note, on election day in 2010, only two of these stations were reported open by the IEC, due to poor security.

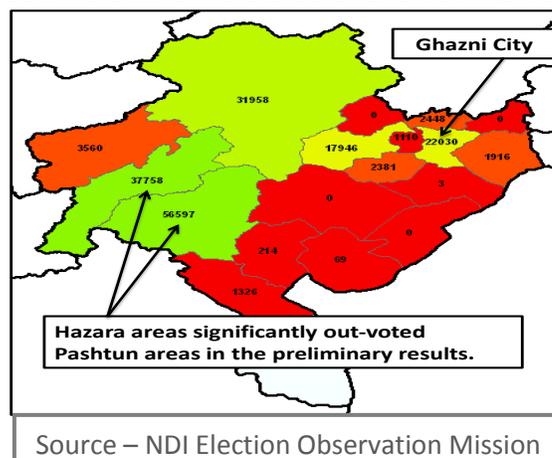
## Original Ghazni PS Allocation



ISAF corroborated the IEC’s response that security concerns contributed to the reduction of polling stations in most provinces, including Ghazni. But ISAF’s unclassified security assessments released in March 2010 show that districts populated mainly by Hazaras were considered safer than the province’s Pashtun-dominated districts where the Taliban has more support. The Ghazni PEO appeared to disagree with the security assessments drawn up by ISAF and Afghan security agencies — before election day, he told local media that voting was “impossible” in four insecure districts and accused security forces of trying to keep polling stations open in those districts regardless of violence. The concern of many was that the IEC was stacking the odds in favor of Pashtun dominated areas.

As a result of the security situation, actual openings on election day in fact favored Hazara voters. Nawur, a secure Hazara district, had its provincial share increase from seven percent of Ghazni’s stations that reported results in 2009 to 11 percent of the province’s open stations in 2010. Safer Pashtun districts also made gains — Ajrestan increased from four percent of the province’s stations that reported in 2009 to eight percent of the province’s stations open in 2010. Candidates also reported a shortage of ballots in Hazara-populated areas of Ghazni and neighboring Uruzgan province. The shortage led to protests outside IEC offices in two district centers in Ghazni. The IEC then opened contingency centers at 3:30 p.m., but closed them half an hour later without applying the one-hour extension that was available for such cases.

## Total Valid Turnout in Ghazni



## ***Fallout from Ghazni***

In 2005, Ghazni elected five Hazaras and six Pashtuns. Due to violence and intimidation by armed opposition groups, the 2010 voter turnout in Pashtun-dominated districts was low. It was far higher in Hazara-dominated areas, and all 11 parliamentary seats of the province were won by Hazara candidates. Pashtun candidates complained that their supporters were disenfranchised.

The results from Ghazni caused uproar among candidates and voters who were unsatisfied with what they saw as an ethnically-skewed result. Although Article 61 of the Afghan constitution names the IEC as the body in charge of supervising elections, the Karzai government challenged the commission's decisions and called for a re-vote on the province. The controversy was one factor that contributed to the delay in the release of final election results.

Legal challenges, political pressure and “technical problems” stalled the formation of a new parliament after final election results were released almost one month later than planned. The IEC announced results on November 24, 2010 for all constituencies except Ghazni province and the Kuchi constituency. The following day, the Attorney General announced that it would issue arrest warrants against IEC and ECC officials, sparking a legal battle that further delayed the formation of the new *Wolesi Jirga*. AG representatives later visited the IEC office, obtained copies of personnel files and data from the National Tally Center — the unit that processed electoral returns from across the country — and indicated that they would question several IEC employees.

## ***Election Day Preparations and Polling***

In Afghanistan, which is currently actively engaged in fighting an almost countrywide insurgency, planning an election is especially challenging. In 2010, NDI found that the IEC had a well-structured operational plan that was produced by IEC's management with support from several technical assistance teams. All the stages of pre-election preparation as well as coverage for election day and the post-election period were included and described in detail. NDI observed that during the electoral process, the IEC's operational plan's steps were executed and its procedures were respected.

The IEC printed a total of 12,581,400 ballots. This number was based on data provided by the Central Statistics Office (CSO), on the number of the voters in the 2009 elections and on regional assessments. The IEC printed 35 sets of ballots – one for each of the 34 provinces and another for the Kuchi constituency. In collaboration with the International Organization for Migration (IOM), the IEC developed a barcode system for the ballot packs and tamper evident bags (TEBs). Prior to distribution, the ballots and TEBs were pre-recorded and pre-allocated to polling centers and polling stations. Using barcode readers and a specific software and database developed for this purpose, the IEC was able to track these materials from IEC headquarters to the polling center level. This did not reveal the identity of the voter but did identify if ballot papers were used in a different polling station.

Each polling center kit was accompanied by a handover form and waybill which listed the contents that could be verified against information recorded in a database. During each handover stage, officials checked the contents of all polling materials. Each polling station received 600 ballots. No transfer from station to station or allocation of extra ballots was allowed, as was the case in previous elections.

Should one polling station run out ballots, the provincial office - upon approval by IEC headquarters - dispatched a new polling station team with materials. This measure was meant to avoid any movement of ballots from one station to another. The IEC was promised by security authorities that they would be able to deliver the contingency teams and materials within two hours, but there were cases where this timeframe was not met. Most of those cases were recorded in remote areas.

On election day, polling centers were open from 7 a.m. to 4 p.m. Some polling centers were forced to close early due to security incidents; NDI also observed that some centers opened late. On polling day, voting was extended for an extra 30 minutes but only for locations that opened late or that had experienced disruptions during the day due to security. NDI observers were not present in any location that stayed opened longer.

NDI observers noted that the hole punchers used to mark voter registration cards broke in most stations, and polling staff had to use scissors instead. Upon completion of voting, polling staff counted ballots in front of accredited candidate agents, observers and media representatives. Once the results were finalized, workers filled in the results sheet and placed a strip of clear tape over the final numbers. There were four copies of each sheet – one original and three carbon copies. The original was placed in a tamper evident bag and sent to the provincial office where details were recorded into an online database. One copy was posted outside the polling station. The final two copies were given to candidate agents. In the case of more than two candidate agents present, the copies were distributed via a lottery system.

### ***Tallying Votes***

Ballot counting took place at polling stations after they closed on election day and in some cases the next day. (In such instances, security forces guarded ballot boxes until the count was finished). Polling station staff then placed results forms and reconciliation forms in TEBs, which were sealed and barcoded. The TEBs were then collected by district field coordinators and delivered to provincial IEC offices.

At the provincial level, IEC staff entered into a database the quantity and serial numbers of TEBs, polling center codes and the number of polling stations. The provincial database was connected via the Internet to the intake database at the National Tally Center. The TEBs were sent to the tally center in sealed plastic boxes, and all the contents and serial numbers were documented in a handover form.

If irregularities were detected during the first two steps, TEBs were sent to a clearance section. If problems were corrected, TEBs were allowed to be brought back in the process. If not, they were investigated further by an audit team. Once the audit was completed, teams passed the data to a management group, which then made final recommendations on all audit cases to be submitted for decision to the IEC Board of Commissioners. If irregularities were detected by the audit team, the management group called a recount at the provincial level. The management group also checked all the results before presenting them to the IEC Board of Commissioners for certification.

Candidate agents, observers and other interested parties could request clarification from the IEC about the results, should the announced figures differ from those posted at polling stations. The

management team addressed the clarifications. Complaints could be addressed to the ECC and the IEC about the validity of the publicized uncertified results. The IEC announced the “Final Uncertified Results” once all results were tallied and all investigations were conducted. The “Final Uncertified Results” were subject to clarification requests, investigation or complaints with the ECC. Considering the ECC final report along with its own investigations, the IEC then announced the “Final Certified Results” for each of the 35 constituencies (34 provinces and one Kuchi constituency).

Once TEBs reached the tally center, they were processed according to the following system:

1. Intake –IEC staff members conduct an integrity check against the handover form, ensuring that the TEBs are untainted and that the serial number of the seals of the TEBs and transport boxes are identical to the ones reported through the web-based entry by the IEC provincial offices. Any suspicious or incomplete deliveries are quarantined and investigated.
2. Data Entry Batch Preparation – Each TEB is inspected to identify potential tampering and to determine whether it contains completed and correct forms. All forms included in a TEB are processed as one batch. This leaves a paper trail that can be investigated in the case of any future irregularities. All the forms are scanned and stored in case the original copies are spoiled or lost. As requested by the ECC, an additional copy is stored at the office of the IEC chairman. Scanned forms are also posted online throughout the results processing period.
3. Data Entry of Result Forms – The results are entered in a database using software that automatically performs mathematical and quality control checks. The data entry clerk is notified if any data is invalid or incorrectly entered in the results sheet.
4. Duplicate Entry – Results forms that pass through the previous three steps are re-entered - this is referred to as a “double blind data entry system.” For quality control purposes, the reentered data is saved as a duplicate of the existing data.
5. Forms Review and Correction - The database software compares entries from the last two stages, and flags any forms that do not match. The forms are reviewed and errors can only be corrected by a supervisor who must choose one of the two entered versions. If neither version is correct, the entire entry process must be redone.
6. Quality Control – All the processed data is reviewed manually against the actual results sheets and corrections are carried out accordingly.
7. Archive – A clerk then conducts a verification process to ensure that each batch of forms has followed each step. If the procedure has been followed correctly, the data is accepted in the database and the forms are archived in a safe storage area.

### ***Audits, Recounts and Invalidations***

An important improvement on the part of the IEC was the fact that the IEC actually undertook a systematic and measured approach regarding polling station audits, recounts and invalidations. In 2009, this did not occur and ultimately generated the ECC audit process.

Built into the IEC tally center data base were certain “triggers” that would alert staff to possible

irregularities. The triggers were not made public, although they were in previous elections in order to decrease the likelihood of getting around anti-fraud measures. One trigger would be if a station recorded more than the maximum 600 ballots allotted. Upon hitting such a trigger, the IEC could order an audit or a recount or both. An audit requires IEC staff to check results/reconciliation forms against each other to make sure the data matches. Additional measures include a recount, which is a standard process for EMBs.

The IEC ordered both audits and recounts at 3,143 polling stations, according to an October 20 press release. The IEC ordered additional audits at 81 polling stations and recounts at 121 polling stations. Upon completion of the audits and recounts, the IEC excluded the results of 569 polling stations. The IEC declared invalid 6,554 votes for candidates who either died during the campaign period or for candidates who were disqualified from running after ballots were printed with their photos and information. During counting on election day, polling stations around the country invalidated an additional 137,225 votes, which met such criteria for invalidation as ballots marked for more than one candidate or ballots lacking an official stamp on the back of the paper.

***Tally Center Calculations***

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	
Valid Ballots	Invalidated Ballots	Valid ballots + Invalidated Ballots	Invalid ballots	Exclusions	Total (C+D+E)
4,265,354	6,554	4,271,908	137,225	1,330,782	<b>5,739,915</b>

The IEC also announced a voter turnout of 4,265,354. That number was based on figures provided by the provincial offices. The IEC estimated that 58 percent of voters were male (2,488,378) and 39 percent female (1,668,617) percent female, while Kuchis accounted for three percent of the vote (108,359).

When announcing the preliminary results on October 19, 2010, the IEC put the total number of ballots cast as 5.6 million – a number that exceeded the IEC’s initial voter turnout by 1.3 million. The IEC explained that the extra ballots were most likely fraudulent and stuffed into ballot boxes rather than cast by voters and thus excluded them all. When later asked by NDI, the response from the IEC was that the estimated turnout reported by the PEOs indicated 4.3 million as turnout for this year's elections; however, the fact that the number of ballots 'consumed' on election day as reported in result sheets showed 5.6 million (minus the ballot already class as invalid) suggesting fraud had been committed. In this manner, the IEC was able to detect fraud and exclude these ballots from the preliminary results.

**THE ELECTORAL COMPLAINTS COMMISSION (ECC)**

The ECC played a vital role in the elections, adjudicating 7,863 complaints and challenges, resulting in the disqualification of nearly 120 candidates and the invalidation of 344 polling stations as well as partial or full invalidation of specific candidates’ votes. The ECC is not a

permanent institution like the IEC; it has been formed for the 2005, 2009 and 2010 elections for a limited timeframe. The work of the ECC for the 2010 election officially ended on January 31, 2011.<sup>24</sup> Investigating and adjudicating on electoral disputes in Afghanistan has had a checkered history in part due to the way the election law has been framed and the way the stakeholders have responded to the challenges presented. Previously, there had not been any consistency in the way the ECC was established, staffed or funded; the 2010 election was no different. Merely looking at the ECC and its role in 2010 election does not present a complete assessment of its performance. Comparison with previous incarnations does however demonstrate, yet again, why long-term and significant reform of the entire electoral process is needed.

### ***Before the ECC – The 2004 Impartial Panel of Experts***

Upon conclusion of the 2004 presidential elections, organizations including observer groups and the United Nations recommended the establishment of a separate, transparent independent body to deal specifically with electoral complaints. The need for such a body arose from disputes related to 15 of the 17 presidential candidates, mostly on polling day irregularities. The JEMB was unable to deal with the disputes in a manner which stakeholders found acceptable. The then SRSG in Afghanistan created an impartial panel of experts – three people – who were joined by five other experienced electoral practitioners to investigate these and other complaints in the weeks after the first presidential election.<sup>25</sup>

Of note, the Election Law did not provide a mandate for such an entity. In 2005, amendments to the Electoral Law were adopted by presidential decree to provide for such a body. These amendments define the ECC as an independent body to adjudicate all challenges and complaints related to the electoral process, its mandate extending from the candidate nomination period until final adjudication of all complaints. The amended law also made clear that the IEC is unable to certify results until all complaints that have the potential to impact results are adjudicated by the ECC, and those decisions are subsequently implemented by the IEC.

### ***The ECC in 2005***

The ECC was formed in time to oversee the September 2005 *Wolesi Jirga* and provincial council elections. In May 2005, the UN Special Representative to the Secretary General appointed three international commissioners to the new ECC. Two national commissioners were appointed by the Afghan Independent Human Rights Commission and the Supreme Court.

Initially the ECC was located within the JEMB compound. Later it was moved to its own location so as to maintain independence. A total of 34 Provincial Election Commissions were established in the provinces, each with three national commissioners (one of whom was to be female) and one secretary. The provincial staff served a dual purpose – they worked as JEMB personnel as well as provided support to the new complaints mechanism. The appointments were made by the JEMB based on recommendations from its Secretariat, UNAMA, the provincial governor and the AIHRC. There were roughly 200 staff members in total, 60 of whom were located at the ECC headquarters in Kabul. A total of 75 percent of the staff was Afghan.

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<sup>24</sup> Article 62(7) of the Electoral Law mandates the dissolution of the Electoral Complaints Commission (ECC) 60 days after the certification of the final election results – in the case of the 2010 *Wolesi Jirga* elections, this meant January 31, 2011.

<sup>25</sup> The formal complaints involved 661 different allegations. These fell almost exclusively into one or more of the following subject areas; Ink, General Procedural Issues, Materials, Voter Access Issues, Allegation of Bias or Intimidation.

During the course of the 2005 electoral calendar, the ECC adjudicated roughly 7,000 challenges and complaints, the vast majority of which were challenges and campaign period complaints.

### ***The ECC in 2009***

The ECC was re-established in late April 2009, prior to the presidential and provincial council elections. Two papers outlining recommendations for the re-established ECC were distributed by UNDP's ELECT Program in November 2008 (ELECT ECC Issues, Options and Costs/November 17 and ELECT ECC Issues, Options and Costs/November 21). The recommendations included a more "toothsome complaints body with control of its own resources and greater authority to resolve complaints in provinces." Establishment of the body and procedures were to happen in January and February 2009. In practice, neither of these was completed until over three months later.

A total of 34 Provincial Electoral Complaints Commissions (PECC) were established, distinct from the Independent Election Commission (IEC), which functioned as the new JEMB. This separation encouraged a body that was independent of the election administration and alleviated potential for conflict of interest. Similar to the 2005 structure, each PECC had three commissioners. Where possible, the ECC selected one lawyer, one community leader and an investigator as commissioners for the PECCs.

Provinces that acted as regional centers were provided additional core staff to accommodate the additional workload as well as to assist other provinces in the region. The ECC employed approximately 280 staff, 75 of whom worked at the Kabul main office. There were approximately 18 international positions at any given time. International staff were stationed at the Kabul headquarters but traveled to the regions to carry out training, provide additional guidance and conduct select investigations. Afghan staff were recruited via the Christian Thomas Group (CTG), a humanitarian support firm based in Dubai and that has an office in Kabul. The international staff were recruited by the United Nations. The ECC adjudicated close to 3,400 challenges and complaints throughout the electoral process.

During the 2009 election, the ECC was widely perceived as an independent body, due primarily to its stance in opposition to President Karzai. Despite pressure from the administration, the ECC eventually ordered the invalidation of 1.3 million votes, most of them in favor of Karzai. Because the invalidation denied Karzai an outright majority needed to secure a win, the ECC's decision required a run-off vote between the incumbent president and his closest challenger, Dr. Abdullah Abdullah. However, Abdullah declined to participate, citing lack of confidence in the IEC to oversee a fair vote. At the close of its activities in 2009, the ECC put forward recommendations for the re-establishment of the 2010 ECC, including a much earlier start date and suggestions on which staff should be rehired in the new body. An interim body, administered by UNDP ELECT was established to maintain a presence in the provincial and headquarters offices and to allow for a quick reestablishment of the 2010 ECC.

### ***The ECC in 2010***

Several events occurred that prevented a rapid re-establishment of the ECC. In January 2010, the parliamentary elections were delayed from May to September. Shortly after the announcement of the delay, President Karzai passed a decree to revise the 2005 Electoral Law, granting him full authority in the appointment of ECC commissioners and the changes previously mentioned.

Although he claimed that this was done in consultation with members of parliament, the *Wolesi Jirga* overwhelmingly rejected the decree, and the *Meshrano Jirga* refused to vote on the issue. There was strong debate in all sectors of Kabul as to what the decree allowed Parliament to do based upon the interpretation of articles 79 and article 109.

After the decree became law, in April 2010 the President announced the five ECC commissioners as: Sayed Murad Sharifi (Chairman); Ahmad Zia Rafat (Spokesperson); Shah Sultan Akifi; Johann Kriegler (from South Africa); and Mustafa Sawfat Rashid Sidqi (from Iraq). The two international commissioners had been approved by the president after they were nominated by the UN.

Analysts speculated that President Karzai made structural changes in order to make the ECC more compliant to his wishes. Several individuals retained from 2009 echoed such sentiments during interviews with NDI, lamenting the potential loss of the commission's independence, with one referring to the ECC as "state-run". Many political party members, candidates and government officials interviewed by NDI shared this concern.

In 2010, the ECC adjudicated close to 8,000 complaints and challenges resulting in numerous fines, warnings, candidate exclusions and invalidated ballots.

### ***PECC as the Primary Arbiter***

Amendments to the election law shifted primary jurisdiction of complaints to the provincial offices of the ECC. The PECCs were allotted different numbers of commissioners, three or five, depending on the size of the constituency. All primary adjudicatory powers lay with the PECCs while the ECC acted primarily as an appellate body.

Each PECC reviewed and investigated complaints pertaining to their provinces and determined a sanction for the complaint or dismissed it. The methodology of each PECC differed substantially, and while the ECC was able to maintain a general distance from national politics, it is unclear to what degree local politics influenced the PECCs decisions. The decisions show inconsistency and lack vital information. In some instances, the decisions reveal reluctance by the PECC to act in a manner that might anger specific powerful individuals at the local level.

### ***Limited Resources***

As mentioned above, after the 2009 elections, there was an agreement between the UN and the donor community to establish an interim body to ensure a minimum organizational presence and enable the rapid re-establishment of the ECC in 2010. Provincial offices and equipment had already been purchased and these assets would allow for a more smooth transition. After the ECC commissioners were appointed in late April 2010 by the president, the ECC re-opened the provincial offices. Although most PECCs opened within the first month, a few such as Paktika did not have functional offices until later in the process. Nearly 500 staff were hired through a contract with CTG. International consultants were provided by IFES, USAID and UNDP ELECT.

The PECCs were allotted different numbers of commissioners, three or five (although the Khost PECC operated with only two commissioners during the polling and counting period, violating the ECCs rules for quorum). All commissioners were appointed by the President. The ECC conducted two training courses for PECC staff; observers were not allowed to attend these trainings, and manuals or training material were not made public.

The ECC was once again established late in the electoral calendar and had to mobilize hastily in order to begin its tasks in the nomination period. It has been repeatedly stated, by previous ECCs as well as observers, that an earlier start up is required to ensure that an adequately thorough process is achieved. The changes to the Electoral Law hindered this initiative, although at least the main assets were still in place. Unfortunately many of these assets were not built upon or utilized.

Although the 2009 ECC had reviewed its staffing needs and made recommendations regarding who should be retained or rehired, many of the ECC staff of 2010 was newly hired. Most commissioners were entirely new to the process as was much of the staff. In Logar, Parwan, and Balkh, only one of the 2009 commissioners was retained. The Panjshir PECC was composed of entirely new staff. Nimroz and Farah each had only one administrative staff member from the 2009 ECC.

While the ECC in 2010 had almost twice the number of staff, an additional month for its activities, and offices and equipment in place, progress was initially very slow. It could be argued that this is due to the shift in responsibility between the ECC and PECCs even though PECCs maintained limited adjudication responsibilities in 2009, a gradual increase from 2005.

In any case, the resources were insufficient. Many PECCs indicated to NDI that they did not have the required equipment necessary for their caseloads. The PECC in Mazar needed to use photocopiers in the bazaar. The Herat PECC repeatedly claimed that it felt under resourced and under great pressure. One commissioner's response to a question on this issue was that it was due to the PECC's ingenuity that these problems were addressed, "they visit an internet café in the neighboring province... [this may seem] inadequate to those who are used to sophisticated elections but don't you worry, we will cope...I have been involved in many non-sophisticated elections...we will manage."<sup>26</sup>

In September, after polls closed and results were sent to Kabul, the focus shifted to the PECCs and the adjudication of complaints. The PECC in Kandahar, a city with a relatively high number of internet providers, remained "out of touch" for close to two weeks "due to internet difficulties." Again, the ECC downplayed the seriousness of the situation despite the fact that UNDP alone provided close to \$150 million USD for the conduct of the elections.

In addition, many PECCs were aware of the security environment within which they operated. Most PECCs in the south, east and southeast told NDI that they had received threats. Commissioners expressed apprehension about retaliation from warlords once the ECC closes.

The concern about security is reflected in the PECCs unwillingness to post decisions publicly, deferring the public to ECC headquarters so as to alleviate the responsibility for unfavorable decisions. The issue of violence against the ECC is a serious concern and in the south has history – in 2005, the chairman of the Kandahar ECC was assassinated outside his home.

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<sup>26</sup> Judge Johann Kriegler's response to questions about resources during a press conference on September 15, 2010.

## ***Legal Framework and Regulation Changes***

As described earlier in the report numerous changes were made to the Electoral Law in early 2010. The most significant of changes was the appointment of ECC and PECC commissioners by the President. The new Electoral Law also increased the power of the PECCs making them primary adjudicators of complaints. Another significant change was the addition of articles which attempt to remove ambiguity over whether or not the IEC could invalidate polling station results. Article 57 of the Law covers the quarantine of ballot boxes; Article 57.1 provides that the Commission (IEC) may quarantine ballot boxes in case of a complaint or visible signs of fraud related to the ballot boxes. Article 57.2 provides that the IEC may include the quarantined boxes in the counting or permanently exclude them from the counting process, after inspection of the boxes in the presence of observers and agents of the political parties and candidates for their satisfaction.<sup>27</sup>

The IEC in 2009 claimed that it was not within their powers to invalidate results and instead deferred decisions pertaining to quarantined boxes to the ECC. In 2010, the day after the announcement of preliminary results, the 2010 ECC announced that it would “not entertain complaints regarding ballots excluded by the IEC”. The ECC cited Article 57.2 as grounds for this decision. Candidates and voters were left with no legal recourse for allegations of electoral misconduct in regard to invalidated votes and debate ensued among candidates, stakeholders and donors over the correct interpretation of the clause.

Through a series of letters and meetings the Supreme Court and the Independent Commission for the Supervision of the Implementation of the Constitution (ICSIC) offered interpretations of the law which were contrary to that of the ECC. These bodies argued that in cases where procedure was not adhered to, the ECC could review complaints on invalidations. In particular, they argued that invalidations by the IEC resulting from audits conducted without the “presence of observers and representatives of political parties and candidates” were in violation of the procedures and therefore the ECC had full jurisdiction to review related complaints. As there were countless allegations by observers and candidates that audits and recounts had taken place without their presence, the bodies believed the ECC was shirking its duty by refusing to accept complaints.

NDI also reviewed the ECC Regulations adopted in July 2010 and compared them to the ECC Rules and Procedures in place for the 2009 elections. An amended ECC Regulations (called the ECC Rules and Procedure in 2005 and 2009) was posted on the ECC website in mid July 2010. Additional amendments were made in August and publicly posted in September.

The most significant amendments dealt with primary adjudicatory powers. In 2005, the ECC recommended that future complaints mechanisms should include provincial presence. This was implemented in 2009 through PECCs which were independent of the PIECs with increased adjudicatory powers (unlike 2005 where Provincial Election Commissions served dual roles as election implementers as well as complaints investigators with minimal adjudicatory powers).<sup>28</sup>

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<sup>27</sup> 2010 Electoral Law of Afghanistan

<sup>28</sup> In 2005, PECs were authorized to reject complaints outright if they were determined to be frivolous or unfounded. All other complaints were to be investigated by the PEC whereupon the PEC could decide on it and determine which penalty or sanction to recommend to the ECC. Remedial orders (that did not include a penalty) and warnings issued by the PECs took immediate effect and did not require confirmation by the ECC.



<p>R 2010:</p> <p>No reference.</p>	<p>RP 2009</p> <p>2.3 The work of the Commissioners shall be full time employment. Commissioners must suspend any other employment and conflicting responsibilities for the duration of the ECC's mandate.</p>
<p><b>Confidentiality</b></p>	
<p>While an overarching statement of confidentiality remains, a number of clauses dealing with confidentiality that have been reworded or removed entirely.</p>	
<p>R 2010</p> <p>3.1.6 The business of the ECC is conducted in private and everything done in the execution of its duties and the conduct of its investigations is confidential; provided that the ECC may in its sole discretion allow other persons to be present at any specific time and/or place.</p> <p>3.1.7 All decisions of the ECC shall be minuted and the accuracy of such minutes shall be formally confirmed at the next ECC meeting ...</p> <p>Clause removed</p> <p>Clause removed</p>	<p>RP 2009</p> <p>2.10 Deliberative meetings of the ECC shall be closed and confidential. At other times, the ECC may allow observers as it deems appropriate.</p> <p>2.11 ....A record shall be kept of the minutes of the meetings, the votes taken and decisions made. These records shall not be available to anyone outside the ECC.</p> <p>2.7 The Commission shall keep confidential all information submitted to them ....except that any evidence which discloses a criminal offence shall be referred by the Commission to the Office of the Public Prosecutor or other relevant legal authorities.</p> <p>2.1 All persons and entities participating in the electoral process are responsible for knowing the laws applicable to the electoral process... The ECC shall hold all persons and entities responsible for such knowledge. Except by official order from the Supreme Court, no authority or entity can compel the ECC to disclose any documents that the ECC has custody of.</p>
<p><b>Cooperation and access to information</b></p>	
<p>Clause 2.15 of the RP 2009 state that it is the duty of entities external to the ECC to cooperate and assist the ECC in its work. The related clause in the R2010 reverses the role of this duty, stating that it is the ECCs responsibility to gain this cooperation. The sentence on access to information has been removed.</p>	

<p>R 2010</p> <p>3.3.3 The ECC and every PECC shall in the execution of its duties and the conduct of its investigations use its best endeavors to gain and retain full assistance and cooperation from the IEC, relevant governmental institutions, political parties, candidates, electoral observers, political party- or candidate agents, and all other persons involved in the electoral process.</p>	<p>RP 2009</p> <p>2.15 Political parties, candidates, electoral observers, political party or candidate agents, the Independent Election Commission Secretariat (IECS), and all individuals involved in the electoral process shall provide full assistance and cooperation to the ECC in the execution of its duties and the conduct of its investigations in particular they shall provide any information or access to information if required by ECC for its consideration of cases.</p>
<p><b>Delay of material</b></p>	
<p>The clause stipulating that an IEC or PECC office who delays the transfer of material may be committing and electoral violation has been removed and the word “shall” has been changed to “must”. There are two such references in the RP 2009, both have been deleted. One is as follows.</p>	
<p>R 2010</p> <p>4.2 ... Any IEC Office receiving a complaint must forward that complaint to the PECC of the province in which the complaint arose, confidentially and without delay.</p>	<p>RP 2009</p> <p>4.2 .....Any IECS Office receiving a Complaint shall forward that Complaint to the PECC .....confidentially and without undue delay, any undue delay may be considered as interference with election materials and may constitute an electoral offence.</p>
<p><b>False information</b></p>	
<p>RP 2009 clause regarding the provision of false information has been removed from the R2010. In 2009 13 individuals were fined for providing falsified documents. Language pertaining to the provision of false information remains as an electoral violation under Article 63 in the Electoral Law. However the specific language was amended in early 2010 from “false information to the Commission, any commission established by the Commission, or the Electoral Complaints Commission” to “false information to the Commission and its related commissions.”</p>	
<p><b>Impartiality</b></p>	
<p>Both documents include a clause which requires commissioners to sign the ECC Code of Conduct. However, the clause relating to partiality has been removed from the Regulations.</p>	
<p>R 2010</p>	<p>RP 2009</p> <p>2.6 The Commissioners shall fulfill their tasks in a timely, objective, impartial, and non-political manner.</p>

### ***Guidelines Missing from Legal Framework***

A number of issues are not addressed in documents outlining the legal framework of the ECC. The ECC and PECCs did not have procedures outlining criteria for determining whether clear and convincing evidence that violations took place. The IEC was put under significant pressure by the Afghan government to produce or expose standards that they used for invalidations. The ECC, however, was not put under as much pressure, despite the fact that criteria would have helped maintain consistency and transparency.

The grounds for invalidation of certain candidate's ballots versus the results of an entire polling station are entirely unknown. In reviewing PECC decisions, they occasionally appear circumstantial. Similarly, the ECC did not have a consistent procedure on investigative steps. Most PECCs relied on documentation provided by the complainant, and statements by the respondents. Consistent methodology was not applied for the decision to audit a ballot box or for the actual audit of the contents of the box, rendering it difficult to apply criteria (had there been any) for clear and convincing evidence of fraud.

Procedures did not clearly address the ECC/PECCs role at polling stations. This in and of itself is not entirely necessary, as nowhere is there reference to the ECC/PECC having either an observation or monitoring role in the process. However, many PECC staff members were present at polling stations on election day, determining on the spot what actions should be taken to remedy disputes. This violates the rules of quorum but more importantly blurs the line between a complaints body and an election administration body.

### ***Public and Candidate Perceptions of the ECC***

By September 14, 2010 NDI had conducted interviews with more than 500 candidates, political party members, government officials, IEC and ECC staff, and community leaders about their views on the challenges facing the PECCs. In these interviews, candidates, voters, observers and several PECC staff members expressed concern that PECCs are understaffed, under-resourced, inexperienced and – in a few cases – biased. Much of this perception was either fueled, or further reinforced, by the lack of information by the PECCs and the ECC. Although some PECCs were willing to provide NDI with basic statistics, others are reluctant to provide any information at all. Communication with the PECCs was exasperated when the ECC headquarters instructed them not to talk to observers.<sup>29</sup>

In the reports that NDI issued throughout the 2010 electoral process,<sup>30</sup> there is a noticeable decline in public and candidate opinion about the PECCs in a number of regions. The NDI team in Herat benefited from a good relationship with the PECC and did not feel that the PECC was intentionally trying to withhold information. Instead the PECC admitted that this negative shift in public opinion had more to do with the fact that the PECC was not allowed to provide local media with the decisions and that there was generally no specific information they could provide the public.

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<sup>29</sup> In late September 2010, several PECCs told NDI that they had received a letter from ECC HQ instructing them not to talk to observers and the media.

<sup>30</sup> Copies of the English version of all 15 NDI Afghanistan Election Updates are included as appendices to this report.

Despite positive relationships between the NDI teams and the PECCs in the northeastern provinces of Badakhshan, Baghlan and Kunduz,<sup>31</sup> NDI observers noted that poor public opinion was a result of a general lack of information. “People are in the darkness by PECCs process because they have no clear answers to people’s questions on decisions ... it is good if people can see transparency of the process”, reported the NDI Kunduz regional office. The Institute’s staff in the north and south echoed the same observations. In the south, it was reported that “PECCs do not provide any information, and they always seem to be absent from the offices, they are always ‘in Kabul’.

Many PECCs expressed confidence in their capabilities claiming that they were stronger than the 2009 ECC. A Parwan commissioner felt that the “high” number of received complaints received signaled “recovery” from the “poor image” of the ECC in 2009.<sup>32</sup> Several individuals retained from 2009 however, referred to the ECC as “state-run” or biased.<sup>33</sup> An IEC official called the new ECC a “government body”.<sup>34</sup> Many political party representatives, candidates and government officials shared this concern. One referred to the PECC as a “dead body”<sup>35</sup>. Interviewees in Kunduz expressed concern over an entirely Pashtun PECC in a province of mixed ethnicities<sup>36</sup>. The PECC in Kandahar was often criticized of being controlled by Ahmad Wali Karzai, President Karzai’s brother and the head of the Provincial Council in Kandahar.

Many complainants claimed they were turned away for not being able to produce “documents” or proof, yet were given little guidance on how to acquire such documents. A female candidate, upon being repeatedly threatened while campaigning, including having a gun pointed at her, claimed that the ECC told her that she should have sent someone to follow the gunman. “What is the ECC for then?” she told NDI.<sup>37</sup> This sentiment was echoed by interviewees who felt that the PECCs’ insistence on documentation was being used to intentionally discourage complaints. Others expressed frustration that serious cases were shelved while trivial cases were prioritized.

It is worth noting that these interviews were conducted before the final results were announced. Public opinion, particularly with regard to impartiality, is likely to have improved in areas where the population feels that the results excluded the main perpetrators of fraud.

### ***Relationship with IEC***

In 2009, the relationship between the ECC and the IEC was strained at best. The ECC Final Report in 2009 states that “one of the major impediments to the relationship was that the IEC did not take on its full mandate of overseeing the electoral process and on many occasions put the onus on the ECC to take responsibility for all regulation of electoral irregularities.”<sup>38</sup>

In 2010, the relationship appeared to have been less strained; however, there was still a noticeable lack of coordination between the groups. This was most apparent in the provinces,

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<sup>31</sup> The PECC of Takhar, a northeastern province, consistently refused to provide information to or meet with NDI staff.

<sup>32</sup> NDI interview with Parwan PECC Commissioner and interview with Balkh PECC

<sup>33</sup> NDI interview with PECC member

<sup>34</sup> NDI conversation with senior IEC staff member

<sup>35</sup> NDI interview with candidate Balkh

<sup>36</sup> NDI interview with parliamentary members and candidates Kunduz

<sup>37</sup> NDI interview with female candidate, Balkh

<sup>38</sup> 2009 ECC Final Report, p.21

often as a result of personalities in the offices. It was also often a result of limited time with an absence of a coordinated approach, each group trying to accomplish a vast amount of work, despite the fact that much of it overlapped and required the presence of the other. The PIECs were busy auditing and recounting polling stations (PSS) as directed by the IEC HQ and it was necessary for these audits and recounts to be done in the presence of PECC members. Similarly, the PECCs were investigating complaints but needed to request audits and recounts of relevant polling stations to be undertaken by the PIECs. There were numerous reports that PIECs were not informing PECCs to ensure that they were in attendance for audits and recounts, as well as a few instances where PECC staff told PIEC staff that “they didn’t need to be present” for their own audits and recounts.

The process was not only confusing for those directly involved – observers and voters saw that investigations were ad hoc and messy. Many PECCs avoided actual investigation of the ballot boxes, perhaps due to this overlap of duties. One ECC staff member told NDI that what it really came down to was that neither group really understood the other’s procedures and that while higher level meetings gave the appearance of coherence and cooperation, in reality there was often a wide chasm created by miscommunication or the lack of communication.

There was also a significant lack of internal communication in the ECC, perhaps fostering the external lack of communication. This internal breakdown of information went both ways. The Khost PECC issued a number of lists of invalidated polling stations directly to the PIECs for implementation by the PIEC. The Herat PECC gave the AIHRC a list of candidates they were planning to exclude. ECC HQ claimed they did not know about either of these lists. While under the new Election law and ECC Regulations the PECCs have markedly more independence from the ECC HQ, it was apparent that many PECCs would use information as a means to reinforce this independence and would often provide other stakeholders information that was never given to the ECC HQ. This may have been one of the reasons the ECC HQ sent a letter to the PECCs telling them that they were not to provide information to observer groups and other entities.

## **CHALLENGE PERIOD**

### ***Challenges***

During the nomination period, May 12 to June 18, the ECC received 433 challenges. Close to 300 of these were complaints by aspirant candidates who had been excluded by the IEC from the preliminary list due to defects in their documentation. A total of 44 challenges alleged candidates’ links to armed groups. According to the ECC, two of these challenges named candidates who were already on the vetted list presented by the Vetting Commission.<sup>39</sup>

### ***Decisions***

Although candidates were disqualified later than the nomination period due to a continued vetting process, challenges alone resulted in the following decisions:

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<sup>39</sup> ECC Press Release June 19, 2010

- 79 challenges were dismissed largely because the allegations did not pertain to electoral violations;
- 195 candidates who had disputed their disqualification by the IEC were reinstated to the candidate list after correcting or completing documentation during the five day period afforded to them;
- six candidates were excluded on the grounds that they had not resigned from their official positions before the nomination period began;
- one candidate was removed from the list for providing false registration information about his identity;
- one candidate's registration information was ordered to be amended to show independent candidacy as opposed to party representation;
- 42 of the 44 challenges regarding links to armed groups were dismissed as this component of the challenge period is determined by the Vetting Commission. The two which were upheld were done so because they matched candidates who were already provided by the Vetting Commission.

### ***Appeals***

The ECC website indicated that at least 66 appeals were adjudicated before September 16, 2010. Of note, NDI does not have accurate information on the number or nature of appeals during this period. Challenge decisions are not posted separately from campaign period complaints (or at all) and it was decided not to translate the multiple and overlapping spreadsheets in order to separate the two types of allegations.

## **CAMPAIGN PERIOD**

### ***Campaign Period Complaints***

The ECC and PECCs received 1,455 complaints during the campaign period. According to PECCs, the vast majority of these complaints alleged illegal placement of campaign materials. Many alleged intimidation, use of government funds and failure to resign from office.

### ***Decisions***

Most of the campaign period complaints were adjudicated directly by the PECCs. Exclusion of candidates was dealt with by the ECC. The ECC website provided six spreadsheets of decisions for complaints prior to election day. Combined, these spreadsheets listed 644 decisions. Two of the spreadsheets detailed sanctions involving fines and showed a considerable level of duplication. The following is a list of decisions based only on what was available through these spreadsheets:

- 184 dismissed
- 10 remedial actions ordered
- 11 warned
- At least 194 fined

On September 16, the ECC announced that the total number of candidates who had been disqualified had risen to 91. However, only 55 of these exclusions were provided on the ECC website by early December 2010. Most, if not all, of the candidate disqualifications after the challenge period are for a candidate's failure to resign from office by the deadline.

## ***Appeals***

As aforementioned, the ECC website indicated that at least 66 appeals were adjudicated before September 16. NDI does not have accurate information on the number or nature of appeals during this period. Challenge decisions are not posted separately from campaign period complaints (or at all).

## **POLLING AND COUNTING PERIOD**

### ***Polling and Counting Complaints***

As reported by the ECC on November 14, a total of 5,851 polling and counting complaints were received by the ECC. This number was decreased to 5,793 in an ECC spreadsheet dated December 19. The number of complaints varied significantly province to province. One province, Panjshir, had no more than 12 complaints. Kabul and Herat were the only provinces with over 500 complaints each.

It is unclear how many of the initial complaints were lodged directly at the PSs as this information was not calculated by the ECC. What is known however, is that fewer complaint forms were available for voters in the PSs (down from five per PS to three per PS). In addition, it is safe to assume that the total number of complaints would have been even considerably higher had the ECC accepted complaints regarding IEC invalidations of polling stations results (on October 21, the ECC announced that the Election Law did not allow them to review or dispute results that were not counted by the IEC).

The ECC implemented a triage system that was designed by earlier ECCs whereby complaints were determined to be one of three possible categories. The ECC Procedures for Polling and Counting Complaints defines the categories as follows:

- **Priority A:** The violation alleged in the complaint, if confirmed, could alter the result of the election. These complaints will be investigated immediately.
- **Priority B:** The violation alleged in the complaint, even if confirmed, could not alter the result of the election. These complaints should be investigated by the ECC (HQ or PECC) after all the Priority A complaints have been adjudicated.
- **Priority C:** The complaint does not require further investigation because:
  - 1) the complaint was submitted more than three days after the event concerned or of it having become known to the complainant (Article 4.3 of the ECC Regulations).
  - 2) the complaint is incomplete or does not meet the formal requirements of a complaint (Article 4.6 of the ECC Regulations).
  - 3) the complaint does not allege a violation related to the elections.

A total of 2,724 (later changed to 2,648) of the polling and counting complaints were classified as Priority A. As done in previous elections, the complaints (A, B and C) were allocated “types” of violations. One complaint could include a number of types of violations. A total of 31 percent of the complaints alleged polling irregularities while just over 19 percent involved allegations of

irregularities or fraud at the Tally Center. Eight percent alleged violations relating to access to the polling stations.<sup>40</sup>

### ***Decisions***

As with campaign period complaints, each PECC was responsible for adjudicating complaints within their province. The ECC Regulations allow PECCs to refer complaints to the ECC if it “finds that a case should, for security or other reasons, not be adjudicated in the province.”<sup>41</sup> In practice, a number of PECCs acknowledged referring many complaints to the ECC HQ, although this is not fully documented within the statistics of ECC decisions. There are a handful of decisions on the ECC website that were listed as ECC HQ decisions but have provincial case numbers - these complaints are general in nature and do not necessarily indicate sensitive cases. The Kandahar PECC mentioned to NDI that all Kandahar complaints were adjudicated by ECC HQ.

During the polling and counting period, the ECC – not the PECCs – excluded 27 candidates; of these, three were removed for having failed to resign from their government posts on time. A total of 24 of the 27 candidates were listed as winners when the IEC announced the preliminary election results. The exclusion of 21 additional candidates was announced by the ECC after they provided final decisions for all Priority A complaints to the IEC; given this timing and sequence of events, these 21 candidates were not allowed to appeal. Two of the 21 would have been winners after the exclusion of the aforementioned 24.

Although connected to the campaign period, campaign finance violations were dealt with after the elections. Within a few days of polling, the IEC posted campaign violation allegations at the polling centers. Voters and candidates were invited to provide further evidence or dispute these allegations. The IEC presented its final findings for over 450 candidates to the ECC. The majority of the candidates had not submitted their financial reports on time or at all, others had exceeded the maximum limit allowed per donation.<sup>42</sup> The ECC dealt with these directly rather than allocating them to the relevant PECCs. The ECC issued fines in a systematic manner to the violating candidates.<sup>43</sup> Failure to submit a finance report within the regulated timeframe resulted in a fine of 50,000 Afghani. Receiving funds from an individual which exceeded the legal amount of 50,000 Afghani resulted in a fine equivalent to 10% of the difference.

Over 650 PSs were initially invalidated by the PECCs.<sup>44</sup> On October 21, 2010 this number was corrected to 344. The corrected number reflects the removal of PSs already invalidated, or never included into the results, by the IEC. The number also reflects 99 PSs which had been invalidated by the PECCs but re-validated by the ECC through appeals. No comprehensive list of the 344 PSs has been made public. The PECCs invalidated certain candidate results from over 50 PS. For the remainder of the polling and counting complaints, the PECCs issued numerous fines, warnings and calls for PS recounts.

On November 6, 2010 the ECC announced that the IEC had given them a list of 413 candidates

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<sup>40</sup> These percentages are slightly different in the December 19 Complaints spreadsheet.

<sup>41</sup> Article 5.5, ECC Regulations 2010

<sup>42</sup> IEC Press Release. October 5. No full list of referred candidates was made available.

<sup>43</sup> Only a review the decisions which have been posted is possible. At the time of review, November 30, less than 100 of these decisions were on the website.

<sup>44</sup> There are discrepancies with the number 650. On Oct 21 the ECC used the number 650 as initial full invalidations of PS but this number is not reflected in a compilation of all lists of individual PS invalidations put out in press releases.

accused of fraud, 62 of whom were incumbents. The ECC referred the list to the Attorney General's Office. There was confusion, including contradictory statements made by the ECC at press conferences, whether or not the ECC had already investigated the names on the list and whether the referral was for informational or adjudicatory purposes. What became of the issue remains entirely unclear.

### ***Appeals***

The latest statistics available on polling and counting appeals on the ECC website is dated November 1, 2010. This spreadsheet indicates that 272 appeals were lodged. Logar had the highest single count of appeals: 47, most if not all are about one polling center. Ninety-nine PSs which had been invalidated by the PECCs were reinstated due to appeals.

### ***Inconsistent Decision Making***

As polling and counting complaints began to arrive at PECC offices, PECC staff and commissioners set about investigating and adjudicating each complaint with little to no consistency in methodology or procedure. NDI's analysis of investigations and the ultimate decisions was based on two resources: interviews with PECCs who were willing to share information; and a review of decisions which had been posted on the ECC website – on November 21, 2010 this was 40 percent of the Priority A complaints as well as a few B and C from a handful of provinces. The following sections summarize some of the key findings at that time.

### ***Format***

Most of the posted decisions are structured on three to four components: the complaint allegations, investigations and findings (these are sometimes split into two sections), and decision. Some deviate from this structure and provide decisions that are structured more like letters, with the above components compiled into one textual body. Many of the decisions, such as all Khost and Paktia decisions, are handwritten. A sizable number of decisions are entirely illegible due to the quality of the scans or handwriting.

### ***Information Provided Within Text***

A handful of PECCs, including the Paktia PECC, provided extensive details on the allegations, investigations and the subsequent decisions. Appellate decisions by the ECC also show considerable detail including the allegations and the specific findings. Most PECCs however provide only the basics while a few fail to mention even the polling center which was invalidated. One of the three (the only three which are posted on the website as of November 30), Paktika PECC decisions invalidates "above mentioned female stations", without having mentioned any specific stations.<sup>45</sup> Separately, the PECC told NDI that they invalidated 31 female polling stations.

The Khost PECC invalidated several PS results – over 120 before the correction on November 21. However, they give virtually no information pertaining to the investigations. At least 20 decisions involving invalidation of PS results use a variation of "polling staff misused their authority/didn't

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<sup>45</sup> Decision A-10-07-3037

follow procedure/didn't respect the law/did violation" as the complaint allegation. The investigation and findings simply state that the allegation was "corroborated/was found true/has evidence" or so forth. Decision 3207 is an example - "evidence was found" for the "misused authority" - and the two Polling Centers results are invalidated. However, the decision goes on to sanction the PIEC Public Outreach staff of the district (barred from working with elections for six years) due to the fact that the "public awareness program was weak and even not implemented".

Appellate decisions show considerable detail including the allegations and the specific findings.

### ***Demonstrated Investigation, Sometimes***

Some PECCs demonstrated considerable due process, including consultation with several observer groups, and clarity as to what evidence was or was not 'clear and convincing'. For example, the Paktia PECC considered a video provided as evidence for two complaints, A-10-08-3015 and 3016. They found that the video did not provide conclusive evidence of stuffing, despite the respondent having been indicated for fraud at other polling centers. The PECC took the investigation a step further and consulted FEFA and AIRHC observers. The complaints were eventually dismissed. The work of the Paktia PECC, however, is an exception to the general rule.

In contrast, it appears from the many decisions where limited information is provided, that little to no investigation actually occurred. Most PECCs tended to rely solely on 'documentation' that the complainant did or did not provide. In Faryab, the PECC dismissed numerous cases on the grounds that the complainant could not provide proof, and the polling station staff, indicated in the complaints as participants or perpetrators of the violation reject the allegations. Results indicate otherwise and, if nothing else, should have prompted an audit of the contents of the boxes.

The following are some examples of the complaints which were dismissed:

- At least two complaints allege stuffing by candidate #89 at PC 2202041.<sup>46</sup> Results show that in each of the two stations, #89 has over 500 votes.
- Complaint alleges PC staff of 2209156 stuffed on behalf of candidate #49. Unsurprisingly, the staff rejects the allegation.<sup>47</sup> The results for the candidate in question are 885 of the 1,326 votes in the center.
- Complaint alleges candidate #41 entered PC 2204070 with 10 armed men at 8:30am whereupon they stuffed the boxes. The decision tells us that two witnesses did not answer their mobiles and the claim was rejected by the polling center staff.<sup>48</sup> Candidate #41 has 92% of the vote in the center.
- Candidate #58 and gunmen are accused of entering the female polling station of center 2202044 and that by 9 am the ballots were finished.<sup>49</sup> Results of station # 2 show no spread votes: four candidates receive all of the 594 ballots cast, 540 of which are for candidate #58.

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<sup>46</sup> Decision A-10-22-3017

<sup>47</sup> Decision A-10-22-3041

<sup>48</sup> A-10-22-3074

<sup>49</sup> A-10-22-3099

From the 24 posted decisions posted as of November 30, Kandahar PECC appears to have conducted all its investigation from their office and over the telephone. Respondents, complainants and occasionally district governors were called and asked if they agreed with the allegations. Due to the inherent nature of this “methodology,” it is not surprising that all 24 of the decisions were dismissals, despite the seriousness of the allegations as well as the history of rampant fraud in most of the districts in 2009 as well as 2005.

In Badakhshan, some investigations did not even include contacting the respondent, for fear of reprisal. Complaint number 3044 alleges that a delegation of a prominent candidate intimidated (and beat) voters. The decision states that the PECC summoned the PS staff and the DFC and determined that these were just rumors, launched by “unknown people”. The fact that they do not contact the respondents as they are “powerful people” and therefore they “are unable to summon them” indicates that they felt it was best not to investigate this allegation.

### ***Appropriateness of Decisions***

A few of the decisions, including most of those from Paktia and Kabul, show consistent and proportional sanctions to violation. Some decisions, however, suggest a lack of understanding on the part of the PECC of the violation in question or its appropriate remedy. Two of the three posted (as of November 30) Paktika decisions order recounts instead of invalidations despite PECC investigations which found numerous fraudulent ballots within the boxes.<sup>50</sup>

The Paktia PECC ordered center 0801005 invalidated upon finding that the center staff had hidden the registration books. NDI was not told that there was evidence of fraudulent ballots in the boxes themselves, or that the contents were even viewed. The Parwan PECC invalidated results in a center on the (written) grounds that allegations that the center had been moved were found to be true, albeit for security concerns. The IEC had moved the center 25 meters away when they found a bomb in the location.<sup>51</sup> In Badakhshan, the PECC decides that multiple voting is impossible to prove and provided commentary on how multiple voting is endemic in Afghanistan and that it has no “obvious effect” on the election results. Furthermore, they deemed the complainant’s charges a nuisance as it was only one card and therefore “observers were making problems”.<sup>52</sup>

Many PECCs chose to invalidate only certain candidate’s results in over 50 PSs. While the argument that it is better to penalize only the perpetrator rather than all candidates may seem logical, separating clean from fraudulent votes presents many complications. Often the invalidation of a candidate’s ballots was in response to allegations of intimidation within a polling station, and this alone raises many questions. Although intimidation has shown to be a serious and widespread issue in elections in Afghanistan, it is impossible to measure the numerical impact it has on results. A number of appeals demonstrate how the practice inevitably becomes murky and indicate that invalidation and revalidation were often based on little evidence.

In one example, the ballots of a well-known strongman in Takhar were revalidated in two polling

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<sup>50</sup> A-10-07-3040

<sup>51</sup> A-10-03-3042, A-10-03-3002. The decision was appealed and the ECC upheld the appeal.

<sup>52</sup> A-10-14- 3079

centers due to appeals.<sup>53</sup> Witnesses, including FEFA observers, testified that there was intimidation at the polling centers by the candidate's gunmen or other influential individuals. The DFCs claimed that these accusations were "rumors" and were false. One of the appeals detailed some confusion between DFCs over 'who said what', pointing the investigation team to other DFCs who might have originally claimed that intimidation took place. The confusion suggests that the DFCs were actually retracting their statements, not unsurprising given the amount of power the candidate in question wields in the province. The ECC upheld the appeals based on the DFC's statements, despite other witness statements to the contrary and the number of issues involving the candidate at other polling stations. The ECC decision appears to have been based on preference of one witness source over another, not on measurable impact of the intimidation on the results.

Where actual ballots were deemed to be fraudulent, the problem lies with the lack of criteria (which the ECC admitted they did not use or provide for the PECCs). It is much more difficult to ascertain whether a ballot shows clear and convincing evidence of fraud than it is to conclude that the contents of a box were intentionally tampered with. In other words, each PECC determined on a case by case basis how much fraud was enough fraud to throw out a candidate's ballots or throw out all of the ballots within the PS.<sup>54</sup>

Again, it is the appeals which shed light on these invalidations. In Herat, votes for a candidate were invalidated by the PECC on the grounds that the women's station had more votes than the men's, which to the PECC demonstrated fraud. The candidate with the highest ballots was presumed to be the perpetrator and therefore his (only) 187 ballots were invalidated. A complaint was never actually filed.<sup>55</sup> Similarly the Nimroz PECC invalidated a candidate's ballots in a number of centers also on the grounds that more women voted than men. The high number of visitors she had to her house on election day<sup>56</sup> and underage voters<sup>57</sup> was further proof to them that fraud had taken place on her behalf.

In Nuristan, the PECC had invalidated all the ballots of one candidate in a number of centers, citing DVD footage that they claimed demonstrated stuffing on her behalf. The ECC found that the footage was neither about the district in question nor did it show fraud.<sup>58</sup> A review of the ballots by the PECC would have ensured that their decision was based on evidence, not on witness statements or unspecific video footage.

In the end, the problem is less about the argument over the nature of a procedure itself and more about the fact that there was no procedure. Inconsistency of approach is guaranteed through the absence of any established criteria. PECCs who chose to only invalidate entire PS results could easily be accused by candidates that had they followed the approach of other PECCs, the winning list would have been different.

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<sup>53</sup> A-10-15-3009, A-10-15-3023, A-10-15-3068

<sup>54</sup> IEC only invalidates whole PS as per Article 57, the EL states that the ECC may "invalidate ballots" as per Article 64 (1)5

<sup>55</sup> A-10-24-3084

<sup>56</sup> A-10-26-3002

<sup>57</sup> A-10-26-3003

<sup>58</sup> A-10-13- 3099 plus numerous others.

## ***Publicity of Decisions***

ECC Regulations stipulate that ECC decisions are to be posted on the website. A deadline for this is not provided. As per ECC Polling and Counting Complaints Procedures, the PECCs are required to post polling and counting decisions in a prominent place outside their offices for no less than five days.

Almost all PECCs that NDI observers met with regularly did not post decisions. Many PECCs, such as those in Khost and Kandahar, indicated security concerns as the main reason they did not post decisions. The Khost PECC added that it would make their job “more difficult as too many candidates and observers would come to inquire and challenge their decisions.” The Balkh PECC also stated that they did not have “permission” from ECC to post decisions and that “any result paper is a secret paper”. Furthermore, the Commissioner asserted that “no northern PECC would do so” unless this permission was granted.

On November 21, the ECC announced that it had completed the adjudication of all complaints that had the potential to alter the numerical results of the election and that the relevant decisions had been given to the IEC for implementation. This authorized the IEC to certify the much-delayed final results, despite an uproar among some voters, candidates and government officials who were unhappy with the way in which electoral complaints were handled. The announcement by the ECC demonstrates key areas where improved transparency would have aided the process and helped build confidence among electoral participants.

**Exclusion of candidates.** On November 21, the ECC announced the exclusion of 21 additional candidates, bringing the total number of excluded candidates, pre- and post-election, to 118. It remains unclear if the exclusion of the 21 candidates arose from complaints during the polling and counting period or from IEC lists given to the ECC totaling 413 candidates accused of fraud. The ECC decisions to exclude these 21 candidates were not posted publicly, and the ECC did not provide open and detailed information on the specific grounds for exclusion of each candidate. Disclosing the specific grounds for exclusion would have helped reassure the electorate that the decisions were impartial.

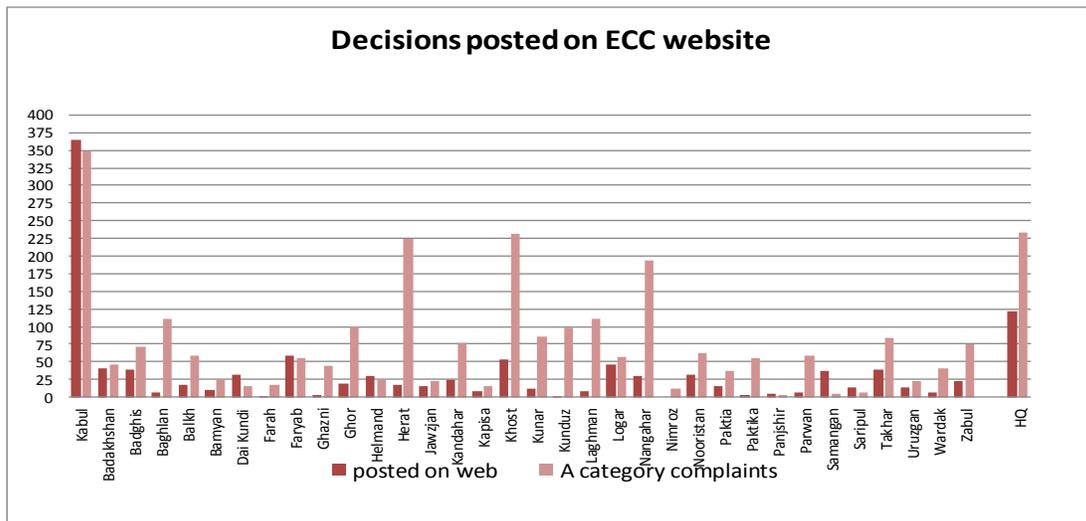
**Invalidated polling stations.** The ECC adjusted the total number of invalidated polling stations from 650 to 344. The adjusted number reflected the removal of stations that were previously invalidated, or never included in the results, by the IEC. The number also reflected 99 stations that had been invalidated by PECCs, but re-validated by the national ECC through appeals. No comprehensive list of the 344 polling stations was made public, making it difficult to track whether ECC decisions were implemented. The lack of information and transparency fueled the perception that political interference may have affected the invalidation process.

As per ECC polling and counting complaints procedures, the PECCs are required to post decisions in a prominent place outside their offices for no less than five days. Furthermore, PECCs claim to have been instructed not to provide the media with decisions, as all information must be provided directly by the national ECC. This was a consistent complaint expressed to NDI by candidates and by various PECCs. NDI also noted that less than one-third of the pre-election day decisions were posted on the ECC

website. These were organized in different formats and tables and arranged by complaint number, making it difficult to trace decisions for specific complaints.

**Public posting of decisions.** At the time of submission of the final decisions to the IEC, only 40 percent of Priority A decisions (of which there were 2,724 as reported by the ECC on November 14 and 2,648 as reported in the complaints breakdown by the ECC on December 10) were posted on the ECC website. A review of the posted versus un-posted decisions shows that six provinces had all Priority A decisions posted. Most of the provinces that have had the most contentious results - such as Kunduz, Khost, Herat, and Baghlan - showed the greatest discrepancy between posted and un-posted. Many of these provinces such as Paktika and Ghazni, showed no change in posted decisions for over a month, despite the numerous announcements of PS invalidations from these provinces through press releases since then. At the time of the announcement, there were no posted decisions for Nimroz province. There was only one posted decision detailing the exclusion of a winning candidate, despite the considerable impact such decisions have on the winning list as well as the electorate.

The chart on the next page shows the status of posted versus adjudicated on November 21. By providing full written decisions – posted publically, immediately and with comprehensive information detailing the grounds for the decision – the ECC would have greatly improved one significant aspect of transparency. This in turn would have provided the means for effective appeal (ensuring candidates and the electorate are adequately informed), whereby limiting the realm of dispute.



### Post-Election Exclusions by the ECC

As mentioned, on November 21, the ECC announced the exclusion of 21 candidates. It remains unclear if the exclusion of the 21 arose from complaints during the polling and counting period or from lists given to the ECC by the IEC totaling 413 candidates accused of fraud. This brought the total exclusions of candidates by the ECC to 118, 27 of whom were excluded after polling day.

One disqualified candidate, Nasir Ahmad Faizi Ghoryani - a former *mujahid* who fought during the Soviet occupation, had accumulated close to 18,000 votes in Herat province, well above the

second winner on the list. He was disqualified on October 24 for having not resigned from his position at the Ministry of Water and Energy Resources. Ghoryani was a staunch supporter of Abdullah Abdullah during the 2009 presidential elections. The disqualification of such a prominent opponent of the Karzai administration at such a late date resulted in numerous sizable demonstrations throughout Herat.

In keeping with the notion that in an election where procedure trumps politics, if candidates are disqualified prior to the elections for a specific offence, similar offenders should be subject to the same treatment after the polls have closed. The ECC however could have once again chosen to be transparent, timely and generous with information rather than guarded. This would have resulted with less grounds for accusation by the 18,000 voters whose votes were wasted. The ECC should have made public when the complaint was submitted (campaign period or polling and counting period). If the complaint was submitted during the campaign period the ECC has no excuse for having not dealt with it before votes were cast. Furthermore the ECC should have promptly provided specific information about the evidence on which they based their decision. A written decision was not posted until several weeks later. These two key elements were not provided, fueling accusations of political interference. The decision for Ghoryani's case was the only polling and counting exclusion decision on the ECC's website as of the date that the ECC concluded its adjudication of Priority A complaints. The ECC also denied the last 21 excluded candidates the right to appeal. Disclosing the specific grounds for exclusion and allowing candidates to appeal would have provided the electorate a degree of reassurance that the decisions were impartial.

### ***ECC Civic Education***

The public outreach activities of the 2010 ECC followed the pattern and structure of public awareness campaigns conducted for previous elections. A handful of 60-second radio and TV public service announcements (PSAs) were broadcast multiple times over the course of a few months. These PSAs constituted the core of the outreach campaign, both in coverage and budget. The periphery outreach "activities" tended to be print based; highly detailed factsheets were distributed by hand and through local print publications. In general, even the print PSAs in the form of posters or magazine inserts tended to be versions of the same factsheets.

This approach is in keeping with the nature and scope of previous ECC outreach and is therefore similarly general, inadequate and rushed. Only in June 2010 did UNDP ELECT issue an Invitation to Bid for public outreach on the complaints mechanism. The winning entity was to implement the following:

- create 6 radio PSAs (3 Dari and 3 Pashtu) each of 60 seconds
  - Total broadcast time should be no less than 2,270 minutes. Broadcast should be through 4 national outlets, Salam Watandar (network of over 44 local radio stations), and the regional center stations of Killid Radio.
- create 6 television PSAs (3 Dari and 3 Pashtu) each of 60 seconds
  - Total broadcast time should be no less than 1,790 minutes. Broadcast should be through 7 major outlets including Tolo TV and Ariana TV.
- create 6 print PSAs 4 half page, 2 full page

- Distribution and placement should be through 9 outlets. Total placements should equal 104.

The ECC prepared six factsheets, and initial plans showed that the ECC intended a print run of 2,750 in Dari and 2,750 in Pashto of these sheets. Similarly, close to 5,000 posters were to be created and distributed to the provinces (half in Dari and half in Pashtu). Unfortunately, NDI cannot confirm the extent to which these activities took place.

## **ELECTORAL MEDIA COMMISSION (EMC)**

Afghanistan's Electoral Media Commission (EMC), responsible for monitoring media and adjudicating complaints pertinent to media conduct during the electoral process, had a much lower profile in 2010 than in 2009. The EMC<sup>59</sup> in 2009 proved resilient to pressure from various entities and issued its penalty notices without any apparent fear. The changes in the structure of the EMC in 2010 and its commissioners altered this dynamic.

The EMC, which is composed of five commissioners, is appointed by the IEC to deal with violations of the Media Code of Conduct. The EMC was part of the IEC structure – it did not have its own budget or the authority to determine any rules and regulations. As such, its powers were limited. For example, when the IEC decided to delete one paragraph in the Media Code of Conduct allowing journalists to compete as candidates, the EMC was not consulted or permitted to object.

In 2009, the EMC received 47 complaints during the campaign period as compared to only 12 in 2010. Interviewees attributed the low number to a lack of public outreach by the commission and lower visibility. In 2009, the EMC held weekly press conferences to update journalists and the public on its activities. In 2010, the commission held only “about four” press conferences in total, according to an EMC official. Nazir Zoy, the EMC head, said the commission did not need to hold as many press conferences because it published its media monitoring reports on the IEC website and in three newspapers.

Of the 12 campaign period complaints received in 2010, all were from Kabul except for one from Khost province. Almost half were concerned with imbalanced campaign coverage by state-owned media. The complaints resulted in these penalties handed out by the EMC:

- A public reprimand to the individual or the mass media outlet involved;
- An order requiring the violator to publish a correction drafted by the EMC, requiring the EMC decision to be published by the violator;
- Ordering a retraction and/or right to reply;
- Referring the matter to the IEC, ECC, the Public Prosecution Office or the Media Commission of the Ministry of Information; and
- Fining the offending media outlet.

The EMC also investigated 92 complaints on alleged violations of the “silence period,” the two days preceding election day when media outlets are prohibited from mentioning candidates in their coverage or running campaign advertisements. The complaints were leveled against 31 media organizations. The EMC published its decisions on the IEC website, and in three state-run

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<sup>59</sup> The EMC was called the Media Complaints Commission in 2009.

newspapers in Dari, Pashtu and English. Violators were fined between \$100 USD and \$10,000 USD, payable to the Ministry of Finance. Two radio stations appealed the decisions.

One notable complaint about a violation of the silence period involved Heywad TV in Kandahar, which belongs to relatives of President Karzai. Two days before the election, Ahmed Wali Karzai, brother of the president, appeared on Heywad TV, urging the population not to vote for three “national traitors” who supported Abdullah Abdullah in his 2009 presidential bid. Images of the three candidates were displayed on screen as the speech was broadcast.

### ***Media Environment***

According to the Ministry of Information and Culture, around 700 media outlets covered the 2010 *Wolesi Jirga* elections. These included approximately 50 private television channels, 100 private radio stations, 17 news agencies and 30 newspapers. Some candidates had preferential access to media that they owned or were connected with. For example, Farda TV channel belongs to the incumbent candidate Mohammad Mohaqeq. Dawat TV belongs to incumbent Abdul Rasul Sayyaf. Aina TV is owned by Rashid Dostum, the former leader of the Junbish political party.

In order to maintain equal access for all candidates, the EMC signed a Memorandum of Understanding with Radio Television Afghanistan, the state broadcaster, to provide candidates access to airtime free of charge. In Kabul province, only 199 out of 664 candidates took advantage of this offer. Some candidates told NDI that they were reluctant to appear on television for security reasons.

Another initiative encouraged female candidates in particular to access the media. In Mazar-e-Sharif, Radio Rabia Balkhi, a women-run community station, broadcast the messages of female candidates through an agreement with Internews, a U.S. NGO promoting media freedom worldwide. According to the contract, the station was obligated to run a two-minute campaign message twice a day; however, the station manager, Mobina Khair Andish, said she instead decided to allow candidates to broadcast three-minute advertisements four times each day. The station also aired live discussions with candidates and members of civil society on election issues. The station manager said her journalists were generally free to report what they liked although they might engage in self-censorship if they were not courageous enough to report on powerful candidates.

Also in Mazar-e-Sharif, a journalist with the Institute for War and Peace Reporting (IWPR) said that journalists were unable to travel to some insecure districts and face threats in the cities if they report on powerful figures. A particularly sensitive issue was that of candidates who some consider to be warlords or former warlords. IWPR has done stories on them, but reporters asked to remove their names from the stories for fear of retribution.

## **PARTICIPATION OF WOMEN**

Afghanistan is a predominately male-dominated society; Afghan women face discrimination in almost all aspects of public life. Politics is no different, and outspoken female politicians have been subject to intimidation and threats.<sup>60</sup> Despite such challenges, there have been significant

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<sup>60</sup> As an example, Malalai Joya, a female MP from Farah spent much of her tenure in hiding after she repeatedly criticized the presence of warlords in the 2005 Parliament. She opted not to run in 2010, and has been granted Canadian citizenship as a refugee.

gains for female politicians since the fall of the Taliban. A quota system was put in place, guaranteeing women a certain number of seats. And in spite of the difficulties faced by female members of the last *Wolesi Jirga*, the number of female candidates increased from 2005 to 2010. At the close of the 2010 nomination period, a total of 406 women were registered, representing 16 percent of all candidates.<sup>61</sup>

### **Quota**

Afghanistan's Constitution sets aside 68 seats, just over a quarter of the total, for women – this gives Afghanistan a higher percentage of women in its lower house of parliament than over 100 other countries. Article 83 of the Afghan Constitution states that “on average, at least two females shall be elected members of the *Wolesi Jirga* from each province.” In carrying out this requirement in 2005, the JEMB chose to allocate the seats differently among the country's 34 provinces. In a province as large as Kabul, nine out of 33 seats were reserved for women; in 19 of the smallest provinces, one out of two seats was reserved, as in Nimroz.

Even if a woman wins enough votes to earn her seat outright - without any help from the quota system - she is still allocated a reserved seat. Thus, for women to win more than 68 seats, they would need to win more seats outright in one or more provinces than the amount allocated by the quota. Some women's advocates argue that, in the social and political context of Afghanistan, this system makes it unlikely that women will win more than 68 of the 249. In 2005, no province elected more women for the *Wolesi Jirga* than its reserved number of female seats. While guaranteeing female representation, the female quota system effectively creates a separate race for women candidates competing for the reserved seats. In 2005, 19 women received enough votes to win a seat outright, but the quota system required that they be given reserved seats.

In 2010, 18 female candidates received enough seats to win a seat outright – they too were given reserved seats. However, as two women won the two available seats for Nimroz province, a 69<sup>th</sup> female made it to the 2010 *Wolesi Jirga*.<sup>62</sup>

### **Campaign**

Despite the quota system, women face a difficult path in campaigning for office. About one third of female candidates interviewed reported facing interference, intimidation or violence - from both male and female opponents - during the campaign, based on interviews with over 80 female candidates conducted by NDI. Incidents ranged from verbal abuse, death threats, and alleged tearing of campaign posters to physical violence, including from members of their own families.

The AIHRC conducted a survey of perceptions of the election in northern region, which included a question about the challenges women face in the election. According to Mr. Qasi Sami, head of AIHRC in the northern region, “There were three issues people pointed to. One was security problems, which prohibit women from participating in the elections. Another was discrimination, and the third thing they pointed was men having power in the families, so the women have to accept what their husbands say.” Mr. Sami added that women were not able to campaign in some

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<sup>61</sup> In 2005, females accounted for 12 percent of all candidates.

<sup>62</sup> Nimroz is a predominately Baluch province and some observers anticipated this possible scenario, given how the two female candidates were regarded by the electorate in the lead up to the September polls.

districts due to security, so they would not get enough votes. Mobina Khair Andish, the manager of Radio Rabia Balkhi, the station run by women in Mazar-e-Sharif, said female candidates face more challenges than men because they are not as free to travel to districts to campaign due to “security and Afghan traditions”.

In some instances, mullahs urged people not to vote for female candidates. For example, a mullah in a Kabul mosque decried the candidacy of Farida Tarana, a popular singer, describing her as being an “inappropriate representative of Muslim people”. In other cases, religious leaders told NDI observers that they supported the role of women in politics.

For female candidates, campaigning in the south was particularly difficult given the conservative culture and challenging security environment. Many female candidates in the region were unable to campaign in public for fear of attacks. Instead, they were confined to proxy campaigning from their homes, making telephone calls to voters, dispatching male relatives to meet with supporters and enlisting the help of tribal leaders. Female candidates reported receiving threatening phone calls and having their posters regularly torn down or defaced with red paint. In Paktika, the Taliban kidnapped a female candidate on the day after she registered her candidacy and held her for six days. After this incident, the candidate declined to file any complaints with the ECC or other bodies.

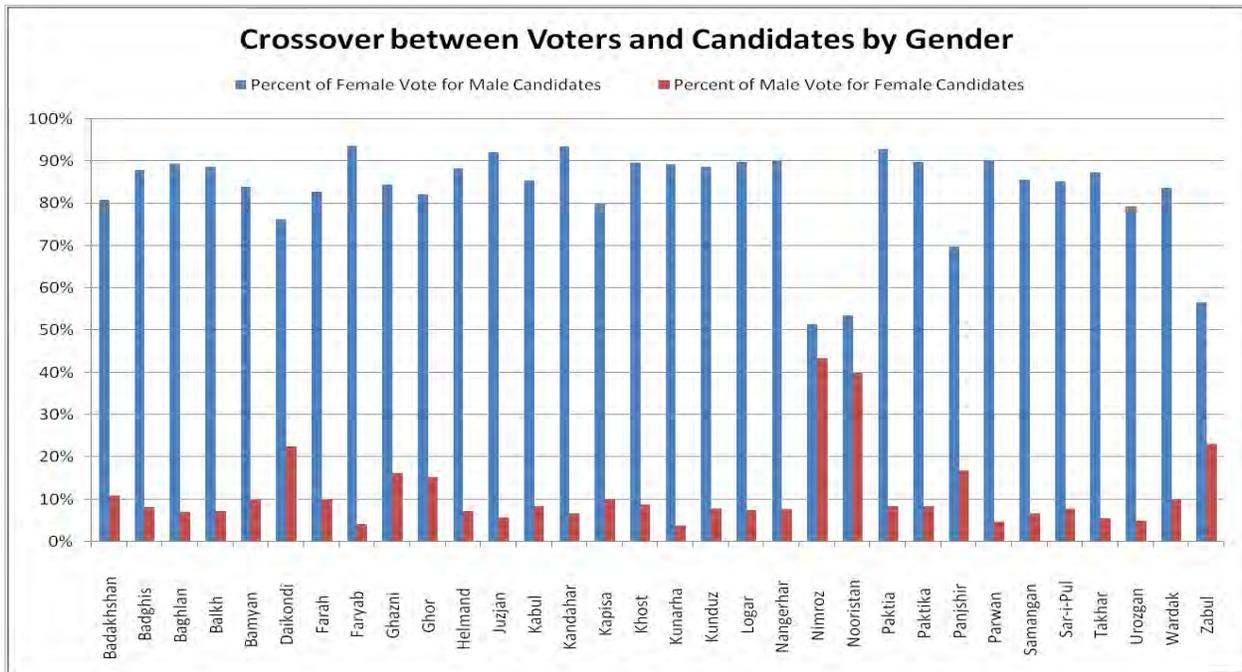
Despite the danger, a large number of women candidates ran in the south. In Zabul, seven of the 16 registered candidates were female - the highest ratio of any province. During the campaign period, a prominent female incumbent in Kandahar told NDI that threats against female candidates underscored the importance of further integrating women into the political process. She said, “More than ever now, we must be part of the political process... I want to prove that women do have a role to play within the parliament.”

Most female candidates concentrated on winning votes from both genders, according to interviews conducted by NDI. One candidate said she focused on male voters because some women are illiterate and guided by men. Cooperation with male candidates also occurred in some cases: a female Kuchi candidate reported sharing an office with a male Kuchi candidate in Paktia. It was not unusual for female candidates to be encouraged by male family members or tribal elders. Many female candidates reported receiving financial support from their family for campaign activities.

### ***Outcome***

Given Afghanistan’s reputation as a society with conservative attitudes towards women, and the challenges female candidates faced campaigning, the outcome of the vote yielded some surprising results. In Nimroz, the two leading candidates triumphed by a wide margin over their male and female rivals. According to results released by the IEC, both women received more than 1,000 votes over the third place contender (a male). One was awarded the quota seat while the other gained the second of the province’s two seats.

Nevertheless, even if there was no quota system in Afghanistan in the 2010 *Wolesi Jirga* elections, 14 women would have won a seat outright, a significant achievement in and of itself. Notable examples were Fawzia Kofi in Badakhshan, who won more votes than any other female candidate, and Dr. Parwen in Nuristan, who received the highest number of votes in her province. Such examples suggest that a significant number of men cast ballots for female candidates. In most countries, further investigation into such a hypothesis would be impossible. But Afghanistan provides a rare opportunity to examine such voting trends since polling stations are divided by gender. Of note, in the provinces of Daikundi, Ghazni, Khost, Nimroz, Panshjr and Zabul, the average female candidate received more votes than the average male candidate.



## PARTICIPATION OF PERSONS WITH DISABILITIES

Persons with disabilities are an important segment of the Afghan population. The cause of the disabilities is essentially as result of the various conflicts, unexploded ordnances in particular, that have and continue to plague Afghanistan and some due to widespread illness such as polio. Equity of access is a principle in managing elections and should be seen as a primary benchmark for ensuring the franchise for all, not just the able-bodied.

Although many regulations to protect disabled voters remained in place, attention to the needs of the disabled community continued to decrease since the 2005 *Wolesi Jirga* elections. For the 2005 parliamentary polls, a host of programs were in place to encourage the disabled to take part in the election – for example, in the southern region in 2005, over 2,000 of all election staff were disabled, including 300 females. In 2010 however, such high points never occurred; there were procedures in place to assist the disabled, but there was limited public outreach on these

regulations.<sup>63</sup> Of the 2,536 candidates running, only three were disabled, including a female first-time candidate, Semin Ahmadzai from Nangarhar. Based on an estimate by Handicap International (HI), the current figure for the disabled community in Afghanistan is approximately 2.7% with an approximate 60/40 split for men and women.

In 2005, the JEMB adopted regulations to provide disabled persons with greater access to the electoral process, said an HI employee who worked with the JEMB. These measures included setting a five-percent hiring quota for disabled persons. JEMB reports having recruited over 8,000 disabled staff members - nearly meeting this quota. The IEC, which oversaw the 2010 elections, had no special provision for ensuring representation of the disabled among its staff. In 2005, a robust public education program was implemented to assist disabled voters in the electoral process. In 2010, public education toward the disabled was not been actively pursued, according to a disabled candidate and an HI employee.

In 2010, similar to the procedures in place for the 2009 elections, disabled voters were given priority in voter queues and had the right to secure assistance while casting a ballot. To prevent abuse of this practice, a person could assist only one disabled person. However, to ensure that someone is present at all times to provide such support, polling station chairpersons were permitted to assist multiple disabled voters.

## **PARTICIPATION OF POLITICAL PARTIES**

In the 2005 *Wolesi Jirga* election, party identification was not on the ballot, allowing candidates to obscure potentially unpopular party connections. For the 2010 elections, the vast majority of candidates ran as independents with no direct or obvious connection with political parties.

### ***Recent History of Afghan Political Parties and Elections***

2005: No political party name on the ballot

2006: 86 parties registered and 26 parties had members elected to *Wolesi Jirga* or Provincial Council (PC), according to NDI analysis

Aug 2009: Over 20 percent of PC winners had party name on the ballot, despite only 12 percent of candidates running with party name

Sept 2009: New law requires political parties to register 10,000 members (up from 700 members) from at least 22 provinces

2010: The Ministry of Justice registered only five parties in time to have candidates listed on the ballot, allowing only 34 candidates (of 218 requests) to have the party name on the ballot

### ***Perceptions of Parties***

In interviews with more than 160 candidates leading up to elections, NDI observed that some candidates avoided associating with political parties because they were concerned about the negative public perception of political parties. As a female candidate in Ghazni commented to NDI, "People hate the political parties, and the parties have not done anything for the people."

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<sup>63</sup> This also occurred in 2009.

The Asia Foundation's (TAF) 2009 survey indicated that Afghans have far less confidence in political parties than in the informal community *shura* or *jirga* system, which is supported by two thirds of respondents. Just over half (54 percent) of those surveyed by TAF said that political parties should be allowed to hold meetings, while more than a third (37 percent) said they should not.

Party endorsements also carry little weight. Over 60 percent of the *Wolesi Jirga* candidates interviewed by NDI reported that the endorsement of tribal leaders was the most important to their candidacy, and political party endorsements less important than the endorsement of civil society organizations or religious leaders. These responses are indicative of a broader trend observed by NDI analysts: lacking well-organized political parties and civil society organizations, politicians continue to rely on their family name, their past efforts fighting the Soviets, their association with national heroes, their ethnic, tribal, and clan identity, their religious identity, and the endorsement of influential mullahs and tribal chiefs for their political success.

Independent candidates also frequently expressed a belief that they could get the votes of all people, while party candidates could only get the votes of party members. This concern does not appear to be supported by the data from the 2009 provincial council (PC) elections. Last year, 12 percent of PC candidates ran with the party identification, and 20 percent of the winners had party identification. Contrary to popular belief, being associated with a political party did not appear to hurt candidates and may have helped them win. Three different independent candidates in Herat acknowledged that political parties can get the votes of "many people" and party candidates benefit from financial support, although the candidates interviewed preferred to remain independent.

Should they be elected, many candidates also expressed a belief that the advantage of being independent is being able to make their own decisions without interference from the party leadership. Similar to many candidates, a candidate in Nangarhar argued, an "independent candidate is free to make decisions," while parties are "fanatic."

### ***Party Registration***

Most of Afghanistan's political parties were unable to register in time to get their names on the September 2010 election ballot as a result of requirements in a new political party law passed in September 2009. Before the new law was passed, over 100 parties were registered with the Ministry of Justice (MoJ). But in 2010, only five political parties were able to register in time to be listed with their candidates.

After the period for candidate registration closed, the MoJ announced the registration of 16 additional parties - representing at least 40 candidates that had sought party affiliation on the ballot. Major parties such as Junbish Milli, Jamiat Islami, Hezb-e-Islami, Wahdat Islami Mardom, and Harakat Islami, which fielded more than 100 candidates, were not registered.

Old requirements called for the filing of signatures from 700 members. Under the new law, parties must file signatures from 10,000 members to be registered. In addition, the parties must have an advisory board whose members must come from at least 22 of Afghanistan's 34 provinces. Before the registration is completed, the MoJ must receive approval from Afghanistan's security agencies.

During the campaign period, NDI interviewed six major party leaders - from both registered and unregistered parties - about the effect of the new law. There was broad agreement that the re-registration process was non-transparent and open to manipulation. They pointed out that the MoJ did not announce the first party registration until February 2010, seven months after the new law was passed. Four months later - just days before the close of candidate registration for the Wolesi Jirga ballot - four additional parties were registered, including one led by the second vice president. The party leaders also noted that for several months after the law was passed, parties had to spend time identifying members and satisfying the registration requirements, rather than focusing on fielding candidates for Wolesi Jirga seats.

In effect, the new political party law further marginalized political parties in the 2010 election in several ways. First, the political parties had to spend valuable time gathering the necessary paper work on 10,000 members to file for registration. This may have been a party building exercise and helped with the campaign. More likely it was a large distraction in an election year when their time and efforts would be better spent helping candidates and communicating with voters. Second, the fact that so few political parties were registered in time to have the party label on the ballot and that only 34 candidates were identified throughout the country by party on the ballot meant that once again being associated with political party was not clear in most cases. The major political parties claimed to have approximately 300 candidates running, but there was no official way of knowing. The IEC states that a total of 218 candidates had party affiliation when they registered. The outcome for 2010 revealed that approximately 36 percent of winners are either 'party members' or affiliates demonstrating the validity of the party system in Afghan politics albeit it still embryonic<sup>64</sup>.

Parties that were not registered in time did not have their party identification on the ballot and did not have polling agents registered from the party. Their candidates ran as "independents" and registered their own polling agents. Most party leaders interviewed by NDI said that they would support any good candidate, even if they are not directly associated with their party, indicating the impact of weak party identification.

### ***The Voting System***

Afghanistan uses the SNTV system, which puts an emphasis on the individual candidate to win their seat, often based on their personal popularity and good name recognition. Without party identification on the ballot in the first election cycles, there was no real advantage identifying with a political party. Opponents of the SNTV rightly point out that it leads to large amounts of "wasted" votes, as some candidates receive many more votes than necessary to win their seats and many other candidates who do not come close to winning a seat receive votes that do not go toward electing a representative. Supporters of SNTV also point out that it makes each individual vote extremely important due to the low threshold for a candidate being elected.

With the large number of candidates on the ballot, particularly in populated centers such as Kabul and Nangarhar, the SNTV system does not require many votes for a candidate to win a seat. In 2005, the largest tally in Kabul went to Mohammed Mohaqeq, the head of Wahdat Islami

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<sup>64</sup> The challenge is that some leaders of parties still prefer to identify themselves as independents. In addition some party members also identify themselves as independents, demonstrating that party allegiance is fluid.

Mardom, with more than 50,000 votes. However the average number of votes needed to win a seat in Kabul was approximately 5,000. If the candidates and political parties were strategic, they would choose a portion of the province to run in, focusing their resources of time, money and people in that area and, in essence, create their own district within the province. If political parties have enough supporters, they may be able to win more seats by having candidates run in different areas within a province. This requires a level of coordination and planning that very few of the parties have been able to demonstrate. Instead, the leader takes many more votes than needed to win, taking votes that could have gone to other candidates in the party. In a transferrable system, these additional votes would ensure party block success.

### ***Parties' Role in Campaigning***

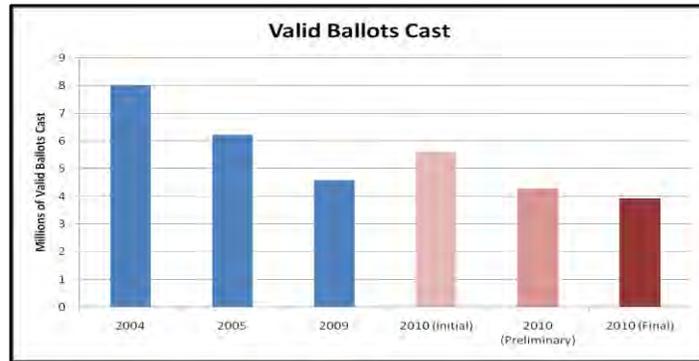
Political party leaders interviewed by NDI were vague about the support they were giving their candidates. Some said that there were paying for posters to be printed and publicizing their candidates on their television stations. The parties had difficulty selecting which candidates to support, because if they limited their endorsement to a few candidates, those not endorsed will run anyway and may get elected. Because of the weak position of many parties, they did not want to be in the position of alienating any candidates or potential members of the National Assembly.

Despite the limited role of political parties during the campaign period, analysis of preliminary results suggested that candidates benefited from association with parties. Based on the preliminary election results released by the IEC on October 20, NDI noted that 75 potential members of the new *Wolesi Jirga* were affiliated with a political party. These members represented 17 parties, with the largest parties being *Hezb-e-Jamiat Islami* and *Hezb-e-Junbish Milli Islami*.

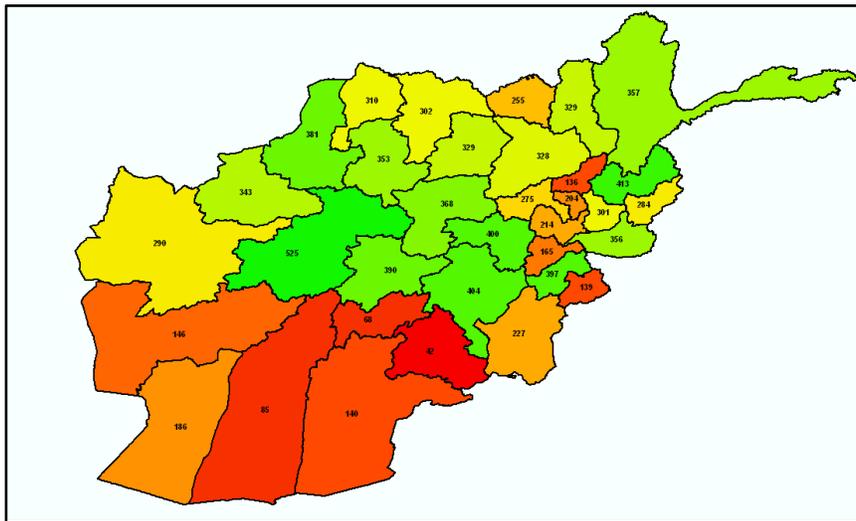
## DATA ANALYSIS OF PRELIMINARY AND FINAL RESULTS

### Combined 1.5m ballots cancelled

- Initial reports from polling stations to the IEC of 5.6m ballots cast went against historic trend in turnout for Afghan elections
- Final turnout figure of ~4m ballots reflects invalidation of ~1.5m ballots – more than were invalidated in the 2009 presidential election

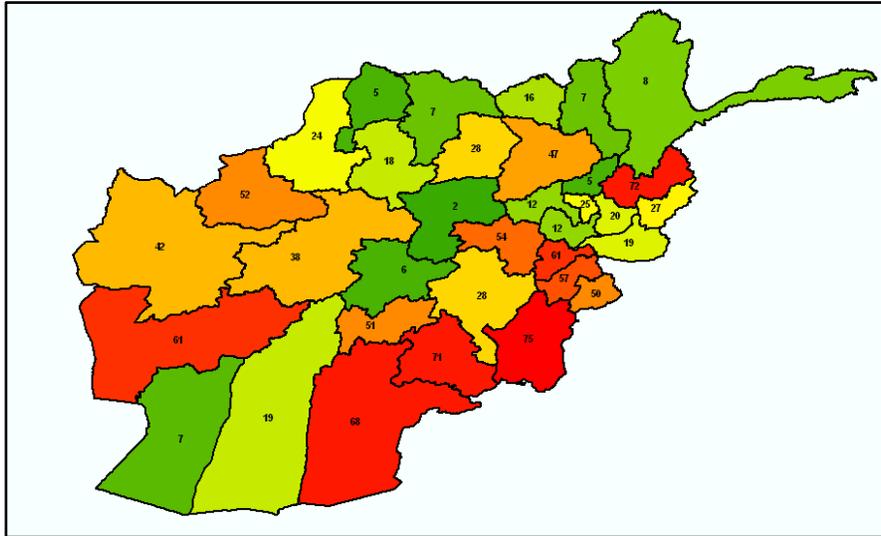


### Valid votes per Polling Station in 2010



Source: IEC Final Election Results, Dec 2010

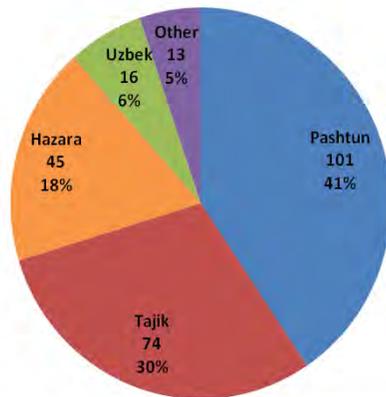
### % of initial vote disqualified



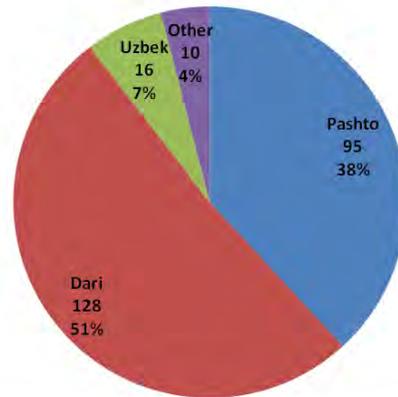
Source: IEC Initial Report, Oct 2010; IEC Final, Dec 2010

### Composition of the 2010 Wolesi Jirga (based on IEC Final Results)

#### WJ 2010 Composition by Ethnicity



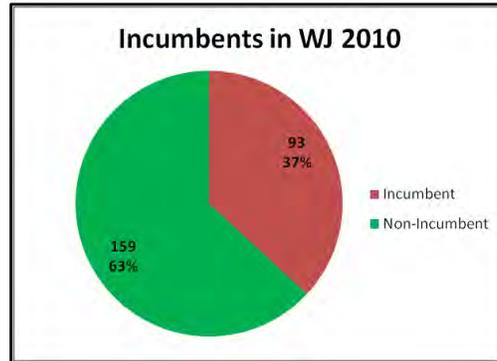
#### WJ 2010 Composition by Primary Language



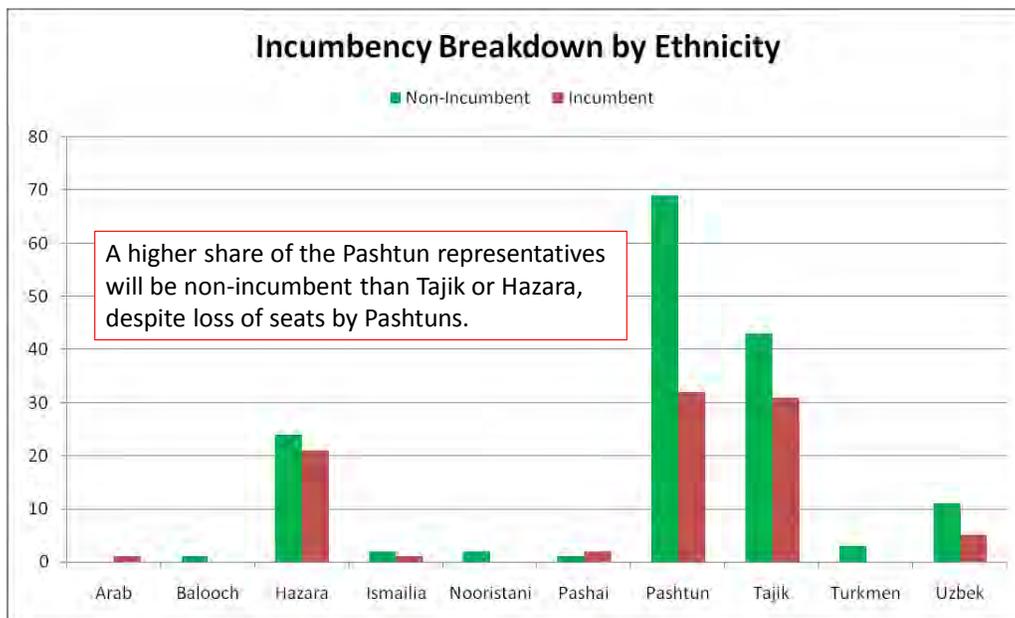
Source: NDI Assessment based on IEC's December 2010 Final Election Results

## Incumbency Breakdown

- Of the 194 incumbents who ran for re-election, 47% or 93 candidates were re-elected
- The overall composition of the WJ will be about 1/3 incumbents
- Most provinces are mixed results: only 1 province will have all incumbents and only 4 provinces will have all new members



Source: NDI assessment; IEC Final Results, Dec 2010

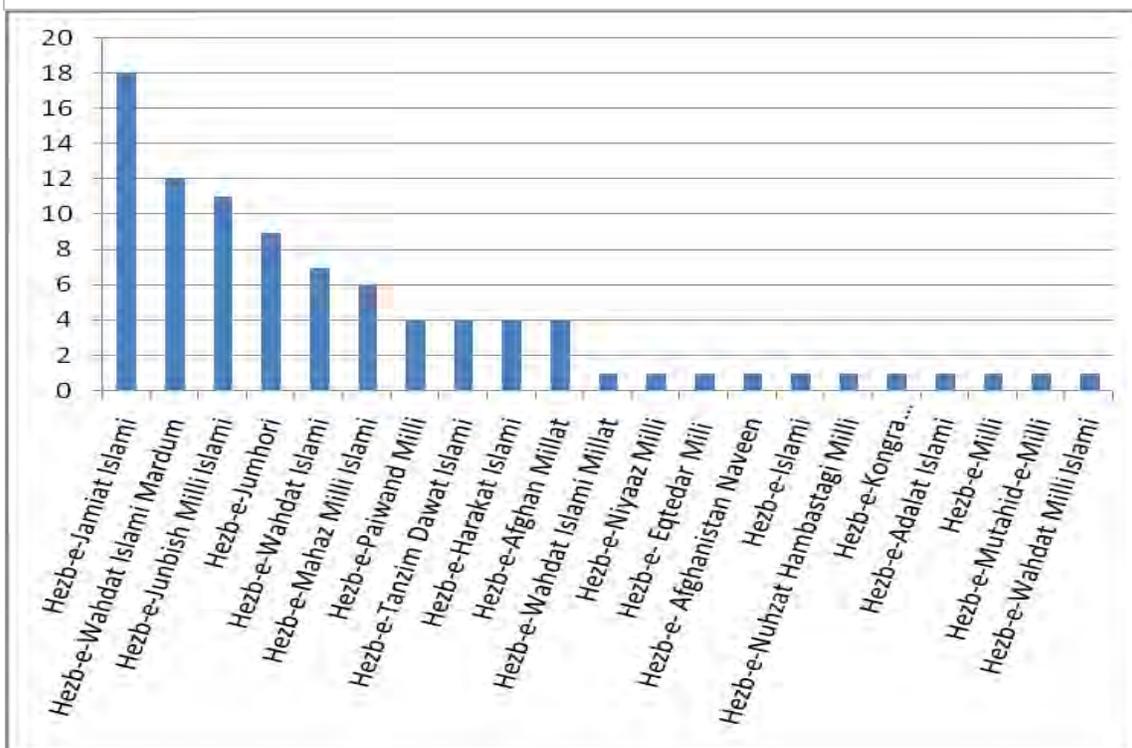


Source: NDI assessment; IEC Final Results, Dec 2010

### Successful Female Candidates Without Using Quota

Name	Province	Ballots	Provincial Rank
Farkhonda Zahra Nadiri	Kabul	6,612	7
Wakil Fatama Nazari	Kabul	6,834	5
Shainkai Zahin KaroKhalil	Kabul	2,999	23
Eng Nafisa Azimi	Ghazni	6,228	9
Homa Soltani	Ghazni	6,238	8
Aryan	Nangerhar	4,920	11
Dr. Parween	Nooristan	4,384	1
Fowzaia Kofi	Badakhshan	15,710	1
Shukurya Esakhal	Baghlan	5,247	3
Homaira Ayoubi	Farah	3,763	1
Farida,Hamidi	Nimroz	3,480	1
Frishta Amini	Nimroz	3,369	2
Zahra Tokhi Zabuli	Zabul	756	3
Rahillah Saleem	Panjshir	4,545	2
Hamida Ahmadzai	Kuchi	4,078	8
Nasima Niazaei	Helmand	1,324	8
Sahira Sharif	Khost	2,110	5
Ruqia Naiel	Ghor	8,747	6

### Political Parties Represented in the 2010 Wolesi Jirga (based on IEC Final Results)



# **APPENDICES**

**APPENDIX 1**  
***PRELIMINARY STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE ELECTION  
OBSERVATION MISSION TO AFGHANISTAN'S 2010 LEGISLATIVE (WOLESI JIRGA) ELECTIONS***

***Kabul, September 20, 2010***

This preliminary statement is offered by the National Democratic Institute's (NDI) election observation mission, which began on August 1, 2010, and consists of 164 Afghan and international observers representing 13 countries. The security situation prevented observers from reaching portions of the country. Nevertheless, NDI operated in 30 of the country's 34 provinces and visited over 700 polling stations on election day. NDI has been present in Afghanistan since 2002 and has worked in support of democratic elections since the fall of the Taliban. This mission was funded by a grant from the United States Agency for International Development (USAID).

Prior to election day, NDI's observers across Afghanistan conducted interviews and consultations with candidates, government officials, the Independent Election Commission (IEC), the Electoral Complaints Commission (ECC), the Media Commission, political party officials, women's groups, human rights organizations, Afghan and international journalists, as well as members of the diplomatic community. In the lead up to polling day, NDI issued periodic updates covering the unfolding pre-election period. In addition, the mission benefited from its relationships with domestic election monitoring organizations, which deployed thousands of observers on election day.

This mission's purposes are to demonstrate the international community's continuing support for advancing the democratic process in Afghanistan and to provide an impartial assessment of the September 18 polls. NDI conducted its activities in accordance with the laws of Afghanistan and the Declaration of Principles for International Election Observation, of which NDI is a founding endorser.

While election preparations were improved over last year's presidential and provincial council polls, it is too early to fully evaluate the quality of Afghanistan's current elections process. The tabulation of votes has yet to begin, official results have not yet been announced, and election complaints must still be processed and resolved by election authorities. Election-related problems may be revealed during the coming weeks, including serious abuses that may have occurred in insecure and inaccessible areas of the country. NDI observers witnessed a number of serious incidents of election-related violence, including attacks on polling stations and voters, but it is too soon to know what the impact of these events will be on the broader electoral process.

These elections pose especially difficult challenges for characterizing the process and detecting fraud. Because the margins between the contesting candidates will likely be slim, a small number of votes could affect the outcome of the elections for some candidates. Therefore, it will be critical for observers to closely follow the tabulation and complaints process throughout the post-election period. Only after the electoral institutions have completed these activities can a comprehensive evaluation of the electoral process be accomplished. Consequently, NDI is not offering a final assessment at this time and will continue to scrutinize the electoral process in the days and weeks ahead. The Institute may release further statements in the post-election period and will issue a final report after the electoral process is completed. NDI recognizes that it is the Afghan people who will ultimately judge the credibility of these elections.

## I. OVERVIEW

Violence suppressed voter turnout in several areas of the country. However, this does not present a complete picture of the electoral process. Afghanistan's 2010 elections also demonstrated that millions of Afghans – as candidates and their agents, voters, domestic election monitors and polling officials – are committed to ensuring that the nation's government reflects the will of the people. Despite a worsening security situation in many parts of the country, and undeterred by the widespread fraud that characterized the 2009 elections, these individuals engaged in the electoral process and showed courage and resolve in moving the nation toward a more democratic future.

Despite a higher number of security incidents, including at least 30 reported deaths, Afghans in many parts of the country turned out to vote, with higher participation in the urban centers of the north, central and east regions, to lower participation in the south and southeast. Security problems led to polling center closures and delays in voting. Polling procedures were conducted relatively smoothly in places that could be observed, although a few stations observed experienced serious procedural problems. Although pre-election concerns of fake voter cards materialized on election day, in many instances, polling officials and security forces reacted quickly to prevent illegal voting and arrest perpetrators. However, it is difficult to judge how many successful uses of fake voter cards could have occurred undetected. Concerns with the quality and consistency of the application of ink on voters' fingers were reported on election day, although its impact on the process is unknown at this point.

Reports of ballot shortages emerged from around the country — though it is unclear at this stage which cases resulted from poorly allocated polling stations and which were indicative of ballot box stuffing. In some cases, the IEC was able to deploy reserve contingency stations to meet voter demand. While security and logistical challenges severely limited observation outside of many provincial centers, access for candidate and party agents and observers at the polling stations was fair, though overcrowding of agents was reported in some areas of Kabul Province. Despite recruitment efforts in the lead up to the elections, the Ministry of Interior was not able to field female searchers, and the IEC did not fulfill female polling staff needs for all centers observed.

As in the 2009 presidential and provincial council polls, the security situation impeded the ability of international and domestic observers, as well as candidate agents, to monitor the election in many parts of the country – and these areas are the most vulnerable to electoral fraud. It is essential that election officials as well as domestic and international observers closely follow the vote tabulation and the complaints process to identify voting anomalies and other irregularities. This should include but is not limited to: improbably high turnout rates in insecure areas of the country; high turnout at women's polling stations; suspiciously high numbers of votes cast at a single polling station; and the statistically anomalous distribution of votes among polling stations within a polling center. While these are indirect measures of possible wrongdoing, they should trigger additional scrutiny of particular polling sites.

There is continuing pervasive mistrust of the electoral institutions among a broad range of electoral participants, including candidates, political party leaders and activists, journalists and many Afghan citizens. This stems in large part from the widespread fraud uncovered last year as well as the perception that the work of the country's electoral institutions, such as the IEC and the ECC, are vulnerable to interference by national and local political figures. This did not prevent Afghans from participating in the current elections in great numbers. However, in the longer term, action is needed to secure the independence of these institutions to prevent the erosion of support for the country's developing democratic process.

The electoral process remains vulnerable to fraud due in part to the existence of a massive number of false and fraudulently obtained voter identification cards. This problem has plagued the nation since the first post-Taliban elections in 2004. Reform of the voter registration process, or the adoption of a civil registry, remains an urgent necessity.

***Election Violence.*** Violence and the threat of violence shaped every aspect of the elections process. It impeded the ability of candidates to campaign in some areas of the country and affected the campaign techniques that they employed. It hindered the recruitment of polling officials, influenced the placement of polling centers, prevented balloting from taking place in more than a thousand polling centers across the country, and prevented domestic and international observers as well as candidate agents from reaching many polling sites.

***Women's Participation.*** There are continuing barriers to the rights of women to participate fully in the political process. Although women are participating in record numbers as candidates, polling agents, domestic monitors, and polling officials, they are often the targets of intimidation and violence. The inability of the IEC to recruit women as polling staff in some areas of the country threatens to impede women's access to the ballot, especially in the least secure areas. Women are also more vulnerable to electoral abuses.

***Election Administration.*** The IEC's preparations for the *Wolesi Jirga* elections showed substantial improvement over past elections. The IEC, for instance, enacted several fraud mitigation measures, such as: blacklisting approximately 6,000 former polling officials suspected of engaging in fraud in the 2009 elections; rotating provincial and some district polling officials to distance them from local power and patronage networks; eliminating the ability to transfer ballots from one polling station to another; and placing unique serial numbers on ballot packs.

Some remaining administrative issues, nevertheless, need to be addressed. The elimination of polling centers, for instance was justified due to security concerns and the need to guard against electoral misconduct. However, the closing of these centers may have made it difficult or impossible for some prospective voters to get to polling locations and better planning is needed to help ensure that large numbers of Afghans are not disenfranchised. More generally, there needs to be greater transparency in the selection of locations for polling sites. It is unclear, for instance, what criteria were used to select the placement and number of polling stations throughout the country, and some communities may believe that political considerations affected the placement of some polling centers.

***Electoral Complaints.*** The ECC experienced key challenges in the pre-election period. President Karzai revised the electoral law in February 2010 by presidential decree, which gave him the power to appoint all five national commissioners and 113 provincial commissioners of the ECC. In addition, primary authority for the resolution of electoral complaints was placed at the provincial level. The decentralization of the ECC posed a substantial challenge in recruiting and training provincial level staff and developing new procedures late in the election cycle. It remains to be seen whether relatively under-resourced and inexperienced personnel will be able to resolve the volume of anticipated complaints lodged on and after election day in a timely and impartial manner.

***Candidate Vetting.*** Although several candidates, including some of the most prominent ones, are widely suspected of having ties to militias, very few were disqualified for links to illegally armed groups. The 2010 election law places authority for vetting in the hands of an IEC-led commission that includes representatives from the Afghan national security forces (ANSF). The commission's procedures were unclear, however, and its results were questionable. This approach to vetting diminishes public confidence in the electoral process.

Unfortunately, several of the problems that continue to plague Afghanistan's elections – such as a defective voter registration process, barriers to women's participation, and the need to secure the independence of both the IEC and ECC – have been documented by domestic and international observers since the first elections in 2004 and 2005, but still have not been resolved. Comprehensive electoral reform that engages all of the key participants in the electoral process is critical to strengthening public confidence in the nation's electoral process.

## II. RECOMMENDATIONS

NDI and other observation groups made several recommendations in August 2009 that were adopted in the months following that election. For instance, the IEC received funding earlier in the election cycle. Election security planning commenced well in advance of the polls and the IEC undertook a security assessment of all polling center locations in a timely manner. In addition, all candidates were offered the opportunity to participate in a program to help them better understand the election law and the rules and regulations surrounding the campaign (1,709 candidates from across the country participated in this candidate orientation program). However, the high-level review of the electoral process recommended by NDI did not take place. This is unfortunate because electoral reform continues to be a pressing concern. Other important recommendations made by NDI's 2009 delegation also remain in need of urgent action. These include: ensuring the independence of the IEC and ECC; reforming the voter registration process; reviewing the appropriateness of the single non-transferrable voting (SNTV) system; and making greater efforts to recruit women polling and Election Day security personnel.

The following recommendations are offered in the spirit of international cooperation:

### *Electoral Oversight*

1. ***The Wolesi Jirga should approve the appointment of IEC commissioners.***

Public confidence in the election commission is dependent on the appearance and reality that it acts in an unbiased manner. All seven members of the commission are appointed by the President with no legislative approval or oversight. While the current IEC adopted several significant reforms and acted in a more transparent manner, a statutory check on executive authority in the selection of commissioners is needed to help ensure the commission's independence, impartiality and competence in the years ahead and would be consistent with international best practices. In 2009, the *Wolesi Jirga* passed legislation calling for greater legislative oversight in the selection of commissioners, but the president did not approve the proposed law. An appointment process based on clear criteria for impartiality and competence, and a structure that ensures independent action also should be part of the legal framework.

2. ***The Wolesi Jirga should secure the independence of the ECC.***

As with the IEC, the ECC's credibility depends on its acting independently and transparently. The election law was changed by presidential decree as this election approached to permit the president to appoint all five national and 113 provincial commissioners of the ECC. The revision of the law by presidential decree was rejected by the *Wolesi Jirga*. This use of the president's power, along with a lack of transparency at the provincial level in the handling of complaints, has led to the widespread perception that the ECC is not acting independently of the executive branch. Oversight is needed in the appointment of national and provincial ECC commissioners. This might

include legislative approval or, as was done in 2009, appointment by different bodies such as the Afghan Independent Human Rights Commission (AIHRC) and the Supreme Court of ECC commissioners. The appointment process should be based on clear criteria for impartiality and competence, and a structure that ensures independent action also should be part of the legal framework.

**3. *The Wolesi Jirga should launch a comprehensive review of the electoral process.***

In February 2010, the President acted under the emergency provision of Article 79 of the constitution to revise the legal framework for this year's polls. The *Wolesi Jirga* had rejected the decree, but the *Meshrano Jirga*, the upper house of the National Assembly, overruled its objection. Several matters contained in the decree, such as the presidential appointment of all IEC and ECC members remain controversial and are in need of review. The recommendations contained in this statement can also help the *Wolesi Jirga* form a comprehensive electoral reform agenda. The *Wolesi Jirga's* review should be informed by the views of a broad range of electoral participants, including political parties and civil society organizations. International assistance to future elections should be based on an objective analysis of whether electoral reforms are consistent with international standards.

### ***Electoral Conduct***

**4. *The Afghan government should vigorously prosecute those responsible for election-related violence and electoral misconduct.***

In addition to the insurgents who attempted to disrupt the elections, there were instances in which candidate supporters perpetuated violence and intimidation. These incidents, as well as those involving misconduct – such as attempts to use fraudulently obtained or fake voter identification cards – should be investigated and prosecuted in a timely manner. The Afghan National Police (ANP) and the National Directorate for Security (NDS) have already arrested several persons who attempted or committed election-related crimes. These persons should be vigorously prosecuted to send an unambiguous message that election misconduct will not be tolerated.

**5. *The ECC should take steps to ensure that provincial complaints commissions apply uniform procedures and act in a transparent manner.***

Access to information about complaints filed has varied among the Provincial Electoral Complaints Commissions (PECCs). Procedures followed in processing complaints also were inconsistent at the provincial level. Establishing uniform procedures for access to information from the PECCs and permitting citizens to follow the processing of complaints from filing to final disposition on the ECCs website would help enhance the public's confidence in the complaints process.

**6. *Female access to polling stations should be improved.***

As in the 2009 elections, there was a shortage of female poll workers and search agents. The shortfall is especially acute in the traditional or least secure areas of the country. The difficulty in recruiting female searchers for the polls is at least partly due to confusion among government agencies over which had the principal responsibility for recruitment. Greater clarity is needed in assigning this responsibility. In addition, more outreach to

civil society organizations could help alleviate the deficit in female poll workers and searchers. Further public education on the rights and opportunities for women to participate in Afghanistan's democratic process is also needed.

**7. *Greater security for women candidates is needed.***

The Ministry of Interior has the responsibility of providing security for candidates, yet many female candidates complained that although they requested security, none was provided. Women candidates are often subject to threats of violence and greater efforts are needed to ensure their protection.

**8. *Candidate vetting must be based on established criteria and independent identification of illegally armed individuals.***

Public confidence in the electoral process in Afghanistan is undermined by the presence of suspected militia leaders on the ballot and the implicit threat they present to voters and opposing candidates. Provisions in the electoral law that bar leaders and members of illegal armed groups have been sporadically enforced, however, due to weaknesses in the judicial system. Future electoral vetting must be predicated on

clearly established criteria and independent identification of illegally armed individuals. Unequal enforcement of vetting provisions in the electoral law reduces the credibility of electoral institutions, and vetting provisions should be abandoned if they cannot be consistently and effectively enforced.

***Electoral Planning and Design***

**9. *Alternatives to the Single Non-Transferable Vote (SNTV) system should be reviewed.***

The SNTV system, which tends to produce large numbers of independent candidates, has the advantage of being easily understood by voters. It was adopted prior to Afghanistan's first legislative elections in 2005 – a time when memories of the civil war were fresh and political parties were often equated with armed groups. However, the disadvantages of the SNTV system, used to elect Wolesi Jirga and provincial council members, have become increasingly clear: candidates can obtain a seat in parliament with a very low number of votes (as was seen in 2005 in Kabul, where the candidate who got the last provincial seat won with 0.6 percent of the vote) and discourages the formal participation of political parties, which could offer voters more distinct policy choices. A national census should be conducted as soon as practicable. Despite the mandate in the Bonn Agreement for the United Nations to conduct a census of the population, no census has taken place. Accurate population figures are needed to properly allocate seats in legislative assemblies, assist in the planning of development programs and help in electoral preparations. The conducting of a census continues to be impeded by a lack of security in several areas of the country, and by fears that it could exacerbate ethnic tensions. The absence of a census creates unequal access to polling stations for different groups in Afghan society.

**10. *An accurate voter registry and/or civil registry should be prepared.***

Afghanistan has never had an accurate voter list, which is an important means of preventing electoral misconduct. As the 2010 elections approached, it was widely reported that false voter cards were being prepared in Pakistan and Afghanistan. The existence of a massive number of duplicate or false voter cards has plagued past elections and continues to undermine public confidence in the current electoral process. In many countries, voter lists are derived from a more comprehensive civil registry, which provides identity cards to all citizens, not just eligible voters. In Afghanistan both systems face similar logistical and security problems in their implementation. Nevertheless, for the next election, either substantial reform of the voter list or the adoption of a civil registry is required to mitigate electoral fraud and aid in the preparation of the elections. Transparency, inclusiveness and oversight by political contestants and impartial citizen organizations will be required in either case, and safeguards against illicit issuances of identification cards, as well as security measures, will be required.

**11. *The ECC should be made into a permanent body.***

The development of the ECC's capacity has been hindered by its not being a permanent entity. Rather, it is established anew as each election cycle commences and its mandate expires two months following the certification of election results. This short life span does not allow sufficient time to recruit and train staff, prepare materials, develop written administrative procedures for the complaints process, and carry out effective public outreach on the work of the commission.

### **III. ELECTORAL CONTEXT**

#### ***Legal Framework for Elections***

The legal framework that governs Afghanistan's 2010 elections includes the country's 2004 constitution, the electoral law revised by presidential decree in February 2010, the 2009 political parties law, and the ECC's 2010 rules and procedures.

Chapter 1 of Afghanistan's constitution pledges respect for international agreements and treaties, including the Universal Declaration of Human Rights. Article 21 of the Universal Declaration states that "the will of the people shall be the basis of authority of government; this shall be expressed in periodic and genuine elections..." Afghanistan has ratified or signed the major international instruments containing election standards. Chapter 2 of the constitution provides for the protection of fundamental rights and duties essential for the conduct of elections that comply with international standards. These include the rights "to elect and be elected" as well as the rights of free expression, assembly, travel and to form political parties. Article 156 of the constitution establishes an Independent Elections Commission.

Chapter 5 of the constitution provides for the establishment of the National Assembly as the country's highest legislative body. Article 82 specifies that the Assembly will consist of two houses: the House of the People (*Wolesi Jirga*) and the House of Elders (*Meshrano Jirga*). Article 83 stipulates that: the *Wolesi Jirga* shall be elected by the people through direct elections; the term of the *Wolesi Jirga* expires on June 22 of its fifth year in office; and elections for succeeding members would be conducted 30 to 60 days prior to this date.

At the beginning of this year, the IEC maintained that it would adhere to the electoral timeline contained in the Afghan constitution and hold *Wolesi Jirga* elections in May. However, the IEC announced in late January that the elections would be postponed to September due to security issues, logistical challenges and insufficient funding.

Concerns regarding the ability of Afghan institutions to conduct a credible election were heightened following a contentious presidential decree, issued on February 17, 2010 which put into place a new electoral law. Among key changes, the decree grants the president the authority to appoint all five commissioners to the ECC – the body that played a critical role in uncovering widespread electoral fraud in 2009. The *Wolesi Jirga* rejected the decree in a nearly unanimous vote, but the *Meshrano Jirga* overruled the lower chamber, finding that the constitution prohibits parliament from discussing amendments to the election law in the last year of the legislative term. President Karzai appointed two international commissioners to the 2010 ECC – Johann Kriegler, former chairman of the Independent Electoral Commission of South Africa, and Safwat Sidqi, former member of the Independent Electoral Commission for Iraq.

*Wolesi Jirga* elections are covered in Chapter 5 of the 2010 Electoral Law. Article 19 states that the *Wolesi Jirga* shall have 249 seats, 10 of which are allocated to Kuchis and the remaining assigned to the 34 provinces in proportion to their population. Article 22 describes the assignment of provincial seats, designating the seats in each province to the candidates who receive the greatest number of votes. The allocated seats for women candidates are exempt from this provision. If the elected candidate cannot occupy his or her seat, or for any reason relinquishes his seat during the tenure of office, the seat shall be assigned to the candidate of the same gender (male or female) with the next highest number of votes, provided that at least one year remains to the end of term of the *Wolesi Jirga*. If there is no candidate from the same gender, then regardless of gender, the seat is given to the candidate with the next higher number of votes.

The structure and responsibilities of the IEC are contained in Presidential Decree No. 23 and the Electoral Law. The IEC has seven members who are appointed by the president. The commission develops policy and oversees preparations for the polls. The IEC has a secretariat headed by a chief electoral officer and operates 34 provincial offices.

The electoral system used for legislative elections in Afghanistan is the SNTV system, in which each voter may vote for one candidate in a multi-member constituency. This system is an uncommon one; in addition to Afghanistan, it is used in few other countries such as Jordan, the Pitcairn Islands, and Vanuatu. While the SNTV system has the advantage of providing an opportunity for independent candidates to seek elective office, it also has a number of disadvantages: it results in a very low threshold for election (a candidate could win a seat in Kabul with less than 1 percent of the vote) and discourages the participation of political parties. The SNTV system tends to generate a large number of candidates – as an example, more than 650 ran this year for the 33 seats allocated in the *Wolesi Jirga* to Kabul province. Candidates have difficulty distinguishing themselves from one another, and the voters are often unable to find meaningful distinctions among the candidates. As a result, ethnicity or personal connections frequently determine voter choices.

The 2009 Political Party Law – revising a law enacted in 2003 – provides for the registration of political parties with the Ministry of Justice and requires parties to have a minimum of 10,000 members from at least 22 provinces. The previous law required a minimum of 700 members, and more than 100 parties were registered for the 2009 elections. In the lead up to this year's polls, parties needed to re-register according to the amended requirements. Only five parties, of the nearly 40 that submitted applications to the Ministry of Justice, were able to register in time to be listed with

their candidates on the September ballot. NDI's analysis indicated that more than 25 percent of incumbents seeking re-election affiliated with political parties, while less than one in 10 new candidates were formally linked to parties.

### ***Election Administration***

Afghanistan's 2004 and 2005 elections were administered by the Joint Electoral Management Body (JEMB), which was staffed by internationals and Afghans, and significantly supported by UN agencies. Since those elections, JEMB was dissolved and the IEC assumed responsibility for election administration. The 2009 polls were the first elections organized primarily under Afghan leadership. This year's polls were planned and implemented by Afghan electoral and governmental institutions.

The IEC consists of seven members appointed by the president. From these members, two of whom are currently women, the president appoints a chairman and deputy chairman. Members and their immediately family members are barred from engaging in political activities. In February 2009, the *Wolesi Jirga* passed a law requiring parliamentary approval of election commissioners, but the president vetoed the legislation.

The 2009 elections were marred by widespread fraud, and the Afghan electoral authorities developed measures to prevent similar misconduct in 2010. The IEC focused on improving balloting procedures and removing staff suspected to have been involved in last year's fraud. The commission blacklisted approximately 6,000 of its 164,000 staff who worked on the 2009 polls. All 34 provincial election officers (PEOs) were re-assigned to posts other than their home provinces to distance them from local power and patronage networks and to help ensure their independence. The IEC maintained a database for its 3,020 district field coordinators that included IDs and photos to enable easier identification should an investigation be warranted for electoral violations. Before polling day, the IEC dismissed 114 district field coordinators and had another 100 relocated to different districts after it was discovered that they had links to candidates.

Anti-counterfeit reproduction measures were used for over 12.5 million ballots printed for this year's election. Individual ballots and ballot packs had unique serial numbers. To enable the tracking of the delivery of election materials, ballot packs and tamper evident-bags were bar-coded. For the election, the IEC planned to operate a call center and an electronic database to monitor polling centers that opened, preventing the later addition of the results from stations that never opened. Indelible ink for the 2010 polls contained the highest concentration of silver nitrate safe for use on human skin.

This year's procedures specified that votes would be recorded both in numbers and words on the results forms, and tamper-evident tape would be applied on all four copies of the results sheets, making it more difficult to alter written information after the count. Forms from each polling center were to be included in one tamper-evident bag, and provincial election staff would record the content of the bags using an online application, enabling staff to observe any changes when the forms reach the IEC national tally center. Incomplete shipment of results from provincial offices or tamper-evident bags containing forms filled incorrectly would be quarantined for further investigation.

The IEC faced substantial challenges in recruiting poll workers in some areas of the country. In some provinces such as Paktika, a lack of qualified applicants due to low literacy levels led the commission to recruit staff from neighboring provinces. To fill these gaps, IEC officials focused their recruitment strategy on college students and recent graduates. On election day, this strategy was particularly apparent in Kabul where many polling stations were staffed by younger personnel.

In the pre-election period, information on the electoral process was disseminated through various means. Public messages were broadcast in Dari and Pashto through 10 national TV stations and over

30 radio stations as well as 80 local radio channels supported by ISAF. The IEC engaged 1,535 voter educators to operate in teams throughout the country and inform voters on election procedures. More than six million posters, leaflets and sample ballots were printed and distributed. The IEC and a number of ministries, including the Ministry of Haj and Religious Affairs, signed a memorandum of understanding to disseminate key election messages through mullahs during Friday prayers. A similar agreement was signed with the Ministry of Rural Rehabilitation and Development for election messages to be publicized through the local provincial councils.

The final list of polling centers nationwide was released a month before election day. This is a significant improvement from last year, when the list was released so late that some voters were unaware of polling locations 24 hours before election day. To generate the 2010 list, the ANSF, in cooperation with the International Security Assistance Force (ISAF), led an initial threat assessment to determine locations secure enough for voting. The IEC declared that it would not provide election materials to polling centers that were not protected by the Afghan National Army (ANA) and ANP. The final list, issued on August 18, was comprised of 5,897 polling centers and 18,762 polling stations.

On September 1, without consulting the IEC, the Afghan Ministry of Defense declared that additional polling centers should be opened in Badghis, Baghlan, Faryab, Ghazni and Helmand and that additional centers could be announced before election day. IEC officials expressed concern that the ANSF would not be able to secure an increased number of stations, and that adding polling centers would create unnecessary strain at a time when election officials were struggling to recruit, train and deploy enough polling staff. After a meeting on September 4 between President Karzai and IEC leadership, it was announced that the August 18 list was final, although the IEC reserved the right to remove more centers should security conditions deteriorate.

After the IEC announcement of the final list, some candidates challenged the placement of polling centers. For example, Hazara politicians argued that centers would not be opened in certain secure areas to prevent their constituencies from voting. IEC Chairman Fazel Ahmed Manawi stated that centers in secure locations which would not open this year had very few votes last year. In the south and east, candidates and local media argued that polling station closures would reduce voter turnout.

To monitor the elections, the IEC accredited: 355,814 candidate agents; 1,192 political party agents; 304 journalists; 1,250 domestic monitors; and 1,090 international observers. The increased presence of observers and agents serves to enhance the credibility of the electoral process.

### ***Electoral Complaints***

The ECC is established under Article 61 of the 2010 Electoral Law. The body is charged with investigating challenges and complaints submitted prior to the certification of election results. The presidential decree removed the right of the Afghan Supreme Court, the Afghanistan Independent Human Rights Commission and the UN Special Representative to the Secretary General to appoint two national and three international commissioners. Instead, it gave the president the power to appoint all five commissioners. Three national and two international commissioners were appointed in April 2010, and the body's regulations – revised from those used in 2009 – emphasize a structure in which Provincial Election Complaints Commission (PECCs) have primary jurisdiction on complaints. As with the five commissioners at the national level, this year's 113 provincial commissioners were appointed by President Karzai.

The ECC can issue warnings, demand corrective action, invalidate ballots or impose a fine of up to 500,000 Afs (approximately \$10,000). The ECC can also order recounts, sanction the removal of

candidates, or blacklist violators from employment with any elections commission for up to 10 years. In addition, the ECC can ban a political party or a candidate from running in the future if his or her members or supporters commit electoral violations. The ECC can also refer a case to the relevant Afghan body for further investigation or judicial action.

Under the 2010 Electoral Law, the ECC and PECCs are created 120 days before the election and dissolve two months after the certification of election results. As a temporary body, the ECC has faced difficulties retaining staff and institutional expertise. Many of the current PECC commissioners and their staff are entirely new to the electoral complaints process. In provinces such as Balkh, Farah, Logar, Nimroz, and Parwan, only one staff member from 2009 was retained. Several others are composed completely of new staff.

The PECCs face diverse challenges. In the pre-election period, most PECCs in the south and east received direct threats, and commissioners were apprehensive about retaliation from warlords once the ECC closes. Several provincial commissions across the country experienced resource shortages – the PECC in Balkh had to resort to using public photocopiers to conduct its work, raising concerns about confidentiality. Voters and candidates in Kunduz, an ethnically diverse province, were critical of their PECC being entirely composed of one ethnicity.

On June 19, the ECC released a report on the challenges received on the preliminary candidate list. Since that date, no releases have been made on the number of complaints that PECCs have adjudicated or that remain pending. In the pre-election period, some PECCs readily provided observers with the numbers on complaints received; others were reluctant to publicize any information at all.

The ECC Regulations stipulate that the commission’s decisions on complaints shall be published in Dari, Pashto and English and made available to the public through the ECC website. As of today, no decisions had been posted, and the website indicated that decisions would be uploaded in due course.

In the pre-election period, voters and candidate supporters interested in filing complaints conveyed that little guidance was provided by the PECC. Some expressed that this approach was used to intentionally discourage the filing of complaints. Others voiced their frustration in that when complaints were filed, serious cases were shelved while trivial cases were prioritized.

### ***Election Security***

As in the 2009 presidential and provincial council polls, the security planned for the September elections involved three protective rings, described as concentric circles around the voting process. The inside ring, closest to the polling stations, was guarded by the ANP. The second ring consisted of the ANA, and the outermost ring comprised of ISAF, which was to provide support and assistance to the Afghan government as needed. Sub-tiers within the ISAF posture were quick reaction forces as well as air surveillance and reconnaissance. In the pre-election period, ISAF remarked on the advance planning executed this year and the increased cooperation with Afghan security forces.

While the police are widely considered the first line of defense against the insurgency, their professionalization has been a slow and arduous process. In the lead up to the September elections, the European Union Police Mission in Afghanistan (EUPOL) was tasked to conduct a program – similar to one carried out in 2009 – to train 35,000 police personnel at the district level on election procedures, election security and police conduct on election day. This program was implemented in partnership with the Afghan Ministry of Interior and involved senior Afghan police officers as

trainers. As the election day approached, EUPOL expressed concerns that program targets could not be met due to the Ministry's lack of responsiveness and poor internal communication structure.

Similar to last year, there were problems with the recruitment of female body searchers for polling stations. After a protracted dispute between the IEC and the Ministry of Interior over which government agency should take the responsibility for female searchers in 2010, the ministry and the Independent Directorate of Local Governance (IDLG) signed a directive on August 25, 2010 instructing provincial governors, possibly in partnership with civic groups, to initiate the recruitment of 10,000 female searchers. Because of the substantial delay in making this decision and implementing a clear operational plan, only 4,750 were recruited by polling day.

In the pre-election period, insurgent groups, including the Taliban, issued warnings across the country that they intended to disrupt the electoral process. In the north, some armed opposition groups (AOGs), including *Hezb-i-Islami Gulbuddin* (HiG), regard elections as illegitimate and warned voters that they would be harmed or killed if they took part in the polls. A group identifying itself as Taliban distributed night letters in parts of the northwestern province of Faryab, warning people to vote only for certain candidates. In Baghlan and Kunduz, some candidates directly appealed to groups identifying themselves as Taliban to reduce attacks within those constituencies.

Some armed opposition groups also issued threats and used violence. In the lead up to polling day, four candidates were killed, several candidate supporters were threatened, and AOGs warned about carrying out attacks on election day. Groups linking themselves to the Taliban also voiced particular opposition to female participation. NDI noted that other such groups were also endorsing candidates in an attempt to influence the outcome of the September polls.

### ***Voter Registration***

In its election observation mission last year, NDI highlighted that without an accurate census, election officials and observers lack reliable information on population density and the ethnic and gender composition of the population. In the absence of a census, accurate checks on voter registration and voter participation figures have not been possible.

Voter registration for previous elections resulted in a high number of duplicate voter cards. Following the 2005 polls, electoral and government authorities decided to connect the voter registry to a civil registry to improve the accuracy of the voter list. However, efforts shifted in late 2008 and early 2009 to update only the voter registry with a series of registration drives around the country, resulting in 4.5 million new ID cards. Unfortunately, no effective mechanism was established to prevent those who were already registered from getting a second ID card. This increases the vulnerability of the electoral process to manipulation and fraud. In the lead up to this year's elections, concerns were fueled by reports of candidates in the south and east regions acquiring fake voter cards printed in Pakistan.

For the 2010 polls, a voter registration drive was conducted from June 12 to August 12. An additional 376,081 citizens were registered, including 52,147 women and 16,920 Kuchis. As NDI pointed out last year, in many areas of the country, the number of ID cards issued exceeded the estimated population, including those who are not even old enough to vote. There were several areas where the number of women registrants appears implausibly high – often greatly exceeding the number of registered men – given the prevailing cultural norms in those regions. Since women's ID cards do not require a photograph, women's cards may be used to cast fraudulent votes on election day. As no measures were put into place before this year's September 18 polls to address these issues, these concerns remained for the 2010 electoral process.

### ***Candidate Vetting***

An improved process for vetting political candidates has been recommended repeatedly since the 2004 elections. This year's vetting process, which experienced several challenges, was drawn out over several months. In the pre-election period, candidates complained about the lack of transparency in the process.

The 2010 Electoral Law and an IEC regulation issued in March 2010 established a candidate vetting commission mandated to verify whether a candidate is a leader or member of an illegally armed group. The commission is comprised of representatives from the IEC, the NDS, the Ministry of Interior and the Ministry of Defense. The commission is responsible for presenting to the ECC a list of candidates who are found to be members or leaders of armed groups. Although it is not responsible for investigating a nominated candidate's alleged participation in armed groups, the ECC is responsible for notifying candidates of the challenge and providing the accused with an opportunity to respond. The ECC issues the final ruling on whether to disqualify a candidate.

Earlier this year, the vetting commission presented the ECC with 83 candidates for disqualification. All 83 appealed and produced information refuting the vetting commission's decision. Instead of reviewing the appeals, the vetting commission simply passed this information to the ECC. After the ECC insisted that the appeals be further investigated, the vetting commission then exonerated 78 of the accused candidates and handed the ECC a list of 13 individuals - eight of whom were entirely new - for disqualification.

Candidates as well as domestic and international observers expressed concerns about this process. President Karzai summoned the vetting commission; and shortly thereafter, it provided the ECC with yet another list – this time with 26 individuals to be disqualified. The vetting commission stated that it would be “unreasonable” to allow for an appeals period for these newly-identified candidates; however, the ECC insisted that 48 hours be provided for appeals. On July 7, the ECC announced it had received an official list from the vetting commission with the names of 31 candidates, all of whom were disqualified after failing to submit sufficient evidence during the appeals period. Candidates struggled to decipher the process by which they were vetted and the methods for appealing verdicts against them. Several felt that they were disqualified not as a result of evidence, but due to politicized decision-making.

The ECC disqualifies candidates principally for two reasons: 1) being a member of, or in control of, an illegally armed group; and 2) failing to resign from a government position within the allocated timeframe. The commission reserves the right to disqualify candidates on other grounds. More than 80 candidates were disqualified before polling day.

### ***The Campaign***

For this year's elections, more than 2,500 candidates – including nearly 400 women – ran for the 249 seats of the *Wolesi Jirga*. Nine percent of the candidates were formally affiliated with a political party – the overwhelming majority were independents. Of the incumbents, 194 members or 78 percent sought re-election. Of the 34 provinces, only four have at least two seats left open by retiring parliamentarians, creating a challenging environment for more than 2,300 non-incumbents seeking elected office.

NDI and other observer groups reported on allegations of the abuse of state resources by candidates, campaign staff, and government employees during the campaign period in provinces such as Badakshan, Herat and Nangarhar. This involved the use of local government resources by candidates who were related to representatives of the municipal government. The Free and Fair Elections

Foundation of Afghanistan (FEFA) and AIHRC also reported that in Parwan and Paktika, provincial government officials allegedly used government facilities to campaign for specific candidates. In addition, these organizations noted that the IEC and PECCs failed to investigate complaints or sanction candidates for these electoral violations.

Similar to last year's elections, the tone and visibility of campaigning varied greatly across the country. There were openly contested elections in the more secure areas – in large cities such as Kabul, Mazar-i-Sharif and Herat, the campaign period involved the broad use of colored posters as well as candidate spots on radio and TV. Younger candidates, especially in urban areas, utilized a variety of means to reach out to the electorate, including mobile phone messaging, Facebook and Twitter. In the southern part of the country, where the Taliban was actively targeting those participating in the elections, most of the campaigning took place inside private homes. Public campaigning was limited, and candidates solicited support from tribal and religious leaders behind closed doors.

West (Badghis, Farah, Ghor, Herat, Nimroz) Candidates conducted energetic campaigns in provincial capitals but were unable to conduct activities in the outlying districts due to security concerns. In the pre-election period, a candidate and five campaign workers were assassinated outside Herat, causing local leaders to express an interest in having a stronger ISAF presence in the rural areas on election day.

Population density was a key factor in designing campaign approaches: for example, since 25 percent of the province's citizens live in Herat city, many candidates of that province focused their campaigns in the capital. A significant number of candidates were social activists and heads of nongovernmental organizations (NGOs), and utilized their networks to carry out their campaigns. It was noted that many of this year's candidates from Herat were businessmen funding their own campaigns.

East (Kunar, Laghman, Nangarhar and Nuristan) Candidates and voters reacted strongly to the IEC's elimination of 81 of the 458 polling centers (comprising 291 out of 1,225 stations) in Nangarhar based on security concerns. The IEC's decision affected 14 of the province's 22 districts, but Shirzad (32 eliminated out of 39 stations), Hesarak (41 out of 51 stations), and Khogyani (51 out of 63 stations) were most heavily impacted. Candidates were concerned that scores of voters may be disenfranchised by the reduced number of polling centers, and asked the IEC to provide extra ballots to centers that will be open. NDI's analysis shows that if there is the same turnout, excluding votes removed from fraud audits in Shirzad, Hesarak, and Khogyani as occurred in the 2009 election, there would be more than 1,000 voters per remaining polling station.

South and Southeast (Ghazni, Helmand, Kandahar, Khost, Paktia, Paktika, Uruzgan and Zabul) Despite new anti-fraud measures, candidates, civic groups and local media anticipated irregularities to match or exceed those documented last year. The provinces of Khost, Paktia and Paktika account for more than 3,000 of the approximately 6,000 staff blacklisted nationwide following last year's election. This year, the IEC fired more than 20 of 300 district election staff in the region for having links with candidates.

Security concerns intensified during the campaign. In late July, a bomb blast killed a Khost candidate campaigning at a mosque. In Paktia, night letters appeared warning against participating in elections and threatening to burn shops that display candidate posters.

In Kandahar, insurgent activities affected the ability of candidates to campaign. Last year, candidates could visit 15 of 17 districts in Kandahar, and most campaign activities were conducted in the

provincial capital. This year, due to insecurity, a majority of candidates were unable to campaign outside of their homes.

Northeast (Badakshan, Baghlan, Kunduz, Takhar) In the pre-election period, some candidates in Baghlan and Kunduz appealed directly to insurgent groups to refrain from carrying out attacks in certain districts. Candidates expressed concerns that voters would heed warnings from the Taliban who had told people not to take part in the election. NDI staff working in the region and UN officials said it was unclear if candidate appeals were successful.

Violence severely hampered election preparations. Armed groups, including the Taliban, local militias and criminal organizations, were active in provinces such as Baghlan and Kunduz. Candidates and election workers were threatened and kidnapped, including two district field coordinators who promised to resign in return for their release. The vast majority of candidates claimed to run as independents and often denied party connections. In practice, three main political parties – *Jamiat-e-Islami*, *Hezb-i-Islami Afghanistan* and *Junbish-e-Milli* – supported many candidates in the region.

North (Balkh, Faryab, Jowzjan, Samangan, Sar-i-Pul) Candidates and voters were concerned that militias could influence the electoral process and further destabilize the region if commanders were not satisfied with results of the vote. They were also worried that, in the post-election period, disgruntled candidates could use militias to attack government buildings, the IEC or rival armed groups. On the evening of September 15, AOGs attacked a convoy carrying election materials. Voters blamed such AOGs for the increasing violence in the region, saying that insurgent incidents could discourage candidate agents and domestic monitors from entering certain districts and observing activities on election day.

Central Highlands (Bamiyan, Daykundi) In the pre-election period, candidates, political parties and civil society organizations contested the IEC's removal of 68 polling stations. The IEC met with these stakeholders and explained stations were being shut due to low voter turnout last year. Party representatives also complained that voters were unable to register because the IEC did not deploy mobile voter registration teams in this area. Three main Hazara-based parties - *Hezb-e-Wahdat Milli*, *Hezb-e-Wahdat Islami*, and *Hezb-e-Wahdat Islami Mardom* - have a strong base in Bamiyan. These political parties played a key role in campaigns, facilitating meetings with influential leaders and providing materials.

Capital (Kabul) With more than 650 candidates, Kabul province had more than one-fifth of the country's candidates for this year. These individuals ranged from national figures to representatives of smaller segments of the community, some of whom relocated from less secure provinces. Given the number of candidates, the ballot for Kabul province had to be 12 pages long. Voters and candidates expressed that although Kabul province had the largest seat allocation in *Wolesi Jirga* – 33 seats – many considered very few as genuinely contested. Candidates and domestic observers reported that security in Kabul allowed for campaigning across much of the city. In rural areas, voters were concerned about the low density of election observers and the influence of tribal elders over election administrators.

### **Women's Participation**

While female representation is guaranteed in the *Wolesi Jirga*, women still face significant challenges running for office. Afghanistan's Constitution sets aside 68 seats, just over a quarter of the total, for women, which gives Afghanistan a higher percentage of women in its lower house of parliament than over 100 other countries. Nonetheless, women face a difficult path in campaigning

for office. In the lead up to the September polls, several female candidates reported facing interference, intimidation or violence - from both male and female opponents - during the campaign. Incidents ranged from verbal abuse and alleged tearing of campaign posters to physical violence, including from members of their families.

In the south and southeast, most female candidates were unable to campaign in public for fear of attacks. They were confined to proxy campaigning from their homes, making telephone calls to voters, dispatching male relatives to meet with supporters and enlisting the help of tribal leaders. Female candidates reported receiving threatening phone calls and having their posters regularly torn down or defaced with red paint. In Paktika, the Taliban kidnapped a female candidate on the day after she registered her candidacy and held her for six days. After this incident, the candidate declined to file any complaints with the ECC or other bodies.

Despite the danger, a large number of women candidates ran. In Zabul, seven of the 16 registered candidates were female - the highest ratio of any province. A prominent female incumbent in Kandahar told NDI that threats against female candidates underscored the importance of further integrating women into the political process. NDI observed that most female candidates in 2010 focused on winning votes from both genders. Based on NDI's analysis, two female candidates in the south were affiliated with political parties, even though all female candidates in the region officially ran as independents on the ballot. Many told NDI that even though elections took place under significant limitations, they still represented an important manifestation of democracy.

#### **IV. ELECTION DAY**

##### ***Voting Process***

Turnout in Afghanistan varied across the country, according to reports by NDI observers. In urban centers in the north and capital regions, Afghans voted in relatively large numbers, while in the northeast, voter presence declined quickly as violence increased throughout election day. Despite a number of security incidents in the east, male polling stations remained busy in urban centers like Jalalabad. In the south and southeast, turnout—especially among women—remained low throughout the day.

In a press conference on the evening of polling day, the IEC announced that 5,355 out of 5,816 planned polling centers opened on election day. According to the IEC, a total of 3,642,444 voters participated on election day including 1,423,875 women and 79,046 Kuchis. NDI noted that in 2005, 6.4 million participated, including 2,752,000 women and 204,000 Kuchis.

NDI observers reported that polling officials in most stations followed voting procedures, noting no systematic or widespread problems. Voting was conducted in an orderly fashion, with some exceptions where violence and voter crowding was observed. In all but a few isolated incidents, observers said that polling officials were carefully checking the identity of voters.

Some concerns were raised about the quality of station materials. As in the 2009 elections, poll workers across the country experienced problems with punchers intended to perforate used cards. Poll staff used scissors to mark used cards instead, and observers noted that this issue did not disrupt the voting process in a meaningful way.

Correct application of ink became a concern for many participants in the electoral process. In the north, west, and central regions, NDI observers reported ink not reliably staying on voters' fingers. In Kunduz and Jowzjan, NDI observed instances of voters refusing to have their fingers inked, in some cases allegedly for fear of repercussions from insurgents. In other cases, NDI observers noted voters

who were able to remove the ink, and NDI received similar reports from domestic observation groups. During election day press announcements, the IEC defended the quality of the ink, insisting that it could not be removed if applied properly after the contents were shaken. It remains unclear how the problems with inking affected the electoral process.

NDI observers from around the country noted incidents of ballot shortages. In Balkh, Samangan, Kabul, Badghis, Kunar, Takhar, Badakhshan, Baghlan, Bamiyan, Nangarhar and Khost, NDI observers reported stations claiming to have exhausted their supply of 600 ballots, often by the early afternoon. NDI received further reports from the IEC and other sources of several additional incidents in the southeast, east and north of IEC staff requesting additional ballots in early hours. There was at least one confirmed IEC report of voter protests over ballot shortages. Early closures due to ballot shortages led to reported frustration and confusion among many voters. NDI observers noted that in some cases, contingency polling stations were opened to accommodate additional voters. In others locations, such as Nangarhar, voters were told to find another available station, sometimes in nearby districts. At this time, it is difficult to determine whether these ballot shortages were the result of the new restriction on number of ballots per polling station, the reallocation of polling stations from urban areas to rural areas, or ballot box stuffing.

Reports of fake and fraudulently obtained voter cards were received from most areas of the country. The NDS reported confiscating 22,000 cards and making 66 arrests for possession of fake cards on election day. NDI observers in 15 provinces (Balkh, Faryab, Baghlan, Kapisa, Herat, Uruzgan, Kunduz, Kabul, Logar, Bamiyan, Daikundi, Nangarhar, Kunar, Zabul and Kandahar) witnessed voters, many female, who possessed and/or attempted to use fake or invalid voter cards. In all but two cases observed, these people were prevented from voting and were often apprehended by security officials.

Within the final half-hour of voting, the IEC issued a 30-minute extension for polls that opened after 12 noon. In isolated cases, observers reported confusion over the selective postponement, leading to a temporary delay in the closing of stations. Across the country, observers noted that most election officials were generally knowledgeable of the counting procedures. In Kabul, complications of counting votes for over 650 candidates meant the count was not concluded for several hours after closing. In most regions, no major problems were reported – though some noted confusion and isolated cases of discrepancies in the ballot reconciliation in Bamiyan, Kabul and Herat. In approximately 13 percent of counting processes observed by NDI, copies of results forms were not provided to candidate agents or posted publicly.

Nonpartisan observers and candidate agents were present in most stations observed around the country. FEFA deployed the largest number of observers on election day, with nearly 7,000 fielded across Afghanistan. In Kabul province, candidate agents and observers were present in large numbers, leading many station managers to limit the time each observer could spend inside the polling station. NDI reported unreasonable restrictions by IEC officials in less than 1 percent of stations visited.

### ***Violence on Election Day***

More election related violence and threats of violence were reported in various regions throughout Afghanistan, affecting the participation of voters, candidate agents and election monitors. The IEC reported 93 direct attacks on polling centers and that 153 centers were closed on election day due to security incidents or concerns. At least 30 civilians, IEC officials and security personnel were killed. Two FEFA observers were kidnapped on election day. NDI staff and observers directly observed

incidents including rocket attacks, IED explosions and grenade attacks in or near polling centers, and small arms fire between AOG and security forces. Many of these incidents led to a delay in voting, closures of polling centers and decreased voter turnout. NDI received reports of violence conducted by supporters of candidates. In the Imam Sahib district of Kunduz, supporters of one candidate allegedly beat a competing candidate at a polling center, then opened fire on a group of voters. In Kandahar, a rocket hit the PECC office. On the eve of September 18, in the same press conference with the IEC, the Ministry of Defense reported that 305 insurgent actions took place on polling day.

Voter intimidation was seen in various forms, including the harassment of election workers by armed groups, armed individuals in polling stations and candidates or their supporters forcefully disrupting polling. This type of intimidation did not appear to be systematic, but incidents were noted to be heaviest in the northeast, east and southeast.

### ***Participation of Women***

Similar to last year, observers reported that the turnout of women for this election was notably low in most locations. Due to the lack of staff, several centers across the country did not have female body searchers. A number of Afghan women observers underlined that the presence of males at female polling stations may have deterred women from voting. NDI observers noted that male staff were present in 11 percent of female polling stations observed, with the highest concentration of male staffing in the east, south and southeast.

### ***Electoral Complaints***

On the evening of September 18, the ECC stated that it had received a total of 126 officially registered complaints from its provincial offices. The ECC also reported that an additional 300 complaints were lodged in person or by telephone at the PECCs and approximately 1,000 complaints at the national office – however, the ECC stated that only the written complaints would be investigated. NDI observers in the large provinces such as Herat reported that more than 400 (verbal and written) complaints were brought before the PECC. They also noted isolated incidents of voters and candidate agents being refused complaints forms by IEC staff.

## **V. THE ELECTION MISSION AND ITS WORK**

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of candidates and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voter registration process; the right to stand for election; the conduct of voting, counting, results tabulation, transmission and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

NDI is grateful for the cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers and civic activists.

**APPENDIX 2**  
**ELECTORAL REFORM NEEDED TO BUILD PUBLIC CONFIDENCE IN AFGHAN ELECTORAL  
PROCESS AND POLITICAL INSTITUTIONS**



**FOR IMMEDIATE RELEASE**

November 24, 2010

**Contact:** Kathy Gest,

[kgest@ndi.org](mailto:kgest@ndi.org), 202-728-5535

**ELECTORAL REFORM NEEDED TO BUILD PUBLIC CONFIDENCE IN  
AFGHAN ELECTORAL PROCESS AND POLITICAL INSTITUTIONS**

The Afghan Independent Election Commission (IEC) released today the final certified results of the Sept. 18 *Wolesi Jirga* polls. Results for 33 of the country's 34 provinces were announced, while final information on Ghazni province and the Kuchi constituency has yet to be issued. These results, originally scheduled to be released on Oct. 30, were delayed to accommodate polling station audits and recounts, and allow the Electoral Complaints Commission (ECC) to complete its investigations of complaints serious enough to affect the numerical results.

As NDI and other observer groups reported in the lead up to the September polls, the IEC adopted several measures to mitigate fraud. Although these measures did not eliminate the occurrence of fraud, they were effective in detecting electoral irregularities in different parts of the country. This led the IEC to invalidate over 1.3 million votes and the ECC to receive over 5,000 electoral complaints. However, the lack of information on the invalidated votes as well as the ECC's disqualification of several candidates – including 19 who were listed as winners based on preliminary results issued by the IEC on Oct. 20 – caused frustration among electoral contenders, political parties and voters, and fueled suspicion of government interference in the electoral process.

As NDI highlighted in last year's elections, Afghans deserve a full account of the vulnerabilities that allowed fraud and electoral irregularity to take place, and an appraisal of reforms that are required to prevent a recurrence in future elections. A formal and comprehensive review should be conducted, led by Afghans and supported by the international community, to examine the nature of flaws within the electoral process and offer concrete, practical recommendations for reform. Electoral reforms should involve key elements such as: ensuring the independence of Afghan electoral bodies; increasing transparency of the work of electoral bodies; promoting an electoral legal framework that supports the effective participation of political and civic groups; and developing an accurate voter registry. This review could help reduce tensions among political entities, reinforce the legitimacy of Afghan governing institutions, and guarantee that the will of the Afghan people is respected in future elections.

If decisive actions are not taken to address the problems that marred the 2009 and 2010 polls, future elections will remain at risk. As NDI pointed out last year, the ability to govern the country would then be undermined by the very processes designed to provide the legitimacy of government. Unless reforms are identified and instituted, public confidence in Afghan elections and governance will continue to erode.

NDI is conducting a long-term observation and analysis of the Afghan election process. The Institute also has conducted programs in Afghanistan to promote increased participation by women in the political process, support domestic election monitors, train candidate polling agents, and strengthen political party development.

### **APPENDIX 3**

#### **NDI ADDS 2010 DATA TO AFGHANISTAN ELECTIONS MAPPING WEBSITE**



#### **FOR IMMEDIATE RELEASE**

December 29, 2010

**Contact:** Kathy Gest,

[kgest@ndi.org](mailto:kgest@ndi.org), 202-728-5535

#### **NDI ADDS 2010 DATA TO AFGHANISTAN ELECTIONS MAPPING WEBSITE**

##### **Site Now Features Data from 2004, 2005, 2009 and 2010 Elections**

WASHINGTON, DC – Complete election data from Afghanistan’s 2010 parliamentary polls have been added to the National Democratic Institute’s (NDI) innovative online mapping website, [www.afghanistanelectiondata.org](http://www.afghanistanelectiondata.org), NDI said today.

The site now includes data from Afghanistan elections of 2004, 2005, 2009 and 2010, as well as demographic, ethnographic, topographic, security and other information that can be used to create visual analyses of voting patterns and other assessments. Visitors can also download data and maps featured on the site to use for their own purposes.

NDI said the aim of the site is to make the election data more accessible and transparent so that those involved in the Afghan political process, including government officials, political parties and domestic monitoring groups, as well as the international community can use the information to improve future elections.

Using a data browser with tools to manage a series of maps, filters and overlays, the site provides ways to segment and visualize vote count data from a countrywide, provincial, district and polling center level. For the 2010 elections, the site features preliminary and final results and lists the final vote count for each of the 2,427 candidates included in the certified results released by the Afghan Independent Election Commission (IEC). The site also includes information on disqualified candidates; the polling centers that were reported closed on election day by the IEC for security or other reasons; the number of male and female votes per province; and the election results overturned due to changes between preliminary and final results.

Data were taken from information released by the IEC and Afghanistan’s Electoral Complaints Commission. Other data sources include the Afghan Geodesy and Cartography Head Office, the Afghanistan NGO Safety Office, and the Afghanistan Information Management Services.

The website uses all open source software and makes the data easily available for download in CSV (comma-separated value) format from any filtered data set or map the visitor creates. This open data approach allows site visitors to use their own analysis tools, which provides additional levels of openness and transparency and seeks to become an example that may foster similar “open government” type initiatives around the world.

This project was conducted in partnership with [Development Seed](#), an online communications firm that specializes in data collection and visualization.

The Institute has been working in Afghanistan since 2002 and fielded an international election observer mission for the Sept. 18 parliamentary elections. Information about NDI’s election work can be found [here](#). More information about the Institute is available on the NDI website, [www.ndi.org](http://www.ndi.org). NDI’s election support programs in Afghanistan are funded through a grant from the United States Agency for International Development.

**APPENDIX 4**  
***NDI Afghanistan 2010 Election Updates***

<i>Issue Number / Release Date</i>	<i>Topics Covered</i>
Update 1: September 2, 2010	<ul style="list-style-type: none"> <li>• A comparison of key features and changes among the 2005, 2009 and 2010 elections in Afghanistan</li> <li>• Reports on issues that affect women's participation in the 2010 election, including the security of women candidates and the recruitment of female personnel for polling stations</li> <li>• Accounts on the conduct of the 2010 campaign period and challenges faced by candidates in the western and eastern regions of the country</li> </ul>
Update 2: September 4, 2010	<ul style="list-style-type: none"> <li>• Ongoing debate between the IEC and the Ministry of Defense on the location of polling centers</li> <li>• Anti-fraud measures being employed by the IEC in 2010</li> <li>• Spotlight on Kuchi candidates</li> <li>• Accounts on the conduct of the 2010 campaign period and challenges faced by candidates in the north and central regions of the country</li> </ul>
Update 3: September 8, 2010	<ul style="list-style-type: none"> <li>• Complications of the 2010 candidate vetting and disqualification process</li> <li>• Media coverage of the 2010 campaign</li> <li>• Six provinces with significant rates of electoral irregularity in 2009, and a look at their preparations in 2010: Ghazni, Ghor, Kabul, Kandahar, Paktia and Paktika</li> </ul>
Update 4: September 11, 2010	<ul style="list-style-type: none"> <li>• Registration process limits political party participation in 2010 elections</li> <li>• Spotlight on FEFA</li> <li>• Reports on electoral preparations in Bamiyan and Parwan</li> </ul>
Update 5: September 13, 2010	<ul style="list-style-type: none"> <li>• Afghan female candidates face challenges despite reserved seats for women in the Wolesi Jirga</li> <li>• A brief look at the facts and figures describing incumbents seeking re-election in 2010</li> <li>• Reports on electoral preparations in Nangarhar and provinces in the southeast region</li> <li>• Spotlight on the observation efforts of the Afghanistan Independent Human Rights Commission</li> </ul>
Update 6: September 14, 2010	<ul style="list-style-type: none"> <li>• A report on how Afghan armed opposition groups both disrupt and shape the 2010 elections</li> <li>• Observer accounts on the ECC in the provinces</li> <li>• Regional reports on electoral preparations in the northeast and south regions</li> </ul>
Update 7: September 16, 2010	<ul style="list-style-type: none"> <li>• A report on measures developed by Afghan electoral authorities to limit fraud in the 2010 elections</li> <li>• A comparison between the ECC's regulations in 2010 and the body's rules and procedures in 2009</li> <li>• Observer accounts on electoral preparations in Herat</li> <li>• Spotlight on access for the disabled community</li> </ul>

Update 8: September 17, 2010	<ul style="list-style-type: none"> <li>• A report on preparations done by Afghan election authorities hours before voting begins</li> <li>• A brief look at Afghanistan's electoral system, the Single Non-Transferable Vote (SNTV) system</li> <li>• Observer accounts from the northern and eastern regions of the country</li> </ul>
Update 9: September 24, 2010	<ul style="list-style-type: none"> <li>• The response of the Afghan National Police and Army to security incidents on and around election day</li> <li>• The IEC releases the first set of preliminary results</li> <li>• The ECC reports receiving more than 3,000 complaints</li> </ul>
Update 10: September 28, 2010	<ul style="list-style-type: none"> <li>• The role of the 370,000 candidate agents accredited to monitor the voting process on behalf of candidates</li> <li>• The IEC announces partial results, including a list of 620 polling centers where fraud has potentially taken place</li> <li>• A spotlight on the Electoral Media Commission charged with monitoring media around the elections</li> </ul>
Update 11: October 6, 2010	<ul style="list-style-type: none"> <li>• Decisions on electoral complaints not publicly posted</li> <li>• A comparison of key features and changes among the 2005, 2009 and 2010 elections in Afghanistan</li> <li>• Reports on issues that affect women's participation in the 2010 election, including the security of women candidates and the recruitment of female personnel for polling stations</li> <li>• Accounts on the conduct of the election and challenges faced in Nimroz and Kandahar provinces</li> <li>• Candidate complaints in Bamiyan and Ghazni focus on polling station allocations</li> <li>• National Tally center works to detect fraud – employees long 14-hour days in race to process results</li> </ul>
Update 12: October 12, 2010	<ul style="list-style-type: none"> <li>• IEC announces invalidations and recounts</li> <li>• Review of polling stations and center that failed to open on Election Day</li> <li>• Provincial reach of police training program on E-Day security</li> <li>• Electoral complaints received for Kabul province</li> <li>• Voting in Pul-e-Charkhi Prison</li> </ul>
Update 13: October 19, 2010	<ul style="list-style-type: none"> <li>• ECC processes over 4,000 complaints</li> <li>• Election results delayed as process falls behind schedule</li> <li>• Security forces face unexpected challenges in North region</li> <li>• Spotlight – Women lead in Nimroz race</li> </ul>
Update 14: October 30, 2010	<ul style="list-style-type: none"> <li>• ECC not accepting complaints on invalidated votes</li> <li>• Parties win 30 percent of Wolesi Jirga seats (based on preliminary results)</li> <li>• 77 percent of planned polling stations report preliminary results</li> <li>• Only 37 percent of votes were cast for winning candidates</li> </ul>
Update 15: November 30, 2010	<ul style="list-style-type: none"> <li>• IEC announces final results amidst ongoing disputes</li> <li>• ECC completes adjudication of complaints – excludes additional candidates, adjusts number of invalidated polling stations</li> </ul>

2 Sept 2010: 16 days to E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

For the 2010 Afghan *Wolesi Jirga* elections, the National Democratic Institute (NDI) is conducting an observation mission and analyzing the electoral process before, during and after election day. This mission involves more than 140 international analysts and Afghan observers throughout the country. For more information, visit [NDI.org](http://NDI.org) and [AfghanistanElectionData.org](http://AfghanistanElectionData.org).

## Another Afghan election: what has changed? Perspective from five years ago and last year

September 18  
**2005**

August 20  
**2009**

September 18  
**2010**

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li>• First election for all 249 seats in lower house of parliament (<i>Wolesi Jirga</i>) and provincial councils in all 34 provinces</li> <li>• First parliamentary elections with universal franchise held in Afghanistan</li> <li>• Managed by Joint Electoral Management Body (JEMB) Secretariat, with 541 international staff overseeing election activities and about 180,000 Afghan election staff across Afghanistan in a joint UN-Afghan mission</li> <li>• Electoral Complaints Commission (ECC) structure established</li> </ul> | <ul style="list-style-type: none"> <li>• Second presidential election and provincial council election in all 34 provinces</li> <li>• Independent Election Commission (IEC) appointed by President Karzai, without approval of commissioners by parliament</li> <li>• Fewer than 150 international staff assist IEC in administering elections</li> <li>• As in 2005, ECC still composed of three internationals appointed by the Special Rep. of the UN Secretary General in Afghanistan and two Afghans appointed by Supreme Court and Afghan Independent Human Rights Commission (AIHRC)</li> </ul> | <ul style="list-style-type: none"> <li>• Second election for all 249 seats in the <i>Wolesi Jirga</i></li> <li>• New IEC chair and chief electoral officer appointed without parliamentary approval</li> <li>• New electoral law passed by presidential decree despite opposition by <i>Wolesi Jirga</i></li> <li>• ECC commissioners - three Afghans and two internationals - appointed by new presidential decree, opposed by <i>Wolesi Jirga</i></li> <li>• ~6000 polling staff from 2009 election blacklisted, many for fraud, from working on 2010 election</li> </ul> |
|--|---|---|

## Focus on 2010 *Wolesi Jirga* elections:

### Security Situation

NDI observers in 2009 reported that “the deteriorating security environment forced candidates, campaigners, electoral staff, and voters to limit their mobility,” and noted that insecurity stemmed largely from targeting by armed opposition groups. This year, NDI observers report increased insecurity due to incidents between candidates and between tribal or ethnic factions, while anti-government forces remain a concern.

In 2009, the lack of female polling station body searchers became a critical issue for both security and female turnout. Prior to election day, 14,703 female searcher positions (out of 61,759) had to be filled with male staff. This year, recruitment of female searchers remains unresolved, and threatens to increase the risk for voters and staff at polling stations, particularly women.

### Political Situation

NDI observers in 2005 characterized campaigning for parliament and provincial council as “energetic.” In 2009, NDI noted that campaigning was constrained by insecurity, although rallies were still held, mainly by presidential candidates. This year, NDI observers describe the election as less vigorous than previous contests. Recent visits to Nangarhar and Herat found campaigns were mostly being conducted with small dinners, door-to-door outreach and posters, with fewer major rallies than last year.

The revised political party law marginalizes parties. The Ministry of Justice registered only five parties to appear on the 2010 ballot (compared to an estimated 108 parties in the lead up to the 2009 polls). Only 34 candidates (of over 2,500) will have a party name on the ballot.

### Women’s Rights Situation

There are approximately 400 women running for the *Wolesi Jirga* in 2010 compared to 344 in 2005, with a sufficient number of candidates from each province and among *Kuchis* (nomads) to meet the minimum quota of 68 seats (or 25 percent) representation for women in the lower house of parliament.

Unfortunately, as in previous elections, female candidates face serious challenges campaigning in public. Based on interviews with female candidates and campaign officials, many female candidates running in insecure provinces live in Kabul and make occasional trips to their provinces. The Ministry of Interior (MoI) has yet to provide special protection to female candidates, nor have female polling station body searchers for election day been recruited.

(See *female searchers* on p.2)

## Female Polling Station Searchers: Last Year's Challenges Remain

In the 2009 election, the Ministry of Interior was unable to recruit enough female body searchers for polling stations, and approximately 25 percent of the female searcher positions were filled by men. After the election, NDI recommended that hiring female polling staff and searchers was “critical in protecting the right of women to participate in the electoral process.” The Institute also noted that civil society networks of women who could recruit poll workers believed that they were included too late in the process. This year could see a repeat of those problems unless the Afghan government becomes involved.

After a dispute between the IEC and Ministry of Interior over which Afghan government agency should take responsibility for female searchers this year, the Ministry of Interior and the Independent Directorate of Local Governance (IDLG) signed a directive instructing provincial governors, possibly in partnership with civic groups, to initiate the recruitment and selection of female searchers on Aug. 25. International donors are holding back funding of this project until the national actors produce a plan on how the female searcher program should be implemented. On Sept. 2, the IDLG is scheduled to present this plan to donors, who will then determine funding.

## Regional Highlights from NDI's Observations in the Field

### Western Region

Candidates in Herat emphasize the importance of tribal and religious leaders' support to their campaigns. Strong dependence on local leaders has led to accusations of improper influence being exerted on behalf of specific candidates. For example, according to local ECC officials, complaints have been filed against a candidate related to the city administration for abusing state resources to gain support and against another candidate for using a local utility company to provide electricity to those who support him.

Candidates across the Western region reported being unable to campaign outside of provincial capitals, and the recent assassination of a candidate and five campaign workers outside Herat confirms concerns. Leaders in Herat demonstrated interest in having a stronger presence by the International Security Assistance Force (ISAF) for the election, particularly in rural areas.

In Farah, the provincial election officer (PEO) resigned and is now a candidate in the same province. The PEO brought in from Badghis to replace him has also resigned, asserting that he was threatened by the former PEO (and current candidate). Allegedly, the threat came after he refused to hire district election field coordinators recommended by the former PEO. Local stakeholders suspect that the current acting PEO, who was the assistant to the prior PEO, has hired personnel based on the latter's recommendations.

### Eastern Region

Campaigning is much more subdued than in 2009, even in Jalalabad, the largest city in eastern Afghanistan and the capital of Nangarhar province. Although there are more posters in Jalalabad city than last year, there were only a few rallies held before the start of Ramadan. Security remains a top concern for candidates and voters.

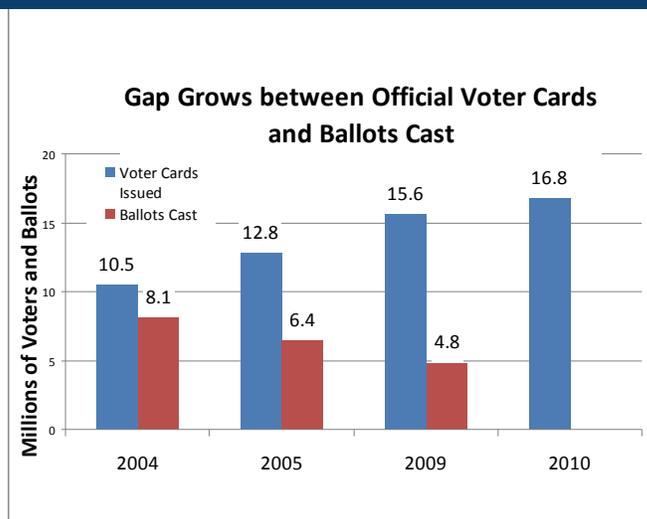
A new PEO has improved organization in Nangarhar, removed a significant number of problematic staff, and recruited on schedule all 190 required district field coordinators (DFCs), including 38 women, on schedule. All DFCs were required to swear on the Qur'an in an effort to reduce fraud, which was particularly rampant last year. The former PEO is in jail for allegedly accepting tens of thousands of dollars in candidate bribes in 2009. Despite administrative improvements, security concerns may prevent polling in as many as five of Nangarhar's 22 districts, and it is possible that over 100 of approximately 500 polling centers in Nangarhar, Nuristan, Kunar and Laghman may not open due to security problems.

In Nuristan, where the PEO recently resigned, local officials allege that over 25,000 duplicate voter cards exist; fewer than 12,000 valid votes were cast in the province last year. In Nuristan and Kunar, local militia may serve as security for polling again in 2010. After the 2009 elections, NDI recommended against the use of militia.

## Spotlight: Voter Registration and Voter Lists

The UN spent over \$100 million (including \$65 million from the U.S.) to improve voter registration in 2009, but election officials told NDI that some candidates paid women in particular to obtain multiple voting cards because no photo is required for the female card. Also, on July 22, the AIHRC reported, “in some southeastern provinces, such as Paktia and Khost, candidates are buying voter cards for 200 to 500 Pakistani rupees (\$2.31 to \$5.77). The voter cards are printed in Dera Ismail Khan district of Pakistan, and could be used widely on election day.”

The lack of a voter registry worsens the problem of duplicate cards. In 2005, the JEMB reported, “the absence of a reliable voter registry and the resulting absence of an exact voter list for each polling station was one of the most significant weaknesses of the electoral process, seriously affecting the accuracy of logistical planning and the election administration's ability to protect against electoral fraud.” As in all past elections, no voter registry will be present at the polling stations.



NDI, which has worked in Afghanistan since 2002, is a nonprofit, nonpartisan, nongovernmental organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. For the 2010 elections, NDI conducted seminars for over 1,700 candidates, organized trainings for political parties and more than 240 women candidates, and provided technical assistance to the Free and Fair Elections Foundation of Afghanistan (FEFA), the country's largest domestic election monitoring organization. Currently, NDI is developing the capacity of candidate agents nationwide to report on election-day activities.

4 Sept 2010: 14 days to E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

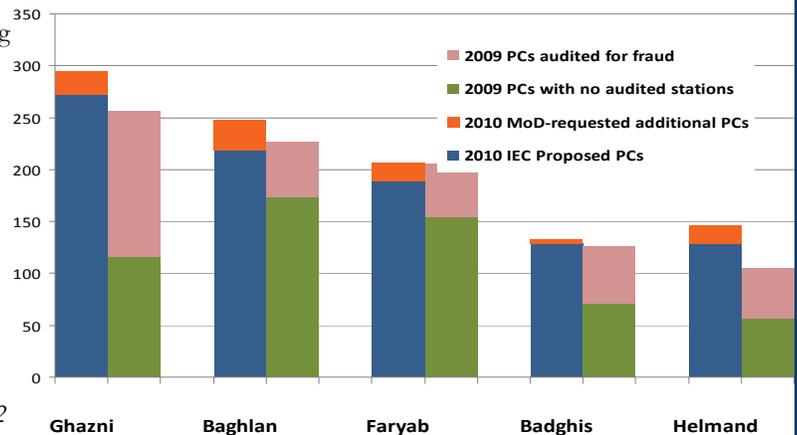
For the 2010 Afghan *Wolesi Jirga* elections, the National Democratic Institute (NDI) is conducting an electoral observation mission and analyzing the electoral process before, during and after election day. This mission involves more than 140 international and Afghan observers throughout the country. For more information, visit [NDI.org](http://NDI.org) and [AfghanistanElectionData.org](http://AfghanistanElectionData.org).

## Polling stations: how many and where? Security and politics create ongoing debate on where Afghans vote

On Aug.18, the Independent Election Commission (IEC) posted the final list of polling centers (PCs) for the 2010 *Wolesi Jirga* elections comprising 5,897 PCs with 18,762 polling stations (PSs). To generate this list, Afghanistan National Security Forces (ANSF), in cooperation with the International Security Assistance Force (ISAF), led an initial threat assessment to determine locations secure enough for voting.

On Sept. 1, the Afghan Ministry of Defense (MoD) conducted a press conference — without consulting the IEC — and declared that an additional 91 PCs should be opened in five provinces (see graph for the increase in polling centers based on MoD's plan). MoD also stated that additional polling centers could be announced. IEC officials have expressed deep concern that the ANSF will not be able to secure *Continued on p.2*

Analysis of Polling Centers in 2009 and 2010  
for Provinces included in MoD Request



## How is the IEC trying to stop fraud in 2010?

### Before Election Day

- ✓ Ballots printed out of country with anti-counterfeit reproduction measures
- ✓ Individual ballots and ballot packs have unique serial numbers; to track the delivery of materials, ballot packs and tamper-evident-bags are bar-coded
- ✓ IEC polling center list finalized and approved one month prior to election, aiming to reduce the number of stations in insecure locations where fraud and misconduct are more likely
- ✓ IEC re-assigned Provincial Election Officers (PEOs) to distance them from power and patronage networks and increase their independence
- ✓ ~6,000 IEC staff from the 2009 election are blacklisted, many for fraud
- ✓ Initial selection of district election staff conducted through impartial software rating of candidate qualifications
- ✓ District field coordinator interviews observed by U.N. and civic groups

### During Election Day

- ✓ Each polling station will have only 600 ballots and no extra ballots will be available at the polling center level
- ✓ A call center and an electronic database will track the polling centers that open on election day, preventing the later addition of results from stations that never opened
- ✓ Ink for each voter's finger contains the highest concentration of silver nitrate (25%) safe for use on human skin
- ✓ Votes are recorded in both numbers and words on the results form, and a tamper-evident tape is applied on all four copies of the result sheets, making it more difficult to alter result sheets after the count
- ✓ Forms from each polling center are included in one tamper-evident bag. Provincial election staff record the content of the tamper-evident bags using an online application, which enables the tally center staff to observe if the content changes before reaching the IEC national tally center

### After Election Day

- ✓ The tally process is divided into seven steps to provide stricter control and staff accountability. Several software applications are used to ensure that data entry is correct and to detect unusual patterns
- ✓ Suspicious or incomplete shipment of results from provincial offices, or tamper-evident bags containing forms filled incorrectly, are quarantined for further investigation prior to entry into the database
- ✓ IEC maintains photos of the district field coordinators and voter educators along with their contracts for easier identification by the police or judiciary, should an investigation be warranted for electoral violations
- ✓ The national tally center in Kabul will be open to observers and media to watch the data entry process and results tabulation
- ✓ IEC will refer cases of election violations to the Electoral Complaints Commission (ECC) for further investigation and invalidation of fraudulent results, if necessary

## Spotlight: *Kuchi* candidates for *Wolesi Jirga*

Although Afghanistan has 34 provinces, there are 35 parliamentary districts – one nationwide district is designated for the *Kuchis*, nomads who traditionally travel around the country changing locations with the seasons. For the 2010 elections, 52 *Kuchi* candidates – 10 female and 42 male – are running for the 10 *Wolesi Jirga* seats reserved for *Kuchis* (three of these seats are reserved for women). In 2005, more than 200,000 *Kuchis* cast votes at specially designated *Kuchi* polling stations. *Kuchi* candidates compete in one single nationwide electorate, and there are more than 900 *Kuchi* polling stations spread across 31 provinces.

Over the past three weeks, NDI spoke with a majority of the *Kuchi* candidates – eight women and 22 men. These contestants, particularly women, expressed frustration with their inability to access provinces where they have potential supporters. Most *Kuchi* candidates are basing their campaigns in Kabul province, where over 160 planned *Kuchi* polling stations are located – the largest concentration in the country. Few *Kuchi* candidates blamed poor security for limiting their campaign activities, but many complained that powerful tribal leaders support specific candidates and block the campaigns of others. The *Kuchi* candidates appear confident in their ability to fund their campaigns, either through personal fundraising or donations from tribal leaders.

## Polling Stations (continued from p.1)

... any additional stations. In 2009, the ANSF were unable to provide sufficient personnel to secure the originally planned set of polling stations. According to IEC officials, adding polling centers creates unnecessary strain at a time when election officials are struggling to recruit, train and deploy enough polling staff. Unlike last year, when the number of polling centers remained unclear until days before the election, this year's IEC announced the final PC list one month before the election, allowing logistics and security plans to be implemented.

Since the IEC announcement of the PC list, some *Wolesi Jirga* candidates have challenged the placement of polling centers. Several Hazara politicians argued that centers will not be opened in certain secure areas to prevent Hazaras from voting. IEC Chairman Fazel Ahmed Manawi has stated that the centers in secure locations that will not open this year had very few votes last year. In the south and east, candidates and local media argued that polling station closures will reduce voter turnout.

All IEC commissioners approved the final PC list. President Karzai has summoned the IEC leadership to the presidential palace on Sept. 4 to discuss the polling center list. Observers anticipate that MoD's plan to open 91 additional polling centers will be the primary topic of discussion at that meeting.

## Regional Highlights from NDI's Observations in the Field

### Central Region

With more than 650 candidates, Kabul province has more than one-fifth of the candidates running in Afghanistan. These candidates range from national figures to intellectuals and representatives of smaller segments of the community, some of whom have relocated from less secure provinces or for economic or political opportunity. In Kabul province, the ballot will run 14 pages long, presenting a major challenge to voters selecting a candidate.

Candidates have expressed that although Kabul province has the largest seat allocation in *Wolesi Jirga* seats (33), they consider very few seats as genuinely contested. One candidate described to the Afghanistan Analysts Network, "there are six million voters across Kabul and 636 candidates. Twenty of these candidates are popular persons who will win. Nine out of the remaining 14 seats [sic] will go to women. That means that 607 candidates will be competing for five seats, which of course will be very hard to win, and I am not one of those five candidates."

Candidates and domestic observers report that security in Kabul allows for campaigning across much of the city and should permit full election day observation. In rural areas of Kabul province, concerns exist about the low density of election observers and the influence of tribal elders over election administrators.

Interviews in Kabul revealed the importance of these elections for the future credibility of democratic processes in Afghanistan. Observers noted that more than 100,000 ballots were invalidated for suspected fraud last year in Kabul province alone.

### Northern Region

The north, until recently, was considered the country's most stable region. Currently however, deteriorating security has prevented campaigning and voter education programs in certain districts. A Kunduz candidate was kidnapped three weeks ago by an insurgent group in Baghlan, and to date, his whereabouts remain unknown. Two district election staff from Baghlan were abducted by insurgents and released in exchange for ransom (\$2,000 each) as well as pledges to resign. While the Taliban established a presence in provinces such as Kunduz and Baghlan in recent years, other insurgent groups are increasingly active in other parts of the region. In Balkh, one notable candidate said newly formed groups calling themselves Taliban are in fact "bandits."

According to the governor of Balkh, Hezb-i-Islami Gulbuddin (HiG) is the most significant insurgent group in the northern region and is working to shape the electoral process. The governor alleges that the group has ties with the political party, Hezb-i-Islami Afghanistan (HiA), and that the election campaign has exposed that relationship. He claims that HiA candidates are free to campaign in areas where other candidates fear to go. Two candidates in Balkh – a former *mujaheddin* commander and a former head of the provincial council – also pointed to increased HiG activity. NDI observers note that HiA's leadership has repeatedly denied any links to HiG.

In addition to the security situation, there are challenges to the credibility of election administration in parts of the region. Some candidates claim that the IEC's recruitment process was flawed and that certain district field coordinators have ties to candidates. In Kunduz, all ECC staff members except one are Pashtun, leading Tajik and Uzbek candidates to suspect possible bias.

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8 Sept 2010: 10 days to E-Day

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## Vetting candidates with links to armed groups Disqualification procedure unclear to candidates and voters

Given the widespread perception that warlords have secured seats on elected bodies, an improved process for vetting political candidates has been recommended repeatedly since the 2004 elections. However, vetting appears to be even more flawed this year than in past elections. Over the last three months, the convoluted vetting process for the 2010 *Wolesi Jirga* polls has continued and, according to the Electoral Complaints Commission (ECC), it could extend up to Election Day. To date, the ECC has disclosed two key reasons for disqualifying candidates: 1) being a member of, or in control of, an illegally armed group [36 candidates as of Sept. 6], and 2) failing to resign from a government position within the allocated timeframe [48 candidates as of Sept. 6]. The ECC continues to investigate complaints of non-resignation from government positions, and reserves the right to disqualify candidates on other grounds.

The primary concern with this year's vetting is not the number of disqualified candidates; rather, it is the lack of transparency of the process. On paper, the procedure starts with the Independent Election Commission (IEC) Vetting Commission (VC), comprised of representatives from the IEC, the National Directorate for Security (NDS), the Ministry of Interior (MoI) and the Ministry of Defense (MoD). The VC is responsible for presenting the list of candidates with links to armed groups to the ECC. Although it is not responsible for investigating alleged links to armed groups, the ECC issues the final ruling on whether to disqualify a candidate.

Earlier this year, the VC presented the ECC with 83 candidates for disqualification. All 83 appealed and produced documentation refuting the VC decision. Instead of reviewing the appeals, the VC simply passed this information to the ECC. The ECC demanded that the VC complete its mandate and investigate the appeals. The VC then exonerated 78 of the accused candidates and handed the ECC a list of 13 individuals - eight of whom were entirely new - for disqualification. After an appeals period for the newly listed

**UPDATE:** In an earlier report, NDI covered the debate between the Independent Election Commission (IEC) and the Ministry of Defense (MoD) on the final list of polling centers for the 2010 elections. After a Sept. 4 meeting between President Karzai and the IEC leadership to discuss the polling center list, the IEC announced that its original list of 5,897 polling centers is final, although the IEC reserves the right to remove more centers if security deteriorates.

*Continued on p.2*

## Media coverage of the 2010 *Wolesi Jirga* campaign

### Media environment

Deteriorating security is limiting access to information. For example, Khilid Group reports that its journalists can only travel to 28 provinces; they visited all 34 during the 2005 *Wolesi Jirga* elections. Journalists have been subjected to threats and intimidation. The Afghan National Journalists Union (ANJU) and Reporters Without Borders protested the government's decision to shut down a private TV station on July 27, saying the government circumvented the proper legal channels. President Karzai claimed that *Emroz TV*, which was owned by a *Wolesi Jirga* candidate, committed "national treason," but officials did not specify the exact nature of the allegations. Other media outlets such as *Rab-e-Fardha* and *Kamsar TV* belong to candidates, allowing them unlimited broadcasting.

### Electoral Media Commission

Following the electoral decree issued by President Karzai this year, the IEC established a five-member Electoral Media Commission (EMC) more than two months before Election Day. The EMC has a mandate to monitor elections coverage and investigate complaints about breaches of the Media Code of Conduct. The ANJU said Afghan law required the EMC, rather than the government, to rule on shutting down media outlets such as *Emroz TV*. The EMC has received 12 complaints, mainly related to unbalanced campaign coverage. Nine have been resolved through warnings to media outlets to respect the Code of Conduct; remaining complaints are under investigation.

### Use of candidate time

Radio Television Afghanistan (RTA), a state-owned broadcaster, signed a memorandum of understanding with the EMC, pledging to provide candidates in Kabul with five minutes of radio time and three minutes of TV time during prime hours every day. Of the 100 candidates who had the opportunity to broadcast their message on free radio time, only 39 candidates chose to avail themselves of the opportunity. According to an RTA employee, women candidates in particular told him they did not want to appear on television, especially during Ramadan. Television broadcasts have garnered more attention: 90 candidates in Kabul have broadcast their messages as of Aug. 22.

## Vetting process fails to provide confidence *(continued from p.1)*

candidates, the ECC stated that “some” were able to provide documents proving their innocence. The Special Rep. of the U.N. Sec. General Staffan Di Mistura, among others, expressed disapproval with the process. President Karzai then summoned the VC to his office; and shortly thereafter, the VC provided the ECC with yet another list – this time with 26 individuals to be disqualified. The VC stated that it would be “unreasonable” to allow for an appeals period for these newly identified candidates; the ECC insisted that 48 hours be provided for appeals. On July 7, the ECC announced it had received an official list from the VC with the names of 31 candidates, all of whom were disqualified after failing to submit sufficient evidence during the appeals period.

It is unclear how the ECC determined the final figure of 36 candidates disqualified for links with illegally armed groups. Candidates struggled to decipher the process by which they were vetted and the methods for appealing verdicts against them. A number of candidates deem that they were disqualified not as a result of evidence, but due to arbitrary or potentially politicized decision-making.

## Six Difficult Provinces from 2009 and Their Preparations in 2010

In 2009, the election recount process eliminated more than a million votes. This section reviews six provinces that had votes summing up to more than half of all votes invalidated in 2009, and assesses their 2010 election preparations.

### ***Paktika: 189,516 votes eliminated***

Last year, Paktika had 89% of its votes invalidated and 1,550 staff were blacklisted for 2010 (out of ~6,000 blacklisted staff nationwide). This year, the IEC dismissed the Provincial Election Officer (PEO) for attempting to rehire ~100 blacklisted staff. Several District Field Coordinators (DFCs) were fired for links to candidates and suspicion of fraud. Despite reducing the number of polling stations by almost 30%, polling staff recruitment remains difficult due to insecurity and illiteracy in the province. Provincial Electoral Complaints Commission (PECC) staff reported having no office equipment or internet, limiting capacity to deal with complaints. In 2009, 30% more voter cards were issued to women than men; but this year, there will be no female polling staff, only one female DFC, no women on the PECC, and no female FEFA observers.

### ***Kandahar: 184,283 votes eliminated***

Insurgent activities affect all aspects of the election process. Last year, candidates could visit 15 of 17 districts in Kandahar, and most campaign activities were conducted in the provincial capital. This year, due to insecurity, a majority of candidates have yet to campaign outside of their homes. The IEC regional coordinator received a death threat, warning him to resign. Ten of the 134 DFCs have resigned for security reasons, while civic educators are afraid to work even in Kandahar city. The PEO expects that some recruited polling staff will refuse to work in insecure districts. The heads of the provincial ECC and IEC are from the Popalzai, President Karzai’s tribe, which has led other tribes in the provinces to suspect possible bias. Previously, the provincial IEC was dominated by the Alokozai tribe.

### ***Paktia: 155,725 votes eliminated***

The 2010 pre-election period has seen a sharp rise in violent incidents and intimidation of election staff, candidates and voters. In Gardez, the provincial capital, insurgent groups have threatened to cut off the fingers of all who vote. Despite the IEC reducing the number of polling centers in 2009 in Paktia by 40%, international and local officials suspect that fraud in 2010 could exceed last year’s figures, which invalidated two-thirds of the province’s votes and led to blacklisting ~500 of the ~2,000 election staff. Observers in 2010 could face greater challenges in detecting electoral fraud due to the province’s deteriorating security.

### ***Ghazni: 138,340 votes eliminated***

Election officials, the PECC and candidates report receiving threats from the Taliban to cease all election activity. Candidates fear to campaign or send agents for training. As one candidate said, “it is better to have untrained agents than beheaded ones.” One Hazara candidate has been killed, and another candidate wounded in a grenade explosion outside his office. Because of direct threats, civic education is conducted primarily through the media. Local officials, candidates and commanders have pressured the PEO to re-hire some of 1,258 blacklisted staff out of the approximately 5,000 election staff who worked on the election in Ghazni last year.

### ***Kabul: 102,800 votes eliminated***

According to the IEC regional coordinator, the provincial IEC in Kabul will place staff, specially trained to identify irregularities, on-site in all polling centers to focus on where fraud was perpetrated in 2009. National fraud-prevention measures, such as moving DFCs to new areas, will also be implemented. In addition, a local decision may be made on Election Day to move ballots from rural stations to urban counting locations if security becomes an issue or fraud is detected at those stations. To start counting in Kabul on the day after the Election, as allowed in 2009, is not an option in 2010. This is meant to reduce the opportunity for interference in areas holding uncounted ballots overnight.

### ***Ghor: 79,252 votes eliminated***

For the 2009 presidential elections, the IEC invalidated ballot boxes in nine out of ten districts for fraud; but for the provincial council polls, votes were invalidated only in Dawlatyar district following an ECC investigation. The ECC made strong allegations against last year’s PEO, and the IEC transferred him to Badghis. This year, security remains unstable, and insufficient numbers of the Afghan National Security Forces are present to secure several districts. Strong incumbent MPs, former government officials and *Jamiat Islami* Party-affiliated candidates are competing for six seats in Ghor. Local officials expressed concern that competition among well-resourced candidates could increase motivation for fraud.

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## Five parties register in time to appear on the *Wolesi Jirga* ballot Registration process limits party participation in 2010 elections

Most of Afghanistan's political parties were unable to register in time to get their names on the Sept. 18 election ballot as a result of requirements in a new election law passed in September 2009. Before the new law was passed, more than 100 parties had registered with the Ministry of Justice (MoJ). But this year, only five political parties were able to register in time to be listed with their candidates.

After the period for candidate registration closed, the MoJ announced the registration of 16 additional parties - representing at least 40 candidates that had sought party affiliation on the ballot. Major parties such as *Jumbish Milli*, *Jamiat Islami*, *Hezb-e-Islami*, *Wahdat Islami Mardom*, and *Harakat Islami*, which are fielding more than 100 candidates, have not registered.

*Continued on p2.*

### Recent history of political parties

- 2005:** No political party name on the ballot
- 2006:** 86 parties registered and 26 parties had members elected to *Wolesi Jirga* or Provincial Council (PC), according to NDI count
- Aug 2009:** Over 20% of PC winners had party name on the ballot, despite only 12% of candidates running with party name
- Sept 2009:** New law requires political parties to register 10,000 members (up from 700 members) from at least 22 provinces
- 2010:** Ministry of Justice registered only five parties in time to have candidates listed on the ballot, allowing only 34 candidates (of 218 requests) to have party name on the ballot



## Political strategy and posters

### Popularity of posters

### Signaling in posters

- Of the more than 140 candidates interviewed by NDI in the last three weeks, 96 percent report that they spend money on posters, the most common campaign expense.
- Nearly all posters have the candidate's photo, his or her ballot number and symbol, the candidate's name, and some brief slogan. Except for the slogan, these same items will appear on the ballot to aid illiterate voters.
- A common error on posters is misspelling the Dari word for "candidate." By accidentally dropping one letter, "candidate" becomes "crazy."

- The 2009 political party law prevented most parties from registering in time to use their party names on posters. As a result, candidates sometimes feature well-known party leaders - which is allowed - to help them identify with their parties.
- Posters are a vehicle for signaling party or ethnic affiliation that is largely absent from the ballot itself. Some candidates feature past leaders - such as Mazari for Hazaras or Masoud for Tajiks - to signal affiliation or loyalty with a particular group.
- Distinctive turbans are sometimes worn to connote a home province, such as Kandahar, Khost, and Paktika, or *pakuls* for those from northern provinces.
- Photos from *mujabdeen* fighting in the 1980s can be used to signal personal history.
- Most of the slogans talk about "serving the people," "no more lies," or "development and good economy." In Kabul, NDI observers noted that slogans mostly imply that candidates oppose the government, regardless of whether they are incumbents.
- In a number of cities, NDI observers have noticed posters splashed with red or black paint or defaced in what appears to be an organized protest against certain candidates.

## Political party law (continued from p.1)

Old requirements called for the filing of signatures from 700 members. Under the new law, parties must file signatures from 10,000 members to be registered. In addition, the parties must have an advisory board whose members must come from at least 22 of Afghanistan's 34 provinces. And before the registration is completed, the MoJ must receive approval from Afghanistan's security agencies.

In the past two weeks, NDI interviewed six major party leaders - from both registered and unregistered parties - about the effect of the new law. There was broad agreement that the registration process was non-transparent and open to manipulation.

They pointed out that the MoJ did not announce the first party registration until last February, seven months after the new law was passed. Four months later - just days before the close of candidate registration for the *Wolesi Jirga* ballot - four additional parties were registered, including one led by the second vice president.

The party leaders also noted that for the first several months after the law was passed, parties had to spend time identifying members and satisfying the registration requirements, rather than focusing on fielding candidates for *Wolesi Jirga* seats.

## Spotlight: Free and Fair Election Foundation

The Free and Fair Election Foundation (FEFA) has deployed 400 long-term observers and will deploy over 6,600 additional election-day observers. Of this number, FEFA hopes to recruit and train 2,500 female observers. FEFA leadership and observers have received a number of threats, including some promising violence. Female provincial coordinators in Kapisa and Parwan have received direct death threats. A FEFA official reports that they have also received threats from Taliban and candidates. FEFA observers in Kandahar, Zabul and parts of Nangarhar will not identify themselves as FEFA due to fears for their personal safety on and after election day.

While FEFA anticipates full deployment in secure provinces, coverage in insecure provinces will be limited. On election day, FEFA plans to gather information through checklists on which stations open and whether balloting complies with regulations. Three hundred FEFA observers will employ an SMS incident reporting system while phone call-based reporting will speed collation of checklist results.

FEFA is also conducting a campaign finance monitoring project in Kabul. The project investigates campaign costs, misuse of state resources, and bias on state TV. FEFA anticipates releasing this report during the official campaign silence period, which begins 48 hours prior to polls opening.

## Regional Highlights from NDI's Observations in the Field

### Bamiyan Province

Last week, the national IEC capped the number of the polling centers in Afghanistan at 5,897 after rejecting the Ministry of Defense's suggestion to open more. This week, IEC is now considering closing some stations where security or staff are lacking. The provincial Independent Election Commission (PIEC) in Bamiyan informed NDI observers that the IEC will remove 68 polling stations in the province.

At first, the provincial IEC had intended to close 83 polling stations. Candidates, political parties and civil society organizations contested this initial news. After meeting with stakeholders who argued that reducing the number of stations would disenfranchise voters, the provincial IEC reduced the number of planned closures to only 68 stations. Rather than security, PIEC reports using voter turnout in 2009 to determine which stations to eliminate in 2010.

While a member of the Provincial Electoral Complaints Commission (PECC) said it has not received any complaints, the office does not have a vehicle to reach remote districts for investigations. Party representatives also complained that potential voters were unable to register because the IEC did not deploy mobile voter registration teams throughout the province. Instead, it opened only one registration center in Bamiyan city, staffed by two teams.

Three main Hazara-based parties - *Hezb-e-Wabdat Milli*, *Hezb-e-Wabdat Islami*, and *Hezb-e-Wabdat Islami Mardom* - have a strong base in Bamiyan. These political parties play a key role in campaigns, facilitating meetings with influential leaders and providing materials.

### Parwan Province

Parwan is ready to vote, the IEC's provincial election officer (PEO) told NDI this week. District Field Coordinators have been recruited; half are female and 10 percent are disabled. At the provincial office, 15 of the 18 staff are new hires. According to the PEO, new recruitment practices will substantially decrease the chances of fraud. Staff for polling centers and polling stations have been trained, and election materials are being stored in a secure warehouse in the capital, Charikar. Materials will be moved to district centers and polling centers the night before the election.

The PECC is fully staffed, but officials claim they need to hire more people to cope with the workload. As with the IEC, most staff are new hires. The office has adjudicated 14 of the 40 complaints that it has received to date. Complaints are focused on candidates receiving threats, candidates retaining government positions, and government resources being used to assist the campaign of a high profile candidate. The PECC has prioritized complaints in favor of threats and disputes between candidates.

FEFA has recruited and trained 288 observers in Parwan. Unlike Paktika province, where no women have been recruited as FEFA observers, 42 percent of recruits in Parwan are women. FEFA observers say long-running personal disputes between rival candidates have emerged during the campaign, increasing tension between candidates. Observers noted that people who have received hand-outs, such as rice and cooking oil, from candidates are enthusiastic about the election.

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## Female candidates face challenges despite reserved seats

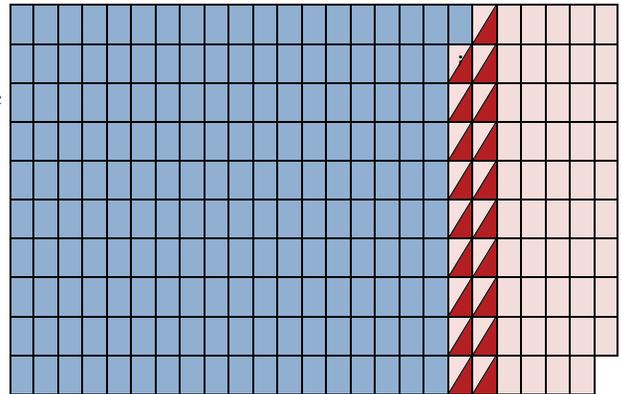
**AfghanistanElectionData.org, a project of NDI, has been updated with information on the 2004 and 2005 elections, making it a one-stop shop for data on the past six years of voting in Afghanistan.**

While female representation is guaranteed in the *Wolesi Jirga*, women still face significant challenges running for office. Afghanistan's Constitution sets aside 68 seats, just over a quarter of the total, for women, which gives Afghanistan a higher percentage of women in its lower house of parliament than over 100 other countries. Nonetheless, women face a difficult path in campaigning for office. About one third of female candidates interviewed have reported facing interference, intimidation or violence - from both male and female opponents - during the campaign, based on interviews with over 80 female candidates conducted by NDI in the past three weeks. Incidents range from verbal abuse and alleged tearing of campaign posters to physical violence, including from members of their families.

Article 83 of the Afghan Constitution states that "on average, at least two females shall be elected members of the *Wolesi Jirga* from each province." In carrying out this requirement in 2005, the Joint Electoral Management Body (JEMB) chose to allocate the seats differently among the country's 34 provinces. In a province as large as Kabul, nine out of 33 seats were reserved for women; in 19 of the smallest provinces, one out of two seats *Continued on p.2*

### Women's Representation in the 2005 *Wolesi Jirga*

■ 181 Men    ■ 49 Women seated by quota requirement  
■ 19 Women with enough votes to win without quota



## Incumbents

### By the Numbers

Of 249 members of the *Wolesi Jirga*, 194 MPs, 78%, are seeking re-election. In the 2009 provincial council (PC) elections, 69% of PC members sought re-election.

In six provinces - Sar-i-Pul, Kapisa, Bamiyan, Daykundi, Zabul, and Nimroz - all of the MPs are running for re-election. In Helmand, only three of eight incumbents are candidates, the country's lowest percentage.

Only four provinces have at least two seats left open by retiring MPs, creating a challenging environment for more than 2,300 non-incumbents running for office.

In 20 provinces, all female MPs are seeking re-election, making it difficult for non-incumbent women. Only 11 provinces have a female seat without an incumbent running.

NDI analysis indicates more than a quarter of MPs seeking re-election affiliate with political parties, while less than one in 10 new candidates are formally linked to parties.

### Challenges of Incumbency

In the 2009 provincial council races, only 41% of incumbents seeking re-election won.

After five years in office, many MPs report that they are unable to fulfill voters' expectations - particularly for provision of services. Without tangible benefits to show their communities, some incumbent MPs struggle to persuade voters to re-elect them.

MPs are elected to serve the entire province rather than specific districts, but many MPs were elected in 2005 due to support from a specific geographic base. According to the Afghanistan Research Evaluation Unit (AREU), incumbents elected with votes mainly from rural communities face serious challenges this year from candidates accusing them of abandoning their rural supporters.

Candidates, observers and voters interviewed by NDI believe that incumbents have easier access to security and state resources, creating a negative impression.

### Advantages of Incumbency

Despite popular belief that citizens are dissatisfied with the Afghan government, incumbent MPs are typically perceived as the strongest candidates in most of the provinces visited by NDI observers. MPs that NDI interviewed also expressed confidence in their own re-election.

Some MPs have been able to use access to state resources to deliver tangible results for their communities. According to AREU research, those MPs who are perceived to have brought concrete benefits like schools and roads have received praise from those likely to vote.

As members of the *Wolesi Jirga*, incumbents can receive security protection, which makes campaigning easier in less secure areas. Non-incumbents can only receive security from the government on a case-by-case basis determined by the Ministry of Interior.

## Female candidates (continued from p. 1)

was reserved.

Even if a woman wins enough votes to earn her seat outright - without any help from the quota system - she is still allocated a reserved seat. Thus, for women to win more than 68 seats, they would need to win more seats outright in one or more provinces than the amount allocated by the quota. Some women's advocates argue that, in the social and political context of Afghanistan, this system makes it unlikely that women will win more than 68 of the 249. In 2005, no province elected more women for the *Wolesi Jirga* than its reserved number of female seats. While guaranteeing female representation, the female quota system effectively creates a separate race for women candidates competing for the reserved seats.

Most female candidates focus on winning votes from both genders, according to candidates interviewed by NDI. One candidate said she focuses on male voters because some women are illiterate and guided by men. Cooperation with male candidates also occurs in some cases: a female Kuchi candidate reported sharing an office with a male Kuchi candidate in Paktia.

Female candidates being encouraged to run by male family members or tribal elders is not unusual, and many female candidates reported receiving financial support from their family for campaign activities.

## Spotlight: Afghanistan Independent Human Rights Commission (AIHRC)

AIHRC has assigned 180 staff nationwide to observe the pre-election period. Observation began during the registration period and will continue through the campaign. Although AIHRC and the Free and Fair Election Foundation of Afghanistan (FEFA) are collaborating in information gathering, AIHRC has not determined if it will deploy election-day observers due to security and financial considerations. If it does, they will not examine the count or complaints processes.

AIHRC observation is broadly focused on political rights rather than elections administration, with particular emphasis on 1) freedom of speech 2) freedom of assembly 3) freedom of movement and 4) freedom of association enjoyed in a non-discriminatory, unbiased and non-threatening environment.

In an interview with NDI, AIHRC leadership said poor security had limited freedom to assemble, and intimidation from "influentials" had curtailed women's participation. They expressed concern about the potential for suspiciously high turnout among women and high numbers of complaints from dissatisfied candidates after the election. Also, AIHRC leadership worried that electoral fraud this year could be more sophisticated than last year.

## Regional Highlights from NDI's Observations in the Field

### Nangarhar Province

Candidates and election officials in Nangarhar are still reacting to the IEC's announcement on Sept. 7 that it would eliminate 81 of the 458 polling centers (comprising 291 out of 1225 stations) in the province based on security concerns, according to the provincial election officer (PEO). The IEC's decision affects 14 of the province's 22 districts, but Shirzad (32 eliminated out of 39 stations), Hesarak (41 out of 51 stations), and Khogyani (51 out of 63 stations) are most heavily impacted.

In mid-August, an ISAF official in Nangarhar told NDI that it would provide security for convoys transporting ballots to polling centers in areas prone to violence, but a UNDP election official in Kabul has reported that ISAF will no longer do so. Last year, the provincial police chief said that he did not have enough officers to provide security for elections in Nangarhar. This year, some of the eliminated polling centers are close to others that will open - in some cases in the same village - allowing the ANP to concentrate its stretched resources on a limited number of locations.

Candidates in Nangarhar said they were worried that some voters may be disenfranchised by the reduced number of polling centers. They have asked the IEC to provide extra ballots to centers that will be open to accommodate voters coming from areas without polling centers. NDI analysis shows that if there is the same turnout - excluding votes removed from fraud audits - in Shirzad, Hesarak, and Khogyani as occurred in the 2009 election, there will be more than 1,000 voters per remaining polling station.

### Southeast Region

Despite new anti-fraud measures, many stakeholders in the region expect irregularities to match or exceed those documented last year. In a series of interviews with NDI, candidates, journalists, civil society groups and even election officials expressed skepticism about the IEC's impartiality in Paktia, Paktika and Khost. The three provinces account for more than 3000 out of the approximately 6000 staff blacklisted nationwide following last year's election. This year, the IEC has already fired more than 20 of almost 300 district election staff in the region for having links with candidates.

The national chairman of the IEC said he would launch an investigation into allegations from two members of the Khost provincial council (PC) leveled at the Khost provincial election officer (PEO). According to media reports, the two PC members held a press conference and accused the PEO of "moral and administrative corruption," alleging that he abused his authority over staff. The PEO denied the accusations, claiming the PC members are launching a smear campaign after the IEC rejected council recommendations for recruiting staff. The PEO also claimed the PC members had family links with certain *Wolesi Jirga* candidates.

Security concerns add to the risk of fraud. In late July, a bomb blast killed a Khost candidate campaigning at a mosque. Last week, in Paktia, unknown gunmen shot at a candidate, resulting in no casualties. Also in Paktia, night letters have appeared warning against participating in elections and threatening to burn shops that display candidate posters.

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## What role are insurgent groups playing? Armed opposition groups both disrupt and shape election

Insurgent groups, including the Taliban, are reportedly endorsing candidates in an attempt to influence the outcome of the Sept. 18 *Wolesi Jirga* elections. Armed opposition groups (AOGs), including *Hezb-i-Islami Gulbuddin* (HiG), have rejected elections as illegitimate, often warning voters they will be harmed or killed if they take part. AOGs have issued similar statements this year. Based on over 160 interviews with *Wolesi Jirga* candidates and dozens of interviews with other stakeholders, NDI has gathered examples from some provinces around the country where AOGs appear to be urging voters to elect candidates who might be sympathetic to their goals.

A group identifying itself as Taliban is distributing night letters in parts of the northwestern province of Faryab warning people to vote only for certain candidates, according to the Afghanistan Independent Human Right Commission (AIHRC). "On one hand, they disrupt the election and issue threats against the election. On the other hand, they attempt to participate in the election of *Wolesi Jirga*," the AIHRC reported in July.

**UPDATE: AfghanistanElectionData.org, a project of NDI, has been updated with information on the 2004 and 2005 elections, making it a one-stop shop for data on the past six years of voting in Afghanistan.**

In Ghor, a western province, a journalist with an independent radio station told NDI that a Taliban commander has said voters can participate in the election but only to cast ballots for candidates he endorses.

A *shura* member in the northern province of Balkh told the Afghanistan Research and Evaluation Unit (AREU) that both the Taliban and HiG have effectively endorsed some candidates. "For instance, they told the head of one school to make their students vote for certain candidates, otherwise their fingers will be cut off," he said. An international official working in Balkh also noted that HiG appears to have provide preferential access for some candidates to remote districts with security *Continued on p.2*

## Electoral Complaints Commission in the Provinces

The present Electoral Complaints Commission (ECC) was established under Article 61 of the 2010 Electoral Law, passed through presidential decree. National commissioners were appointed in April 2010, and the body's regulations - revised from those used in 2009 - emphasize a province-centric structure in which Provincial Election Complaints Commissions (PECCs) have primary jurisdiction on complaints. Similar to the five commissioners at the national level, the 113 provincial commissioners were appointed by President Karzai.

Over the past four weeks, NDI interviews with more than 500 candidates, political party members, government officials, IEC and ECC staff, and community leaders reflect views on the challenges that PECCs face this year.

Under the Electoral Law, the ECC and PECCs are created 120 days before the election and will dissolve after the election period. As a temporary body, the ECC has faced difficulties retaining staff and institutional expertise. Many PECC commissioners and their staff are entirely new to the electoral complaints process. In provinces such as Balkh, Farah, Logar, Nimroz, and Parwan, only one staff member from 2009 has been retained. The Panjshir PECC is

composed completely of new staff.

PECCs have also expressed concern about resource shortages, hampering their ability to investigate in the districts. The Balkh PECC reported using public photocopiers, raising concerns about confidentiality. In addition, many PECCs are acutely aware of the security environment within which they operate. Most PECCs in the south and east have received direct threats, and commissioners are apprehensive about retaliation from warlords once the ECC closes, since the commission is designed only as a temporary body.

Some PECCs have expressed confidence in their capabilities, claiming that they are stronger than before. A Parwan commissioner felt that the "high" number of received complaints received signaled "recovery" from the "poor image" of the ECC in 2009. Several individuals retained from 2009 however, have referred to the ECC as "state-run" or biased. Many political party members, candidates and government officials share this concern. Of note, interviewees in Kunduz expressed concern over an entirely Pashtun PECC in a province of mixed ethnicities.

On June 19, the ECC released a report on the challenges received on the preliminary candidate list. *Continued on p.2*

## Armed groups (continued from p. 1)

concerns. (For additional information, see [NDI Elections Update, Issue 2](#).)

In Baghlan and Kunduz, some candidates are directly appealing to groups identifying themselves as Taliban to reduce attacks within those constituencies, according to an international official's comments to NDI. In these cases, armed groups have leverage over candidates by increasing or decreasing attacks in the lead-up to voting. Reports that groups identifying themselves as Taliban may attempt to attack provincial centers, such as in Kunduz, could indicate broad opposition to the elections. Such attacks could also have political implications for those candidates with vote bases in provincial centers. (See *Northeast Region update below*.)

Armed opposition groups are also engaging in more traditional tactics, aiming to disrupt elections through threats and attacks. Four candidates have been killed so far, voters have been warned against participating in the election, and AOGs have threatened to carry out attacks on election day. NDI has received many reports of AOG, including groups identifying themselves as Taliban, engaging in generally anti-election activities, such as warning all voters not to vote and voicing particular opposition to female participation.

Despite these reports, evidence from a range of regions suggests that some AOGs' interests are more diverse, including supporting sympathetic candidates.

## Provincial ECC (continued from p. 1)

Since that date, no releases have been made on the number of complaints that PECCs have adjudicated or that remain pending. Although some PECCs can provide numbers on complaints received, others are reluctant to provide any information at all. Many PECCs say that they have issued fines and warnings, but exact numbers of such penalties are unclear. Written decisions have yet to be posted.

Many complainants claimed they were turned away for not being able to produce "documents" or "proof," yet given little guidance on how to acquire such documents. A female candidate upon being repeatedly threatened while campaigning, including having a gun pointed at her, claimed that the ECC told her that she should have sent someone to follow the gunman. "What is the ECC for then?" she told NDI. This sentiment was echoed by interviewees who felt that the insistence on documentation was being used to intentionally discourage complaints.

Others expressed frustration that serious cases are shelved while trivial cases are prioritized. One serious case involves an accusation by a female incumbent that another candidate's brother had conspired to kill her. She in turn has been accused of having the man arrested. The PECC says the case is still under investigation, despite the man entering his second month in prison.

For more information on the ECC, go to [www.ecc.org.af](http://www.ecc.org.af).

## Regional Highlights from NDI's Observations in the Field

### Northeast Region

Some candidates are appealing directly to insurgent groups to refrain from carrying out attacks in areas of Kunduz and Baghlan where those candidates have strong support. Candidates expressed concerns that voters will heed warnings from the Taliban who have told people not to take part in the election. NDI staff working in the region and UN officials said it is unclear if candidate appeals have been successful.

Violence has severely hampered election preparations. Some armed groups are active in Kunduz and Baghlan, including the Taliban, *Hez̄b-i-Islami Gulbuddin* (HiG), local militias and criminal organizations. On Sept. 6, a district governor in Baghlan was killed when unidentified assailants fired a rocket propelled grenade at his vehicle. Candidates and election workers have been threatened and kidnapped, including two district field coordinators who promised to resign in return for their release.

The vast majority of candidates claim they run independently and often deny party connections. In practice, three main political parties in the region support many candidates. The northeast region is ethnically mixed, and political parties are broadly divided along ethnic lines. The *Jamiat* party primarily stands behind Tajik candidates in Takhar and Badakhshan, while the Pashtun-based *Hez̄b-i-Islami Afghanistan* (HIA) affiliates with certain candidates in Kunduz and Badakhshan. Four candidates in Kunduz openly claim connection to HIA. The *Junbish* party endorses many Uzbek candidates, mainly in Takhar and Kunduz provinces in the northeast.

### South Region

For female candidates, campaigning in the south is particularly difficult given the conservative culture and challenging security environment. Most female candidates in the region are unable to campaign in public for fear of attacks. Instead, they are confined to proxy campaigning from their homes, making telephone calls to voters, dispatching male relatives to meet with supporters and enlisting the help of tribal leaders. Female candidates report receiving threatening phone calls and having their posters regularly torn down or defaced with red paint. In Paktika, the Taliban kidnapped a female candidate on the day after she registered her candidacy and held her for six days. After this incident, the candidate declined to file any complaints with the ECC or other bodies.

Despite the danger, a large number of women candidates are running. In Zabul, seven of the 16 registered candidates are female - the highest ratio of any province. A prominent female incumbent in Kandahar told NDI that threats against female candidates underscore the importance of further integrating women into the political process. She said, "More than ever now, we must be part of the political process...I want to prove that women do have a role to play within the parliament."

Based on NDI's analysis, two female candidates in the south are affiliated with political parties, even though all female candidates in the region officially run as independents on the ballot. Many told NDI that even though elections take place under significant limitations, they still represent an important manifestation of democracy.

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16 Sept 2010: 2 days to E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

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## Electoral authorities work to improve accountability Changes in staff and rotation of provincial officers aim to limit fraud

After presiding over the 2009 elections, which were marred by widespread fraud, Afghan electoral authorities have developed measures to prevent similar irregularities. The Independent Election Commission (IEC) has focused on removing staff who may have been involved in last year's fraud and improving balloting procedures. The Electoral Complaints Commission (ECC) is charged with investigating complaints submitted prior to the certification of election results. The duty of the IEC and ECC to respond to concerns of fraud began months ago and will continue after polling.

One of the IEC's first actions was to blacklist about 6,000 of its 164,000 staff who worked on last year's presidential and provincial council polls. The IEC drew up this roster based on allegations of misconduct, which the ECC investigated last year. Some of these staff used false names to apply and receive IEC positions this year. Upon discovery of this deception, several individuals were fired.

To date, the IEC has dismissed 114 district field coordinators, and another 100 have been relocated to different districts after it was discovered that they had links to candidates, among other violations. The ECC referred five provincial election officers (PEOs) to the Ministry of Justice based on investigations of illegal practices during the 2009 elections. The PEO in Nangarhar province was imprisoned for allegedly accepting large bribes from candidates.

All 34 PEOs have been assigned to posts not within their home provinces. This effort - described by a senior IEC official as costing over \$300,000 - is intended to distance the PEOs from their local power and patronage networks, allowing them to better maintain their independence and integrity amid pressure.

The IEC does not have the power to prosecute workers who violate the Election Law. But the commission has put in place measures to allow judicial bodies to identify violators swiftly and use data for future reference. These measures include the creation of a database of contracts, photos, ID copies and certificates of all District Field Coordinators (DFCs) and voter educators.

The ECC can issue warnings, demand corrective action or impose a fine of up to 500,000 Afs (approximately \$10,000). The ECC can also order recounts, sanction the removal of candidates or blacklist violators from employment with any elections commission for up to 10 years. In addition, the ECC can ban a political party or a candidate from running in the future if his or her members or supporters commit electoral violations. The ECC can also refer a case to the relevant Afghan body for further investigation or judicial action. So far, the ECC has referred an unnamed provincial governor to the Attorney General and fined an unnamed mayor 125,000 Afghanis (~\$2,500) for interfering in the election process.

## Key Modifications in ECC Regulations

NDI has reviewed the ECC Regulations adopted in July 2010 and compared them to the ECC Rules and Procedures in place for the 2009 elections. Below are some of the most significant modifications in the 2010 Regulations of the ECC.

### Composition and Quorum

Following adoption of the presidential decree on elections earlier this year, the number of internationals on the ECC has been reduced from three to two, and all of the five commissioners are now appointed by the President. In the 2009 Rules of Procedure (RP 2009), quorum for deliberations and decisions is three or more commissioners, including at least one national commissioner. Revised Regulations of 2010 (R 2010) do not specify nationalities of commissioners for a quorum and do not refer to appointing bodies.

### Jurisdiction

The 2010 ECC regulations state that primary jurisdiction of complaints rests with the Provincial Complaints Commissions (PECCs). PECC decisions are subject to review and appeal to the national ECC. However, according to a recent amendment (that has not

been officially posted), the ECC is not obligated to review all PECC decisions. Language requiring a national ECC review of all PECC complaints is not present in R 2010.

### Impartiality

Both documents include a clause that requires commissioners to sign the ECC Code of Conduct; however, the specific clause relating to partiality has been removed from the 2010 Regulations. In RP 2009, Article 2.6 read, "The Commissioners shall fulfill their tasks in a timely, objective, impartial, and non-political manner." That clause has been removed.

### Cooperation and access to information

Article 2.15 of RP 2009 states that it is the duty of "political parties, candidates, electoral observers, political party or candidate agents, and the Independent Election Commission

*Continued on p.2*

## Review of changes in ECC Regulations (continued from p.1)

Secretariat (IECS)” to cooperate with and assist the ECC in its work. The related clause in the R 2010 reverses the role of this duty, stating that it is the ECC’s responsibility to gain this cooperation and places no obligation on outside parties. As R 2010 states, the ECC and PECCs shall use their “best endeavors to gain and retain full assistance and cooperation from the IEC.”

### False information

The RP 2009 clause regarding the provision of false information has been removed from the R 2010. In RP 2009, Article 3.7 stated, “The provision of false information to a PECC or to the ECC is a violation of the Electoral Law and may be sanctioned by a PECC or the ECC.” For R 2010, the clause is deleted, although providing false information remains an offence under the Electoral Law. In 2009, four people were fined for providing false information.

### Confidentiality

While an overarching statement of confidentiality remains in R 2010, a number of clauses dealing with confidentiality have been reworded or removed entirely. For example, a clause in RP 2009 stating that, “Except by official order from the Supreme Court, no authority or entity can compel the ECC to disclose any documents that the ECC has custody of,” has been removed.

Also, a reference to the Office of the Public Prosecutor has been removed. In RP 2009, Article 2.7 stated that the ECC could share “any evidence which discloses a criminal offence shall be referred

by the ECC to the Office of the Public Prosecutor or other relevant legal authorities.” That clause has been removed in R 2010.

### Delay of material

The clause stipulating that an IEC or PECC office that delays the transfer of material may be committing an electoral violation has been removed. Text in RP 2009 stating that, “any undue delay may be considered as interference with election materials and may constitute an electoral offence,” is no longer present in R 2010. There are two such references in RP 2009; both have been deleted.

### Simultaneous employment of ECC commissioners

Language in RP 2009 stating that commissioners must not have concurrent occupations has been removed in R 2010. In RP 2009, Article 2.3 stated, “The work of the Commissioners shall be full time employment. Commissioners must suspend any other employment and conflicting responsibilities for the duration of the ECC’s mandate.” This text is not present in R 2010.

### Fines

The maximum fine that can be issued by the ECC has increased from 100,000 Af (\$2,000) to 500,000 Af (~\$10,000).

## Highlights from NDI’s Observation Herat Province

The IEC has dismissed 12 District Field Coordinators (DFCs) in Herat due to complaints that these staff have close connections to candidates. The provincial ECC initially received complaints against 15 DFCs; after investigating and determining that the allegations were credible, the PECC sent its finding in a letter to the provincial IEC. The IEC then gave all 15 DFCs the option to switch districts. Three accepted the offer and the remaining 12 chose dismissal.

The ECC has also received complaints about tribal elders taking voting cards from villagers and promising them payment after Election Day for the use of their cards. Some voters contacted the ECC by telephone to inform them, while one person submitted a formal, written complaint. The ECC is investigating the formal complaint.

In Herat city, candidates are running energetic campaigns; less dynamic efforts are being conducted in outlying districts. In interviews with NDI observers, candidates said security concerns prevent them from campaigning in many areas, limiting the amount of campaign activity outside the city. In addition, candidates say that population density is a key factor in their campaign approach: since 25 percent of the province’s citizens live in Herat city, many candidates focus their efforts in the capital. A significant number of candidates are social activists and heads of NGOs, and are using their networks to carry out their campaigns. Many candidates are businessmen funding their own campaigns.

## Spotlight: Access for the Disabled Community

Although many regulations to protect disabled voters remain in place, attention to the needs of the disabled community has lessened since the *Wolesi Jirga* elections five years ago. For the 2005 parliamentary polls, a host of programs were in place to encourage the disabled to take part in the election. This year, there are procedures in place to assist the disabled, but there has been limited public outreach on these regulations. Of the 2,536 candidates running, three are disabled. Based on an estimate by Handicap International (HI), the current figure for the disabled community in Afghanistan is approximately 840,000.

In 2005, the Joint Electoral Management Board (JEMB) adopted regulations to provide disabled persons with greater access to the electoral process, said an HI employee who worked with the JEMB. These measures included setting a five-percent hiring quota for disabled persons. JEMB reports having recruited over 8,000 disabled staff members - nearly meeting this quota. The IEC, which is overseeing this year’s elections, has no special provision for ensuring representation of the disabled among its staff.

In 2005, a robust public education program was implemented to assist disabled voters in the electoral process. This year, public education toward the disabled has not been actively pursued, according to a disabled candidate and an HI employee.

This year, similar to the procedures in place for the 2009 elections, disabled voters will be given priority in voter queues and have the right to secure assistance while casting a ballot. To prevent abuse of this practice, a person can assist only one disabled person. However, to ensure that someone is present at all times to provide such support, polling station chairpersons may assist multiple disabled voters.

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## Afghanistan prepares to vote

### Poll workers trained nationwide and election materials distributed

Staff of the Independent Election Commission (IEC) have been working long hours to prepare for tomorrow's elections. The IEC said its 5,816 polling centers can accommodate 11.4 million voters. On Friday, the commission trained approximately 90,000 polling staff in a one-day session for polling center queue controllers, ballot paper issuers and ballot box controllers.

Also on Friday, polling centers were laid out, including some that are in tents. Over the past two



*Afghans have used various means - from helicopters to donkeys - to transport polling materials to the remote corners of the country.*

days, polling materials were handed over from the district field coordinators (DFCs) to the polling center managers.

Over the past several days, the IEC carried out a plan to shift a large number of DFCs to different locations within their assigned districts. Staff reshuffling has been a central strategy of this year's IEC to prevent fraud by distancing polling officials from local figures that could pressure them. This reshuffle *Continued on p.2*

## How Afghanistan votes: single non-transferable vote

- Each of Afghanistan's 34 provinces is a single multi-member constituency with seats allocated based on population estimates. Kabul has 33 seats and much smaller provinces such as Nimroz and Nuristan have two seats.
- Each voter is able to cast one vote for his/her preferred candidate in a multiple-member district.
- One national constituency elects 10 reserved seats for the nomadic *Kuchi* population. Special polling stations for *Kuchis* have been assigned throughout the country.
- About 25 percent of the seats for each province and the *Kuchi* allocation are reserved for women.
- Candidates with the highest vote totals are awarded the seats assigned to each province. The same process is used to elect women and *Kuchis* to reserved seats.
- Heavily populated provinces such as Kabul have to use oversized, multi-page ballots to list all registered candidates. For this year's *Wolesi Jirga* election, more than 650 candidates are competing in Kabul.

Seats Available in <i>Wolesi Jirga</i> (with female seats reserved)	Balkh: 11 (3)	Wardak: 5 (2)	Badghis: 4 (1)
Kabul: 33 (9)	Kuchis: 10 (3)	Farah: 5 (1)	Kunar: 4 (1)
Herat: 17 (5)	Faryab: 9 (3)	Sar-i-Pul: 5 (1)	Laghman: 4 (1)
Nangarhar: 14 (4)	Kunduz: 9 (3)	Jowzjan: 5 (1)	Samangan: 4 (1)
Ghazni: 11 (3)	Badakshan: 9 (3)	Khost: 5 (1)	Paktika: 4 (1)
Kandahar: 11 (3)	Takhar: 9 (3)	Paktia: 5 (1)	Zabul: 3 (1)
	Helmand: 8 (2)	Kapisa: 4 (1)	Uruzgan: 3 (1)
	Baghlan: 8 (2)	Logar: 4 (1)	Panjshir: 2 (1)
	Parwan: 6 (2)	Bamiyan: 4 (1)	Nimroz: 2 (1)
	Ghor: 6 (2)	Daykundi: 4 (1)	Nuristan: 2 (1)



*Hewavd TV in Kandahar hosts a debate for three candidates for the *Wolesi Jirga* in early Sept.*

## Afghanistan prepares to vote *(continued from p.1)*

of DFCs occurred after the recruitment of polling staff was completed and before the movement of materials to polling centers. Earlier in the year, a number of provincial election officers were shifted to new locations.

Forty-eight hours before the start of the election, the IEC also announced an official end to campaign activities, which in 2005 included the transport of voters to the polls by campaigns. This year, the IEC excluded transport of voters from the “campaign activities” that are prohibited.

Security agencies began establishing security perimeters starting on Sept. 15 and will maintain the security presence until Sept. 25 to help prevent any post-election disturbances.



*Women in Kandahar participate in Candidate Agent Training (CAT) led by NDI in 31 provinces nationwide. NDI trained over 35,000 candidates agents in polling day*

## Update: Pre-Election Complaints Process

At a Sept. 15 press conference, the Electoral Complaints Commission (ECC) announced that they had received 1,089 complaints since the beginning of the campaign period. Close to 600 have been adjudicated and the Provincial Electoral Complaints Commissions (PECCs) have been instructed to “deal with the backlog before the first polling complaints come in.”

As of Sept. 15, the ECC had received 58 appeals. Only three of these were upheld by the ECC. This, according to Commissioner Johann Kriegler, “is an indication...of the quality of the investigation at the provincial level.”

The ECC stated, on Sept. 16, that Herat holds the most complaints (163) while Paktika and Logar have only two each. A full breakdown of complaints has not been provided.

Other than the disqualification of candidates for charges of non-resignation or previous convictions of crimes, the ECC has not provided any details on decisions nor have any written decisions been posted on the ECC website.

## Highlights from NDI's Observation from the Field

### Northern Region

Militias could influence the electoral process in Faryab and further destabilize the province if commanders are not satisfied with results of the vote, according to international officials. Uzbek militias have proliferated over the past year in response to escalating activity from armed opposition groups (AOGs). Officials said the groups are connected to candidates who may use them to intimidate voters. They also worry that, in the post-election period, disgruntled candidates could use militias to attack government buildings, the IEC, or rival armed groups.

Last year, the government paid 20 militias to provide security at some polling centers (PCs). Such groups now protect many government buildings, and the provincial governor has asked the Ministry of Interior to endorse their services on election day. Although the process has not been formalized, observers expected these militias to guard some PCs this year. In at least one occasion, militias have already protected election materials. On the evening of Sept. 15, AOGs attacked a convoy carrying election materials through Kohistan district. A former commander, who is now a provincial council member, sent armed men to repel the attack.

International officials said that connections between militia groups and candidates – some of whom are commanders – are well-known. AOGs have been blamed for the increasing violence in Faryab, but there are allegations that candidates have used militias to stage security incidents, which would be blamed on the Taliban or other AOGs. Such incidents would serve to discourage agents of rival candidates, or FEFA workers, from entering certain districts.

*Polling materials are positioned across Afghanistan - from Nimroz to Nuristan - waiting for polling to start tomorrow.*

### Eastern Region

The streets were quiet in Jalalabad on the day before voting, although interviewees reported concerns about intimidation, corruption, fraud, possible attacks by the Taliban or other anti-governmental forces on election day.

Posters were taken down for the beginning of the silence period. At the IEC office, the provincial election officer (PEO) for Nangarhar cited the logistical challenges involved in getting ballot papers to all polling stations by evening. Training was conducted for 160 contingency polling staff who will have up to two hours to arrive at and set up new polling stations on election day to replace stations where all 600 ballots have been used. Fifteen vehicles will be on standby for this purpose.

On Sept. 15, there were demonstrations in Jalalabad over the closure of 114 polling stations because of security concerns and the



lack of Afghan National Police to guard these stations. The IEC has said that neither local militia nor village elders may be used as guards. The PEO said the IEC agreed on Thursday to open an additional 21 polling centers — however, this would not be possible since materials had already been distributed to all other centers in the province.

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24 Sept 2010: 6 days after E-Day

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## Afghanistan goes to the polls

### Election day snapshots from NDI observers around the country



*Polling center staff display an empty ballot box before counting votes in Mazar-e-Sharif, Balkh.*



*Women vote at a polling station in Kabul.*

### Afghan National Police and Army respond to security incidents on and around election day

The Afghan National Police (ANP) took charge of almost all of the 500 security incidents recorded by the Ministry of Defense during the 24 hours before and 24 hours after election day. The Afghan National Army (ANA) handled four of the incidents. As local security forces were able to deal with these incidents, it did not become necessary to call upon the International Security Assistance Force (ISAF).

Two main factors could explain the ANP's posture in carrying out its mandate with little assistance: in contrast to the 2009 elections, attacks this year were less complex and on a smaller scale. In addition, the Afghan National Security Forces (ANSF) — which involve the ANP, ANA and the National Directorate for Security — were better able to allocate resources. In early 2010, the ANSF cooperated with ISAF to conduct risk assessments of all potential polling locations. Risk levels for these locations were then categorized as high, medium and low. The exercise allowed security forces to concentrate personnel and assets where they were most needed.



*A man dips his finger in indelible ink at a polling station in Mazar-e-Sharif*



*Police detain men with multiple voting cards in Jaji Mайдan district, Paktia.*



*An election worker folds a ballot in a women's polling station in Kabul.*



*Voters fill in ballots at an open-air polling station in Jaji Mайдan district, Paktia.*

As in previous elections, security forces were organized in concentric circles of defense around polling centers. About 52,000 police officers were deployed directly in the vicinity of the 5,816 polling centers throughout the country. The ANA deployed about 63,000 troops in a second circle around the ANP. ISAF positioned itself in a third circle of defense, including quick reaction forces ready to deploy upon request from ANSF. To respond to possible post-election violence, security forces will remain positioned near high risk polling locations until Sept. 28.

## ECC receives more than 3,000 complaints, IEC releases first preliminary results

The Electoral Complaints Commission (ECC) announced on Sept. 23 that it had received more than 3,000 complaints on electoral irregularities, the bulk of which were lodged at its provincial offices (PECCs). The national ECC received 86 complaints, and sent all but one back to provincial offices for investigation. On election day, PECCs received 126 complaints; the number of submissions dramatically increased in the succeeding days.

Currently, PECCs are in the process of assessing and classifying complaints into three categories. Category A are those that, if found to be valid, could have a numerical impact on the election results. Category B includes complaints that are serious but do not have the potential to affect the results. Category C involves complaints that are determined to be irrelevant, unsubstantiated or need no further investigation. By Sept. 22, PECCs relayed that 1,767 complaints had been categorized, with 1,032 tagged as category A. The national ECC said it had not received information on the categorization of complaints from offices in Kandahar, Nuristan, Paktika and Zabul. It mentioned that the information gap was due to the lack of internet connectivity in those PECCs.

The national ECC said it is not obligated to review provincial decisions, and promised that PECCs would publicly post decisions on the walls of provincial offices as complaints are resolved.

Also on Sept. 23, the Independent Elections Commission (IEC) announced its first set of partial results. Rather than releasing exact figures, the IEC provided bar graphs showing approximate tallies for Panjshir province. The leading candidates in this race are: Dr. Zohair Sadaat with approximately 3,600 votes, Mohammed Wasel with approximately 2,200 votes, and Ustad Aziz Ahmad Hanif with 1,400 votes. There are two female candidates in the province vying for the single seat reserved for a female representative: Qazi Rahila Salim is ahead with approximately 3,400 votes, followed by Fatima Yasar with an estimated 250.

The IEC also said it has received information from 19 provinces with the reports on campaign contributions and expenses that candidates are required to submit. The IEC regulation on campaign finance disclosure for *Wolesi Jirga* candidates stipulates that the reports are due to provincial IEC offices no later than 48 hours before election day. Of the 19 provinces, the IEC said that six candidates have not declared assets, 22 have not submitted forms, and two received campaign contributions exceeding the official limit. The IEC has referred all these candidates to the ECC for investigation.



*Voters wait in line at a polling station in Kabul.*

## Despite violence, Afghan voters show commitment to democratic process, NDI finds

On Sept. 20, NDI's observation mission released its preliminary statement on the 2010 *Wolesi Jirga* elections. The statement noted that although violence marred the electoral process in many parts of the country, millions of Afghans turned out to vote on Sept. 18, showing courage and resolve to move their nation toward a more democratic future.

"Afghanistan's 2010 electoral process has demonstrated that millions of Afghans – as candidates and their agents, voters, domestic election monitors and polling officials – are committed to ensuring that the nation's government reflects the will of the people," the Institute said.

But NDI also pointed out that many problems, some dating back to Afghanistan's first elections in 2004, still have not been addressed. These include a defective voter registration process, barriers to women's participation, and the need to secure the independence from the executive of Afghanistan's two election bodies, the Independent Election Commission and the Electoral Complaints Commission.

The observation mission, made up of 164 Afghan and international observers, operated in 30 of the country's 34 provinces and visited over 700 polling stations on election day, despite limitations created by the security situation. NDI's full preliminary statement can be found at: [http://www.ndi.org/files/NDI\\_Afghan\\_2010\\_EOM\\_preliminary\\_statement.pdf](http://www.ndi.org/files/NDI_Afghan_2010_EOM_preliminary_statement.pdf).



*The National Tally Center awaits results forms from the provinces to initiate vote tabulation. Data entry began on Sept. 20, and the first preliminary results were released on Sept. 23. The last delivery of results to the tally center is expected on Sept. 26. The IEC announced that data entry is anticipated to end on Oct. 20.*

NDI, which has worked in Afghanistan since 2002, is a nonprofit, nonpartisan, nongovernmental organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. For the 2010 elections, NDI conducted seminars nationwide for over 1,700 candidates and 36,000 candidate agents, organized training for political parties and more than 240 women candidates, and provided technical assistance to the Free and Fair Elections Foundation of Afghanistan (FEFA), the country's largest domestic election monitoring organization.

28 Sept 2010: 10 days after E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

For the 2010 Afghan *Wolesi Jirga* elections, the National Democratic Institute (NDI) is conducting an observation mission and analyzing the electoral process before, during and after election day. This mission involves more than 140 international analysts and Afghan observers throughout the country. For more information, visit [NDI.org](http://NDI.org) and [AfghanistanElectionData.org](http://AfghanistanElectionData.org).

## Candidate agents watch while Afghans vote IEC accredits nearly 370,000 candidate agents

*Wolesi Jirga* candidates recruited large numbers of agents to monitor the voting process on their behalf on election day. The Independent Election Commission (IEC) endorsed the candidate agents (CAs) as an important oversight measure, and many candidates viewed them as an important safeguard against fraud.

In the weeks running up to election day, the commission accredited just under 370,000 CAs, including about 88,000 women. NDI trained more than 36,000



*Candidate agents and Independent Election Commission officials closely observed the voting process on election day in Afghanistan.*

CAs on polling day procedures, of whom almost 10,000 were women.

Large numbers of CAs were apparent in many polling stations on election day, when they sometimes greatly outnumbered voters. One NDI observer noted the youth of most CAs, saying: “We took this as a positive sign that despite the flaws in the process in years past, there is still energy among youth to participate in the process.”

*Continued on p. 2*

## IEC announces partial results

Votes from several polling centers in Khost province have been invalidated “based on evident fraud,” the IEC has announced. The commission has compiled a list of 620 polling centers where fraud has potentially taken place, it said, so additional similar decisions could be forthcoming.

The list was based on complaints received from IEC staff and others, and on reports from national and international observers. The IEC has instructed intake teams – which are responsible for verifying the authenticity of election materials – to pay particular attention to polling stations associated with these allegations, in order to identify any irregularities.

In Khost, a southeastern province, the commission said it invalidated all votes in two of five polling centers in Terzai district. Citing fraud, the IEC also tossed out votes cast in favor of four particular candidates at one polling center and two additional polling stations in the provincial capital.

The IEC also announced that it will recount votes at 19 polling stations in seven provinces. That decision was taken after observers and the Electoral Complaints Commission (ECC) noted problems with the results forms after counting had finished.

The IEC tally centre in Kabul has received 99.7 percent of all tamper-evident bags, which contain the results and reconciliation



*IEC Chairman Fazel Ahmad Manawi announces measures to combat fraud in the process of tallying polling station results. The IEC has begun invalidat-*

forms submitted by polling stations. The commission added that it has posted partial preliminary results from nine provinces on its website. The IEC has referred to the ECC 81 candidates who failed to submit the required campaign expenditure forms.

## Afghanistan's candidate agents watch over vote (continued from p.1)

Fraud concerns were a clear motivator. "The only way to stop it is with candidate agents," said one candidate in Balkh province who deployed almost 1,000 CAs. Another candidate in the province said he recruited CAs who were from insecure districts so they could watch over voting there. Many candidates were unable to campaign in such districts and there was concern that fraud would be more likely to take place in insecure polling stations.

But while the widespread use of candidate agents was viewed as an integral oversight measure, it also posed challenges, some of which were observed on election day. Some appeared to overplay their watchdog role by attempting to disrupt polling stations, while others reportedly intimidated voters.

An IEC official in Mazar-e-Sharif accused CAs of creating disturbances at some polling stations around the city to force staff to close the stations

and quarantine ballots. The official said this happened primarily at polling stations where rival candidates appeared to be getting a large number of votes. But he was able to respond to all such incidents and prevent polling stations from being shut.

Also in Mazar-e-Sharif, NDI observers watched a group of CAs at one polling center stop a young man from entering the building.

*NDI trained over 36,000 candidate agents throughout Afghanistan. Below, a scene from a training session for women in Herat.*



The CAs gathered around him and scrutinized his voting card until security personnel told him to leave. Although the young man appeared to be below the legal voting age of 18, CAs are not permitted to accost voters or otherwise disrupt the voting environment.

In Faryab, an international official reported groups of CAs clashing with those of rival candidates. The official said many CAs in the province are members of armed militias connected to candidates, and their presence was a form of voter intimidation.

### Spotlight: Electoral Media Commission

Afghanistan's Electoral Media Commission (EMC), responsible for monitoring media and adjudicating complaints surrounding the September elections, had a much lower profile this year than during the 2009 election cycle, according to many media professionals interviewed by NDI. The EMC is appointed by the IEC to deal with violations of the Media Code of Conduct. In 2009, the EMC received 47 complaints during the campaign period as compared to only 11 this year.

Interviewees attributed the low number to a lack of public outreach by the commission and lower visibility. Last year, the EMC held weekly press conferences to update journalists and the public on its activities. This year, the commission held only "about four" press conferences in total, according to an EMC official. Nazir Zoy, the EMC head, said the commission did not need to hold as many press conferences because it published its media monitoring reports on the IEC website and in three newspapers.

Of the 11 campaign period complaints received this year, all were from Kabul except for one from Khost province. The EMC adjudicated all of them. The EMC is now in the process of investi-

gating 92 complaints about alleged violations of the "silence period," the two days preceding election day when media outlets are prohibited from mentioning candidates in their coverage or running campaign advertisements.

One complaint about a violation of the silence period involved Heywad TV in Kandahar, which belongs to relatives of President Hamid Karzai. Two days before the election, Ahmed Wali Karzai, brother of the president, appeared on Heywad TV, urging the population not to vote for three "national traitors" who supported Abdullah Abdullah in his presidential bid last year. Images of the three candidates were displayed on screen as the speech was broadcast.

The EMC is composed of five commissioners and a president selected by the commissioners. Since the EMC is part of the IEC structure, it does not have its own budget or the authority to determine any rules and regulations. As such, its powers are limited. For example, when the IEC decided to delete one paragraph in the Media Code of Conduct allowing journalists to compete as candidates, the EMC was not consulted or permitted to object.

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6 Oct 2010: 18 days after E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

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## Decisions on Electoral Complaints Not Publicly Posted

Although the regulations of the Electoral Complaints Commission (ECC) require that its decisions be posted for public viewing at provincial offices, the provincial ECCs (PECCs) are failing to do so. PECCs do not appear to be receiving clear and consistent instructions from the ECC on posting decisions.

The ECC Procedures for Polling and Counting Complaints specify that PECC decisions are to be posted “in a prominent place outside the PECC office for a period of not less than five days.” Since polling day, NDI observers have been visiting PECCs and calling election officials to determine whether decisions have been publicly posted. Of the 18 PECCs that have been assessed, only the Paktika PECC posted decisions on its external walls. However, after its recent invalidation of the votes of 31 female polling stations, the Paktika PECC reported that it would not be publicly

### Update on Partial Results and ECC Complaints:

- Partial results have been announced for 25 of the 34 provinces; no data has been released for Ghazni, Kandahar or Paktika.
- The announcement of preliminary results, expected to take place on Oct. 9, has been postponed to Oct. 17.
- ECC has reported receipt of more than 3,800 complaints; more than half of those could affect numerical results.
- Public reports have circulated that the Independent Election Commission (IEC)’s provincial officer in Khost has been arrested for involvement in fraud.

posting those decisions as “no specific person is directly affected.” Two provinces, Kapisa and Parwan, claimed to post decisions on the inner walls of the office or the guards room at the office entrance. Fifteen PECCs, including the Kabul PECC, *Continued on p. 2*

## Regional Highlights from NDI’s Observations in the Field

### Nimroz Province

Preliminary results in Nimroz, a province in the southern region, indicate a strong showing by female candidates. One of the three female contenders is currently in second place, while another is in fourth place.

There are 11 candidates competing for the province’s two seats in the *Wolesi Jirga*, with one seat reserved for a female representative. Initial results released by the IEC show that the male and female incumbents — who both ran for re-election — are tied in sixth place. Given the present tally of partial returns, there is a possibility that women could occupy both seats — and this would be unprecedented in Afghanistan.

Female and male candidates are essentially engaged in a parallel race. The leading female candidates are: Farida Hamidi, the former head of the Provincial Women’s Affairs Department, and Fareshta Amini. The leading male candidates are: Ahmad Baluch, a well-known public figure and the chair of the Social and Cultural Center for Baluch in Nimroz, and Sarwar Sherzade, a former district governor.

Nimroz is differentiated from its neighboring provinces by geographical, demographic and cultural factors. Unlike other southern provinces with a predominantly Pashtun population, Nimroz has a large Baluch population. A heavy Iranian influence extends across the border into the province.

### Kandahar Province

Much international media coverage of Afghanistan’s election has focused on potential fraud in Kandahar province. Although irregularities have been reported throughout the country, several factors could explain the particular attention to Kandahar: it is the spiritual birthplace of the Taliban; the location of significant military activity against the insurgency; the home province of President Hamid Karzai and his brother, Provincial Council Chair Ahmed Wali Karzai; and one of the key areas where massive fraud took place in last year’s presidential and provincial council elections.

In 2009, investigations of irregularities in Kandahar, Paktika and Ghazni prompted the ECC to order the IEC to initiate a nationwide audit of suspicious presidential ballots. Officials audited a random sample of ballot boxes that fit specific criteria. The audit eventually resulted in the invalidation of more than 1.3 million votes, including almost one million cast for Karzai.

This year, observers have noted evidence of significant violations similar to those uncovered in 2009. The provincial ECC has received 109 complaints since election day, with more than half classified as significant enough to affect the outcome of the vote. Of this number, 92 involve voters being prevented access to polling places. Some polling centers were allegedly opened in places other than the locations officially publicized before the election. In other cases, polling centers were allegedly taken over by armed men who prevented voters from entering *Continued on p.2*

## ECC decisions (continued from p.1)

have not posted any decisions. The Kabul PECC told NDI observers that it was not worth posting written decisions since much of the population is illiterate. Some PECCs, such as those in Balkh and Khost, specified that one reason for not posting decisions is due to security concerns. The Khost PECC added that it would make its job “more difficult as too many candidates and observers would come to inquire and challenge their decisions.” The Balkh PECC stated that it did not have “permission” from the national ECC to post decisions and that “any result paper is a secret paper.” The provincial commissioner asserted that “no northern PECC would do so” unless this permission was granted.

The Bamiyan PECC stated that it did not plan to post decisions but added that the national ECC would announce decisions over the radio. The PECCs in Kunduz and Paktia indicated that they were waiting to hear from the national ECC on how and when to post decisions.

ECC regulations also require that decisions be published on the ECC website. The body has been slow to do so. Decisions about pre-election day complaints appeared one week after polling day; the information released did not include dismissed complaints.

## Candidate Complaints in Bamiyan and Ghazni Focus on Polling Station Allocations

The ECC has received complaints from voters and candidates about the reduction of the number of polling centers in Bamiyan province as well as in Ghazni’s Jaghori district, areas predominantly populated by Hazaras. The *Wahdat-e-Islami Mardom* party provided NDI with a copy of its written complaint on the IEC’s reduction of stations in these places. Party officials have made public statements alleging that the closures were part of a broader approach that intentionally disenfranchised Hazara voters. The IEC has denied such claims, explaining that it based its decisions on security concerns and voter turnout in 2009.

When the IEC announced in August 2010 the allocation of polling stations, it was met with similar criticism. Candidates and their supporters complained that, in comparison to the 2009 election, there were fewer stations in Hazara-populated areas while there was an increase in stations in less stable areas populated by Pashtuns. Of particular concern for some Hazara candidates and political leaders was the reduction in Bamiyan this year of 69 stations from the 177 that reported a provisional result in 2009. In comparison, districts in Ghazni, such as the Pashtun-dominated Ander, had only 26 stations report a provisional result last year; but this year, the IEC planned for 71 stations. Of note, on election day, only two of these stations were reported open by the IEC.

In Ghazni, NDI observers noted that while Jahori district had 19 percent of the province’s total number of stations that reported results in 2009, the district’s stations were reduced to 17 percent of the provincial total for 2010. Jaghatu, an ethnically mixed district doubled in provincial share — from 4 percent of the province’s stations that reported results in 2009 to 9 percent in 2010. Of note, the only district where none of the planned stations opened is Qarabagh, an ethnically mixed district in the center of the province.

The International Security Assistance Force (ISAF) corroborated the IEC’s response that security concerns contributed to the reduction of polling stations in most provinces, including Ghazni. But ISAF’s unclassified security assessments released in March 2010 show that districts populated mainly by Hazaras were considered safer than the province’s Pashtun-dominated districts where the Taliban has more support.

The Ghazni provincial election officer appeared to disagree with the security assessments drawn up by ISAF and Afghan security agencies — before election day, he told local media that voting was “impossible” in four insecure districts, and he accused security forces of trying to keep polling stations open in those districts regardless of violence.

As a result of the security situation, actual openings on election day may have balanced polling station access between competing groups in Ghazni. Nawur, a secure Hazara district, had its provincial share increase from 7 percent of Ghazni’s stations that reported results in 2009 to 11 percent of the province’s open stations in 2010. Safer Pashtun districts also made gains — Ajrestan increased from 4 percent of the province’s stations that reported in 2009 to 8 percent of the province’s stations open in 2010.

Candidates also reported a shortage of ballots in Hazara-populated areas of Ghazni and neighboring Uruzgan province. The shortage led to protests outside IEC offices in two district centers in Ghazni. The IEC then opened contingency centers at 3:30 p.m., but closed them half an hour later without applying the one-hour extension that was available for such cases.

## Kandahar Province (cont’d from p.1)

as ballot boxes were stuffed. In 2009, investigators verified similar incidents.

Supporters of one candidate recorded alleged irregularities on video. In addition to submitting the videos to the ECC, the candidate shared the footage with the television network Al Jazeera, as well as groups such as NDI. The video appeared to show armed police officers overseeing a ballot-stuffing operation. Abdul Raziq, head of Kandahar’s border police denied his officers’ involvement, accusing those who produced the video of donning police uniforms and staging the incident. As of Oct. 4, the Kandahar PECC said it had not yet begun to investigate complaints in Spin Boldak.



Screenshot of video showing alleged ballot stuffing in Spin Boldak.

# National Tally Center works to detect fraud

## Employees log 14-hour days in race to process results



*The audit team at the National Tally Center in Kabul reviews data.*

Members of the IEC are working long hours at the National Tally Center in Kabul to process results from polling stations around the country. As of Oct. 4, the IEC has released partial results for 25 of the country's 34 provinces.

Ballot counting took place at polling stations after they closed on election day, and in some cases the next day. (In such instances, security forces guarded ballot boxes until the count was finished). Polling station staff then placed results forms and reconciliation forms in Tamper Evident Bags (TEBs), which were sealed and bar-coded. The TEBs were then collected by district field coordinators and delivered to provincial IEC offices.

At the provincial level, IEC staff entered into a database the quantity and serial numbers of TEBs, polling center codes and the number of polling stations. The provincial database is connected via the Internet to the intake database at the National Tally Center. The TEBs are sent to the tally center in sealed plastic boxes, and all the contents and serial numbers are documented in a handover form. If irregularities are detected during the first two steps, TEBs are sent to a clearance section. If problems are corrected, TEBs are allowed to be brought back in the process. If not, they are investigated further by an audit team. Once the audit is completed, teams pass the data to a management group, which then makes final recommendations on all audit cases that will be submitted for decision to the Board of Commissioners. If irregularities are detected by the audit team, the management group calls a recount at the provincial level. The management group also checks all the results before presenting them to the IEC Board of Commissioners for certification.

Candidate agents, observers and other interested parties can request clarification from the IEC about the results, should the announced figures differ from those posted at polling stations. The management team addresses the clarifications. Complaints can be addressed to the ECC and the IEC about the validity of the publicized uncertified results. The IEC announces the "Final Uncertified Results" once all results are tallied and all investigations are conducted. The "Final Uncertified Results" are subject to clarification requests, investigation or complaints with the ECC. Considering the ECC final report along with its own investigations, the IEC announces the "Final Certified Results" for each of the 35 constituencies (34 provinces and 1 Kuchi).

Once TEBs reach the tally center, they are processed as follows:

**1. Intake** – IEC staff members conduct an integrity check against the handover form, ensuring that the TEBs are un-tampered and that the serial number of the seals of the TEBs and transport boxes are identical to the ones reported through the web-based entry by the IEC provincial offices. Any suspicious or incomplete deliveries are quarantined and investigated.

**2. Data Entry Batch Preparation** – Each TEB is inspected to identify potential tampering and to determine whether it contains completed and correct forms. All forms included in a TEB are processed as one batch. This leaves a paper trail that can be investigated in the case of any future irregularities. All the forms are scanned and stored in case the original copies are spoiled or lost. As requested by the ECC, an additional copy is stored at the office of the IEC chairman. Scanned forms are also posted online throughout the results processing period.

**3. Data Entry of Result Forms** – The results are entered in a database using software that automatically performs mathematical and quality control checks. The data entry clerk is notified if any data is invalid or incorrectly entered in the results sheet.

**4. Duplicate Entry** – Results forms that pass through the previous three steps are re-entered - this is referred to as a "double blind data entry system." For quality control purposes, the re-entered data is saved as a duplicate of the existing data.

**5. Forms Review and Correction** — The database software compares entries from the last two stages, and flags any forms that do not match. The forms are reviewed and errors can only be corrected by a supervisor who must choose one of the two entered versions. If neither version is correct, the entire entry process must be redone.

**6. Quality Control** – All the processed data is reviewed manually against the actual results sheets and corrections are carried out accordingly.

**7. Archive** – A clerk then conducts a verification process to ensure that each batch of forms has followed each step. If the procedure has been followed correctly, the data is accepted in the database and the forms are archived in a safe storage area.

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12 Oct 2010: 24 days after E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

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## IEC Announces Invalidations and Recounts

The Independent Election Commission (IEC) has invalidated votes from more than 442 polling centers and is recounting votes from an additional 828 centers. The decisions came after IEC tally center staff in Kabul identified irregularities in results forms retrieved from the provinces. Irregularities included a suspiciously high number of votes recorded for individual candidates and forms that were not signed by candidate agents who watched over the counting process on behalf of candidates.

Observer groups including the Free and Fair Elections Foundation of Afghanistan (FEFA), the country's largest domestic monitoring group, and NDI are monitoring the recounts. Candidate agents and officials from the provincial Electoral Complaints

Commissions (PECCs) are also present. There was initial confusion at some provincial IECs regarding access to observe the recount. NDI observers in Khost province, for example, were at first denied access and told that FEFA was the only observer group allowed to watch the process. But the national office then clarified to provincial IECs that all accredited observers were welcome. FEFA has expressed concern that in some cases it was not notified in a timely fashion about recounts and was only able to attend on the second day of recounting.

The IEC has also asked the ECC to investigate more than 170 candidates across the country who are suspected of fraud. The IEC has requested the ECC to investigate a further *Continued on p.2*

### Kabul Province

Kabul has received the most electoral complaints of any province, with 498 lodged on and after election day. Of those, 261 have been categorized as significant enough to affect the outcome of the vote. The PECC said 167 are considered serious but may not have a numerical impact, while the remaining complaints are less serious.

Kabul has an estimated 3.5 million people and is the most populated of the country's 34 provinces. More than 600 candidates ran for the 33 *Wolesi Jirga* seats allocated to this province — the highest among the provinces in both the number of seats and candidates. Nangarhar, with a population of 1.5 million and 278 complaints, received the second highest number of complaints on and after election day. Laghman, with a population of 409,000, ranked third with 238 complaints.

Complaints received by the Kabul PECC included ballot box stuffing, the removal of ballot boxes from polling stations, fraudulent vote counting and the obstruction of election observers. In addition to complaint forms filled out at polling stations, the PECC received some 70 complaints via telephone on election day. If the complaints were deemed serious enough, the commissioners went to the complaint site and advised people with justifiable complaints to visit the PECC office and file them in writing.

Investigations are ongoing and the PECC has not yet adjudicated complaints made on or after election day. The commission adjudicated 195 pre-election day complaints. None of those decisions were appealed.

### Voting in Pul-e-Charkhi Prison

The majority of inmates in Afghanistan's largest prison were excluded from voting on election day, NDI learned during a visit to Pul-e-Charkhi prison, on the outskirts of Kabul. Inmates and prison officials said that only some prisoners from Kabul province voted. Pul-e-Charkhi holds almost 5,000 detainees from around the country. But only about 350 people, including prison staff, were able to vote, prison officials said.

Afghanistan's electoral law stipulates that prisoners have the right to vote. However, IEC officials announced in advance of the Sept. 18 election that they were unable to provide ballots for the Afghan National Army, the Afghan National Police, and prisoners in locations outside their home province. On election day, the IEC's mobile voting team arrived at the prison with ballots only for Kabul province. IEC officials visited only one of the prison's six blocks, leaving out voters in the other blocks.

Prison officials also said that during the registration period, election authorities did not bring enough voting cards to the prison to be able to register all inmates. The IEC visited Pul-e-Charkhi for three hours and issued 200 voting cards in only one of the six prison blocks, according to a prison block commander.

Observers from FEFA and the Afghan Independent Human Rights Commission (AIHRC) oversaw the voting process. Agents representing six candidates were also present. The vote counting process did not take place at the prison; ballot boxes were taken to another polling center, as required by the electoral law.

## IEC announces invalidations (from p.1)

275 candidates who failed to provide campaign finance reports in time for the deadline, which was 48 hours prior to election day. In addition, the IEC has decided to accept data from 164 polling centers after investigations proved that initial suspicions of election irregularity were unfounded. The IEC has so far corrected discrepancies in data from a further 31 polling centers.

## Provincial Reach of Police Training Program on E-Day Security Unclear

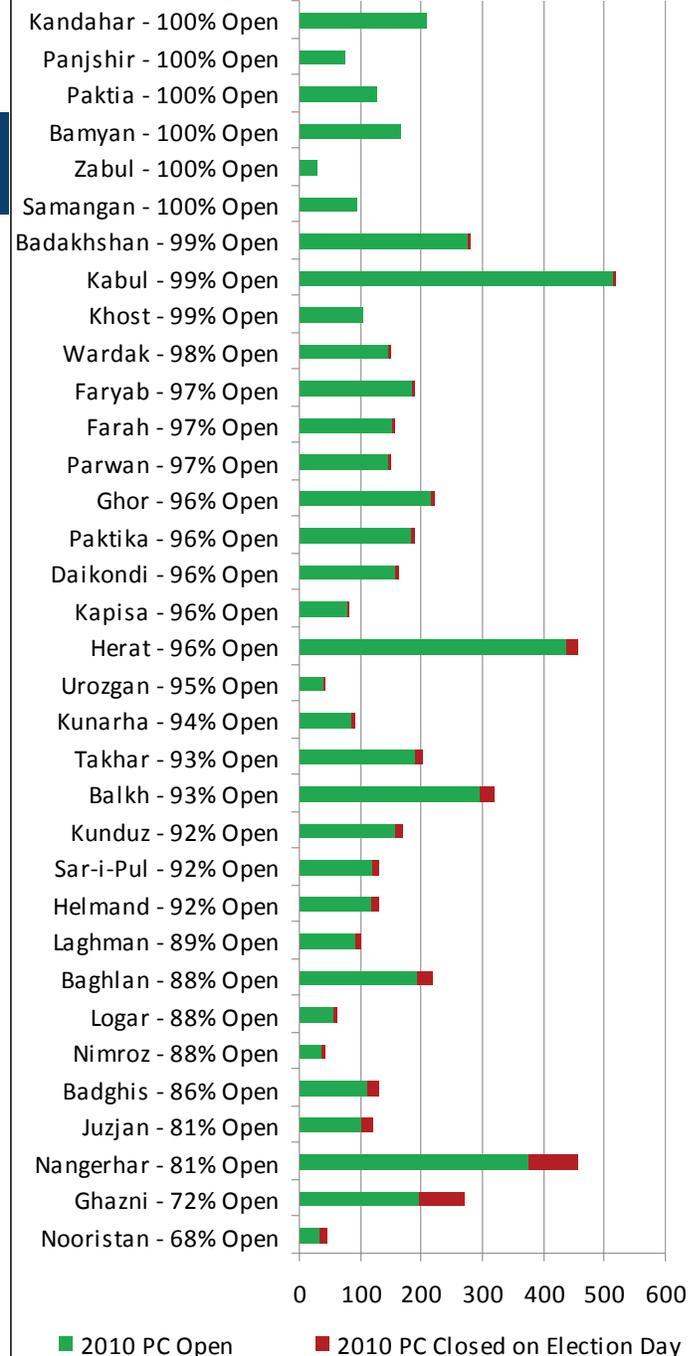
Mystery surrounds the outcome of a program by the European Union Police Mission in Afghanistan (EUPOL) aimed at training 35,000 police officers around the country on Election Day security. In late August, EUPOL completed training 273 Afghan National Police trainers in four cities who were tasked with the subsequent training of thousands more ANP personnel. However, EUPOL said it has not received information from the Ministry of Interior (MOI) on how the training was rolled out in each province. MOI said it has not received information from provincial ANP offices.

The program focused on police conduct, police law and basic election procedures in order to enhance ANP performance throughout the country on election day. The program was to be rolled out in three stages: EUPOL international trainers first trained 350 ANP master trainers; MOI was to then manage the process of having each of the 350 master trainers train 10 additional local trainers, reaching a total of 3,500 local trainers; all trained were then to deploy to the districts to each brief a minimum of 10 policemen. In addition, EUPOL printed 40,000 training booklets in Dari and Pashtu outlining election security and proper conduct on election day. The layout of the booklet allowed it to be used by illiterate staff as well, as illustrations were included in support of the training.

In Balkh province, the deputy police chief told NDI that the training took place and praised its effectiveness. However, the program's reach in other provinces is unknown. Police officials in Herat and Khost told NDI they were not aware of the program.

EUPOL said it was initially reluctant to take up the mission because of a disappointing experience in preparation for the 2009 elections, but it agreed to implement the training after requests from European embassies. In 2009, the training reached only 10,000 of the targeted 35,000 ANP officers, and EUPOL described the program as having been poorly implemented by MOI. EUPOL said MOI's capacity had not improved this year, and the program was affected by the replacement of MOP's head of education on Sept. 1, which left the ministry with little institutional knowledge about implementing the program.

## PCs Open on Election Day



## Review of Polling Stations and Centers that Failed to Open on Election Day

Using data provided by the IEC, NDI has conducted a review of polling stations and polling centers that failed to open on election day. In considering polling stations — as opposed to centers — every province reported that more than 75 percent of its polling stations opened on election day. This indicates that smaller centers were generally those that failed to open: the average closed center had 2.8 stations while the national average is 3.2 stations. Of note, the two provinces from which no partial preliminary results have been announced are on opposite ends of the spectrum for openings on election day: Kandahar reported no closures while Nuristan reported that only 62 percent of its polling centers opened, the lowest percentage in the country.

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19 Oct 2010: 31 days after E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

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## ECC processes over 4,000 complaints

The Electoral Complaints Commission (ECC) has been inundated with complaints, which are being processed almost entirely by provincial offices (PECCs). An NDI analysis of the complaints process shows that PECCs have taken widely different approaches to how they investigate and adjudicate complaints. The ECC's public release of decisions about complaints is a positive step toward transparency. But scrutiny of the decisions reveals considerable inconsistency in the complaints process.

In 2009, the ECC received just over 2,500 complaints during the entire election period. This year, as of Oct. 13, PECCs had received 4,177 complaints, of which 2,288 were considered serious enough to potentially affect the outcome of the vote.

As of Oct. 18, approximately 320 decisions have been posted on the ECC website. Almost 260 were PECC decisions from 19 provinces; the remaining decisions were made by the national ECC. NDI analyzed the posted decisions and found that they varied greatly by province in regard to: format; information provided about allegations and investigations; and consistency in decisions after electoral violations were investigated.

### Format

Most posted decisions are structured around four components: allegation, investigation, conclusion and analysis. Some, however, deviate from this structure, with only some of the components included. Many decisions – such as all those in Khost and Paktia – were handwritten. A significant number, including eight of the 20 Khost PECC decisions, were illegible due to the poor quality of scanned copies of the decisions, or illegible handwriting.

Although there are many instances of multiple complaints from the same polling location, the PECCs issued separate decisions rather than grouping them. For example, at least 18 of the 21 PECC decisions from Zabul address variations of the same allegation of ballot box stuffing in Dar Chopan district. The PECC issued 18 separate decisions. Similarly, at least 12 Logar PECC decisions pertaining to one polling center are listed separately.

### Information provided

A handful of PECCs, including Paktia, provide considerable detail about allegations, investigations and decisions. But most PECCs provide very little information. *Continued on p.2*

## Election results delayed as process falls behind schedule

The IEC has delayed for the second time the announcement of preliminary results, most recently promised for Oct. 17, and now plans to announce them on Oct. 20. The commission is processing a large amount of data, and the workload has increased as suspicions of fraud have led to audits and recounts at polling stations.

The IEC initially said it would announce preliminary results on Oct. 9, but then pushed the announcement to the 17th. By Oct. 9 – 21 days after the election – the IEC had processed and archived votes from 3,131 polling centers out of a target of 5,497. This accounted for 57 percent of all polling stations. The IEC said it intended to finish the remaining portion – more than 2,300 polling centers – over the course of the eight-day extension.

The IEC waited until the last minute to announce the second delay. A press conference scheduled for 2 p.m. on Oct. 17 was pushed back to 5 p.m. But at about 3:30 p.m., the IEC said the announcement would be postponed until Oct. 20. An IEC spokesperson explained, “The reason for delay in results is to be more accurate and precise for the announcement of [*Wolesi Jirga*] preliminary results.” Once the IEC announces the preliminary results, the ECC must adjudicate “all complaints concerning polling and count-

ing” before the IEC may certify the *Wolesi Jirga* results, according to the electoral law.



IEC and ECC officials conduct a recount of a polling station in Jalalabad in Nangarhar.

## ECC decisions *(continued from p.1)*

A few decisions fail to mention even basic information, such as the polling center that was invalidated. One of the three decisions posted by the Paktia PECC refers to the invalidation of “above mentioned female stations,” without actually mentioning any specific stations.

Of note, the Paktia PECC includes information about what evidence was or was not “clear and convincing.” For example, the PECC mentions that it considered a video that was provided to support two complaints, but it dismissed the complaints because it found that the footage did not provide conclusive evidence of ballot box stuffing.

Other PECCs provided little information about their investigations, and instead restate the allegation as their finding. A number of PECCs refer to “documentation” as the basis of decisions without specifying what type of documentation. At least five complaints allege ballot box stuffing in favor of a candidate at a polling center (1019438) in Nangahar. Each complaint was dismissed on the grounds that the complainant could not provide documents or “enough reasoning.” There is no indication in these decisions that the PECC checked the ballot boxes in question.

In another case, the only posted decision of the Kandahar PECC, the complainant alleges that the Independent Election Commission (IEC) polling staff moved ballot boxes from a polling center (2814255) in Maroof district and stuffed them. The PECC decision states that investigators contacted IEC staff and the district governor. Both parties admitted to moving the boxes, but maintained it was done as a security precaution. The Kandahar PECC failed to examine the boxes; it dismissed the case on the grounds that moving ballot boxes for security reasons was not an electoral violation.

### Decisions

PECC decisions were inconsistent on how fraudulent votes were handled. The Paktia PECC, for example, decided to invalidate votes from a number of polling stations upon discovering the presence of fraudulent ballots. But in Paktika, when fraudulent ballots were found, recounts were ordered. Other PECCs disqualified votes for certain candidates found to have engaged in fraud, rather than invalidating votes of entire polling stations.

## Security forces face unexpected challenges in North region

Security forces were unprepared for the high level of election day violence in Balkh, officials told NDI. The province’s deputy police chief said there were more security incidents than expected in the districts of Charbolak, Chimtal and Shulgurah. An international elections official familiar with security preparations there said: “The security forces were overwhelmed and could not respond. They did not foresee that big scale action. These very skilled attacks were not expected.”

Sixteen people were killed in the Balkh on election day and 11 were injured, according to the international official. He pointed out that in neighbouring Faryab province about six people were killed, a lower number than last year. While Faryab is considered to be less secure than Balkh, security forces were better prepared, according to the official.

At the beginning of September, Balkh Governor Mohammad Atta warned that there were not enough police officers to provide adequate security in the three districts. He told NDI that the election day security plan was sound on paper, but he predicted that it would not be implemented fully due to a lack of resources.

Due to security concerns, 12 of the 32 planned polling centers in Charbolak, and 10 of the planned 27 in Chimtal were closed. The deputy police chief said there was effectively “no election” in Charbolak, as people were afraid to vote. He added that there were no female polling center searchers in either district, because local people told the women it was too dangerous to work on election day. The Free and Fair Elections Foundation of Afghanistan (FEFA), the country’s principal domestic monitoring organization, said its observers were unable to stay at polling stations to oversee ballot counting because of security concerns.

The Balkh PECC said the majority of complaints received originated in Charbolak, Chimtal and Shulgurah districts. The head commissioner said most complaints, such as ballot box stuffing, were categorized as serious enough to affect the outcome of the vote. He said the PECC continues to receive quarantined boxes from those districts for investigation.

Similar concerns have surfaced in the northeastern province of Kunduz, which was plagued by election day violence. About 60 candidates have organized themselves into a group demanding that the PECC perform thorough and transparent investigations into alleged widespread fraud in two particularly insecure districts: Chardhara and Dasht-I Archi. The candidates claim voter turnout was extremely low in those districts, yet most ballot papers were used. The group has threatened to call for street demonstrations if their complaints are not properly investigated.

### Spotlight: Women lead in Nimroz race

In Nimroz, two female candidates are so far leading by a wide margin, according to preliminary results released by the IEC. One of the province’s two seats is allocated to a woman, but the latest figures indicate a potential for women to take both seats. As NDI noted in its Oct. 6 Election Update, this would be unprecedented in Afghanistan.

Currently, Fareshta Amini and Farida Hamidi are competing closely for first place, with Amini in the lead by only 103 votes. Their closest rivals trail by more than 1,000 votes.

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30 Oct 2010: 42 days after E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

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## ECC not accepting complaints on invalidated votes

The Electoral Complaints Commission (ECC) has set off a debate about the interpretation of Afghanistan's Election Law by announcing that it will not consider complaints regarding ballots that have been excluded by the Independent Election Commission (IEC). The announcement has left candidates and voters with no legal means to pursue allegations of electoral misconduct regarding invalidated votes.

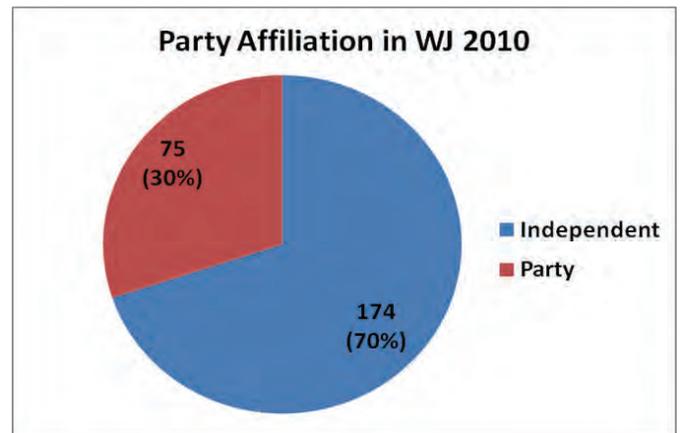
Votes from over 2,500 polling stations have been invalidated by the IEC. Given the narrow margins of victory and defeat among candidates in several provinces, the validity of a small number of votes could ultimately determine the final winners of the 2010 *Wolesi Jirga* elections.

The ECC announcement came on Oct. 21, the day after preliminary results were made public. Through subsequent press releases, the ECC argued that the Election Law allows the ECC only to adjudicate complaints about ballots that have been included in the counting process, which, it said, eliminates from scrutiny those excluded by the IEC.

*Continued on p. 2*

## Parties win 30 percent of *Wolesi Jirga* seats

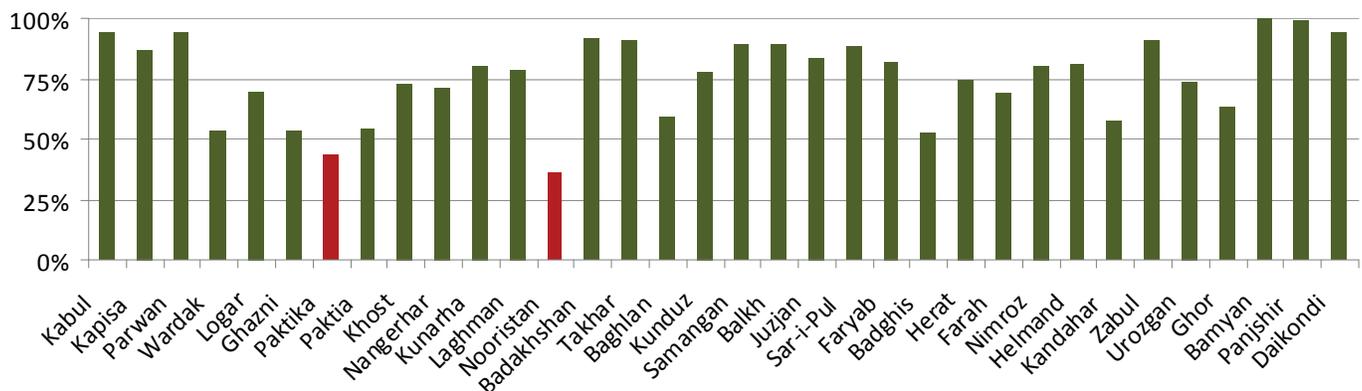
Based on the preliminary election results released by the IEC on Oct. 20, NDI noted that 75 potential members of the new *Wolesi Jirga* will be affiliated with a political party. These members represent 17 parties, with the largest parties being *Hezb-e-Jamiat Islami* and *Hezb-e-Junbish Milli Islami*.



## 77 percent of planned polling stations report preliminary results

The IEC had planned for 18,371 polling stations for the Sept. 18, 2010 elections. Due to election day security closures, logistical challenges, fraud invalidations and stations with no results forms, only 14,424 stations (or 77 percent of the total) reported results. In two of the 34 provinces — Nooristan and Paktika — less than half of the planned polling stations reported results.

### Percent of Planned Polling Stations that Reported Preliminary Returns



## ECC not accepting complaints *(continued from p.1)*

The ECC cited Article 57.2, which states that the IEC is able to “include or permanently exclude quarantined ballot boxes from the counting process.” In the pre-election period, NDI and other observer groups noted that Article 57 was among the changes made from the previous election law.

Some observers argue that a mechanism for appeal still exists, since provisions within the current Election Law enable the ECC to adjudicate complaints on breaches of procedure and conduct. Two electoral violations specified by Article 63 of the Law are: 1) violating provisions of the law, regulations and electoral procedures; and 2) violating the code of conduct of candidates and their agents, and that of election officials. For the first type of violation, the allegation and subsequent investigations would need to demonstrate that the IEC did not adhere to procedures governing audits and subsequent invalidations. For the second type of violation, investigations would need to show that an IEC staff member intentionally manipulated audit findings so as to guarantee or avoid polling station invalidation, and therefore did not act in an impartial manner.

According to the ECC, however, these provisions are not applicable to complaints regarding invalidated ballots. At an Oct. 24

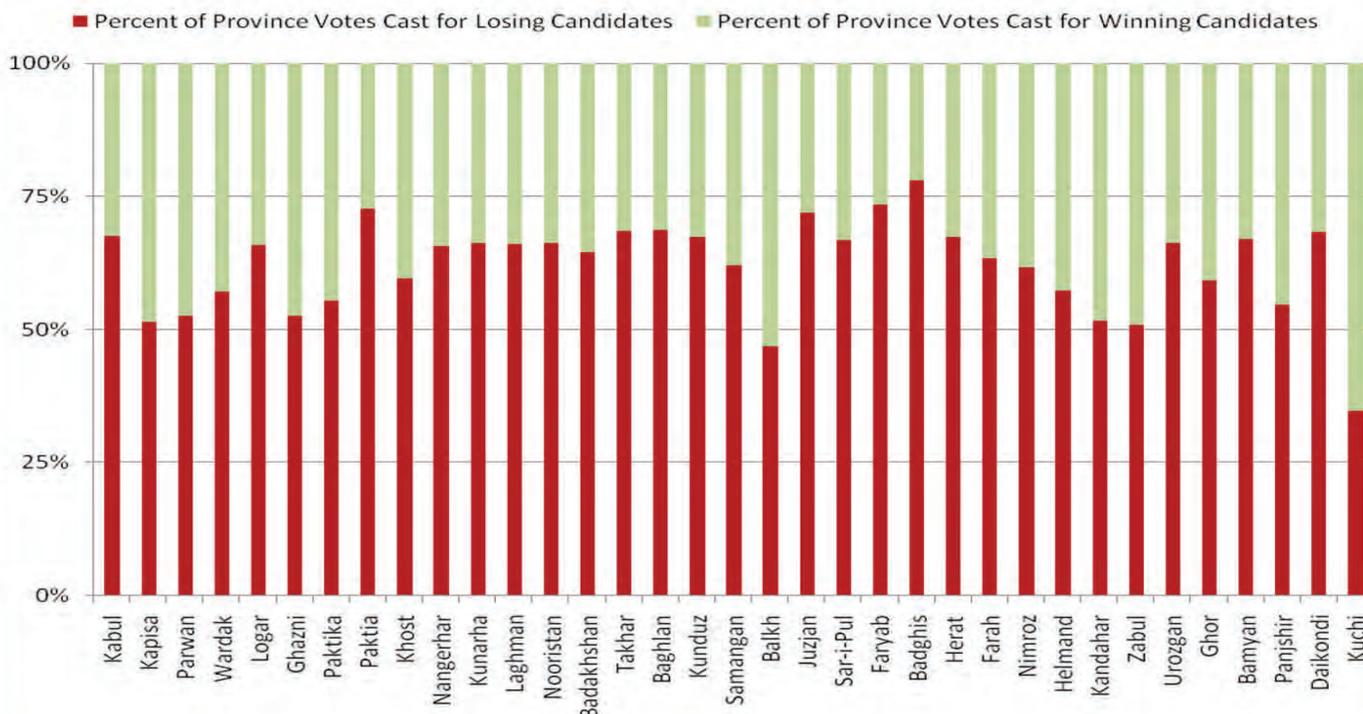
press conference, an ECC commissioner said (translated), “There is an expectation that IEC HQ (headquarters) and PIECs (provincial IEC offices) perform their duties in an impartial and fair manner. If they don’t, the ECC does not have the authority to take them to task.” The comment suggests that results of misconduct cannot be remedied by the ECC; however, as seen this year, provincial ECC offices have sanctioned IEC staff for misconduct in polling centers.

As investigations revealed, some IEC officials were involved in perpetrating the widespread fraud that marred the 2009 elections. There is broad agreement that the IEC has improved this year after initiating much needed reforms. However, the IEC has been asked repeatedly by observers to disclose the criteria used for invalidations and the audit findings of invalidated polling stations; to date, no information on these issues has been made public. Without such information, there is no way for a voter or candidate to establish the grounds by which results from a station were withheld – and this lack of transparency could leave the process open to speculation and suspicion of political manipulation. Furthermore, even if complainants could provide hard evidence of misconduct, their allegations would not be heard by the ECC, the mechanism established to adjudicate electoral complaints.

## Only 37 percent of votes were cast for winning candidates

Due to Afghanistan’s single non-transferable vote (SNTV) system and the large number of candidates who ran in this year’s election, nearly two-thirds of all votes were cast for losing candidates. Only Balkh, one of the 34 provinces, and the *Kuchi* constituency had more than 50 percent of votes cast for winning candidates.

### Provincial Votes Cast for Winning vs Losing Candidates



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30 Nov 2010: 73 days after E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

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## IEC announces final results amidst ongoing disputes

Legal challenges, political pressure and “technical problems” are stalling the formation of a new parliament after final election results were released almost one month later than planned.

The Independent Election Commission (IEC) announced results on Nov. 24 for all constituencies except Ghazni province and the Kuchi constituency. The following day, the office of the attorney general (AG) announced that it would issue arrest warrants against IEC and Electoral Complaints Commission (ECC) officials, sparking a legal battle that could delay forming a new parliament. AG representatives later visited the IEC office, obtained copies of personnel files and data from the National Tally Center — the unit that processed electoral returns from across the country — and indicated that they may decide to question several IEC employees.

The attorney general, a presidential appointee, has challenged the final election results publicly, saying that candidates who may have committed fraud and other election-related crimes should be investigated. These actions have bred suspicions among voters and candidates that the presidential palace may be dissatisfied with the final list of winners and could be forcing the IEC’s hand to alter the election results. Some also suspect that *Continued on p. 2*

### NDI Calls for Electoral Reform to Build Public Confidence in the Afghan Electoral Process and Political Institutions

With the release of the final election results, NDI issued a statement on Nov. 24 noting the flaws in the electoral system and tensions resulting from electoral irregularities. NDI called for a comprehensive review of the Afghan electoral system that would lead to reforms. Read the [full statement on NDI.org](#).

## ECC completes adjudication of complaints

*Excludes additional candidates, adjusts number of invalidated polling stations*

On Nov. 21, the ECC announced that it had completed the adjudication of all complaints that had the potential to alter the numerical results of the election and that the relevant decisions had been given to the IEC for implementation. This authorized the IEC to certify the much-delayed final results, despite an uproar among some voters, candidates and government officials who were unhappy with the way in which electoral complaints were handled.

The announcement by the ECC demonstrates three key areas where improved transparency would have aided the process and helped build confidence among electoral participants.

**Exclusion of candidates.** On Nov. 21, the ECC announced the exclusion of 21 additional candidates, bringing the total number of excluded candidates, pre- and post-election, to 118. It remains unclear if the exclusion of the 21 candidates arose from complaints during the polling and counting period or from IEC lists given to the ECC totaling 413 candidates accused of fraud.

The ECC decisions to exclude these 21

candidates have not been posted publicly, and the ECC has yet to provide open and detailed information on the specific grounds for exclusion of each candidate. Disclosing the specific grounds for exclusion would have helped reassure the electorate that the decisions were impartial.

**Invalidated Polling Stations.** Recently, the ECC adjusted the total number of invalidated polling stations from 650 to 344. The adjusted number reflects the removal of stations that were previously invalidated, or never included in the results, by the IEC. The number also reflects 99 stations that had been invalidated by the provincial ECCs (PECCs) but re-validated by the national ECC through appeals. No comprehensive list of the 344 polling stations has been made public, making it difficult to track whether ECC decisions have been implemented. The lack of information and transparency has fueled the perception that political interference may have affected the invalidation process.

**Public posting of decisions.** At the time of the submission of the final ECC decisions to the IEC, only 40 percent of the

decisions on Category A complaints, cases serious enough to affect the numerical results of the election, were posted on the ECC’s website. (On Nov. 14, the ECC reported a total of 2,724 complaints in this category). PECCs have continued not to publicly post decisions at their offices.

A review of the ECC website shows that only six provinces have all their Category A decisions posted. Several of the provinces with the most contentious results, such as Baghlan, Herat, Khost and Kunduz, show the greatest discrepancy between the number of decisions posted and unposted. Provinces such as Paktika and Ghazni show no change in posted decisions for over a month, despite the numerous ECC announcements and press releases of polling station invalidations over the past several weeks. There are no posted decisions for Nimroz province. There is only one posted decision detailing the exclusion of a winning candidate, despite the considerable impact such decisions have on the winning list as well as the electorate.

ECC regulations stipulate that ECC decisions are to be posted *Continued on p.2*

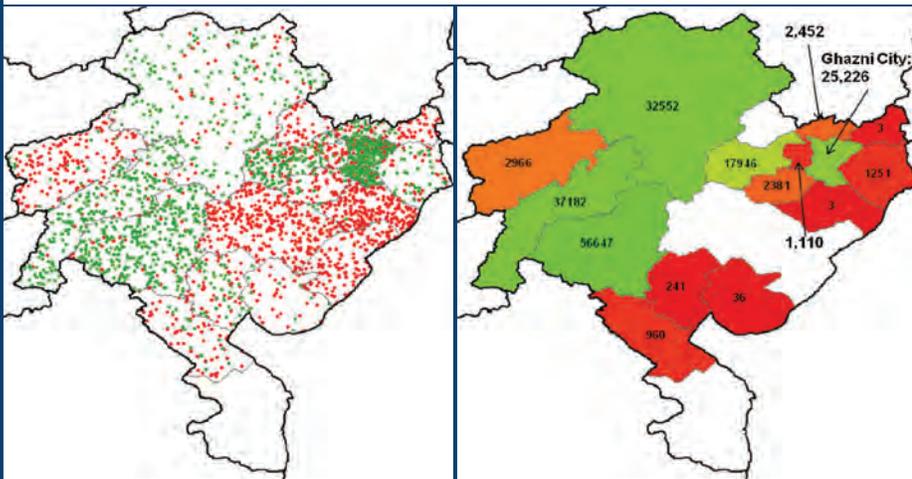
## IEC announces final results amidst ongoing disputes (continued from p.1)

the release of Ghazni province's results, which IEC officials said were delayed because of "technical problems," are being held up by the president's office.

Ghazni, an ethnically mixed province, failed to elect a single Pashtun candidate this year; in 2005, it elected five Hazaras and six Pashtuns. Due to violence and intimidation by armed opposition groups, this year's voter turnout in Pashtun-dominated districts was low. It was far higher in Hazara-dominated areas, and all 11 parliamentary seats of the province were won by Hazara candidates, according to preliminary results released by the IEC on Oct. 20. Pashtun candidates have complained that their supporters have been disenfranchised, and President Karzai, a Pashtun, has called for a fresh election in the province.

Article 61 of the Afghan constitution names the IEC as the body in charge of supervising elections; however, the current government is challenging the commission's decisions. Based on preliminary results, the IEC invalidated 1.3 million votes. The ECC excluded 26 candidates after its investigations revealed that the candidates had engaged in fraud or failed to comply with regulations for those running for office. The attorney general, Mohammad Ishaq Alako, said election officials are now being investigated for taking part in committing electoral fraud. His office has summoned for questioning two IEC and two ECC officials, including the spokesmen for both commissions.

Despite requests for comment, the ECC has yet to make a public statement regarding the controversy.



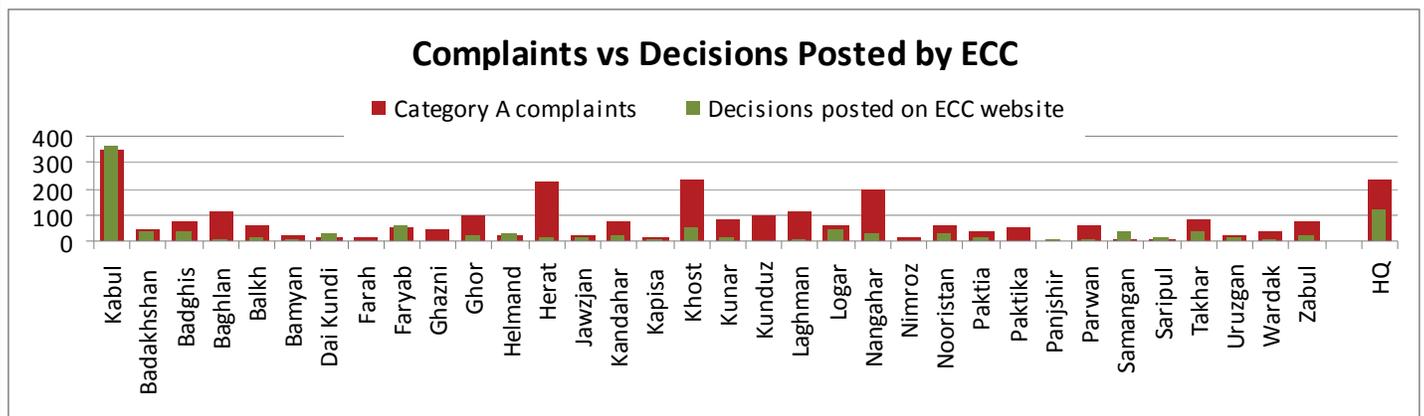
The maps to the left describe the situation in Ghazni. At the far left, the map displays the district-level allocation of polling station closures and invalidations (in red) compared to stations reporting preliminary results (in green). The more Hazara-populated districts in the north and west had fewer stations closed or invalidated. In the near left, the district totals for preliminary valid votes cast are shown, indicating the significantly larger totals in the Hazara-populated districts (in green) compared with the Pashtun-populated districts (in red) in the south and east. *Source: IEC preliminary results, Oct. 20; IEC-provided list of planned stations, Aug. 29*

## ECC fails to post decisions for key complaints (continued from p.1)

on the website, although a deadline was not provided. As per ECC polling and counting complaints procedures, the PECCs are required to post decisions in a prominent place outside their offices for no less than five days. Furthermore, PECCs claim to have been instructed not to provide the media with decisions, as all information must be provided directly by the national ECC. This has been a consistent complaint expressed to NDI by candidates and by various PECCs. NDI also noted that less than one-third of the pre-election day decisions are posted on the ECC website. These are

organized in different formats and tables and arranged by complaint number, making it difficult to trace decisions for specific complaints.

By providing full written decisions - posted publicly in a timely way and with comprehensive information detailing the grounds for the decision - the ECC would have improved transparency in the process. This would provide the means for effective appeal (ensuring candidates and the electorate are adequately informed) and potentially limit the realm of dispute.



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**APPENDIX 5**  
***NDI Afghanistan 2010 Wolesi Jirga Election Observation Mission (EOM)***  
***Mission Personnel***

<i>Country Director and EOM Director</i>	Andy M.A. Campbell
<i>EOM Deputy Director and BRIDGE Facilitator</i>	Mohammed Yousuf Rashid
<i>EOM Analyst Coordinator</i>	Telibert Laoc
<i>EOM Reporting and Data Coordinator</i>	Whitney Haring-Smith
<i>EOM Election Day Coordinator</i>	Laura Grace
<i>Country Operations, Resident Director for Security</i>	Adib Faris
<i>Country Operations, Resident Director for Finance and Administration</i>	Ramin Jabbari
<i>EOM Administrative Support Coordinator</i>	Daniel Loyacano-Perl
<i>EOM Senior Experts Group Operations Support</i>	Daniel Reilly
<i>EOM Senior Experts Group Liaison</i>	Lauren Loveland
<i>EOM Media Liaison</i>	Kathy Gest
<i>EOM Trainer for Observers from the Diplomatic Community in Kabul</i>	Sandi Gale
<i>Washington DC Director for Afghanistan Programs</i>	Raissa Tatad-Hazell

**Long Term Observer/Analyst Teams - Thematic**

<i>Election Administration – IEC</i>	Alin Valentin Dragan
	Mohammad Naeem
<i>Election Complaints – ECC</i>	Nellika Little
<i>Participation of Women and Minorities (including the disabled)</i>	Mjusa Sever
	Zohra Dastgir
	Malalai Azimee
	Nargis Qasimi
<i>Security – ANSF (ANA, ANP, NDS) and ISAF</i>	Philip Jol
<i>Media, including Election Media Commission</i>	Munira Aziz
	Neik Kabuli
<i>Participation of Political Parties</i>	J. Brian O’Day
	Saber Daqiqi
<i>Observer Engagement</i>	Zach Alpern

**Regional Trainer/Observer/Analyst Teams**

**North Region**

*Balkh, Jowzjan, Sari Pul, Faryab and Samangan Provinces*

*Program Staff:* Danish Ahmad, Fatima Amiri

*Long Term Observers/Regional Analysts:* Jared Ferrie, Nenad Marinkovic

*Master Trainers/Observers:* Aziza Amin, Mehria Fazel, Mohammad Aziz, Mohammad Nasim, Nasiba, Razequallah, Said Mohammad Hashim, Saleha Amini, Shamsuddin, Sweeta Sharifi, Zahra Rasouli

## **Northeast Region**

### *Kunduz, Baghlan, Badakhshan, and Takhar Provinces*

*Program Staff:* Haroon Nasrat, Wahidullah Bek, Nasir Ahmad Alokozai

*Master Trainers/Observers:* Abdul Baeis, Abdul Khalil Karimi, Gulalai Rahimi, Hayatullah Rasikh, Khadija Yaqeen, Mir Alam, Mirfaizuddin Sabour, Rahimah, Monisa Sahar, Rahmatullah, Shah Mahmood, Zabihullah

## **Central Highlands Region**

### *Bamyan and Daikundi Provinces*

*Master Trainers/Observers:* Mohammad Jawed, Mohammad Musa Shafaq

## **Kabul/Central Region**

*Program Staff:* Hedayatullah Hamdard, Mohammad Bahir, Mohammad Naser, Rasool Ehasany

*Long Term Observers/Regional Analysts:* Roger Bryant, Sandi Gale, Rasool Ehasany

*Master Trainers/Observers in Panjshir, Kapisa, Ghazni and Kabul Provinces:* Amirullah, Daryoosh Amiri, Ghulam Murtaza, Habib Asdigi, Hajar Asadi, Hamedullah, Hamid Khan, Khalid Ahmad Hussaini, Mohammad Asef, Mohammad Elyaz, Mohammad Rafeeq, Mohammad Waise, Mohammad Yaseen, Nasir Ali, Negina Wahidi, Noor Mal, Pari Gul, Raeesa Mohammadi, Rahullah Atiq, Sameaullah, Shah Ahmad, Shah Jahan, Wajiha, Zahra Naveed, Zohra

*Master Trainer/Observer in Parwan Province:* Habib Dad

*Master Trainer/Observer in Logar Province:* Fazel Sediq

*Master Trainer/Observer in Wardak Province:* Kheshraw Veda

## **West Region**

### *Herat, Nimroz, Badghis, Farah and Ghor Provinces*

*Program Staff:* Hamed Nowrozi, Mohammad Khalid

*Long Term Observers/Regional Analysts:* Luis Maria Duarte, Vania Anguelova, M. Hadi Mahmoodi

*Master Trainers/Observers:* Abdul Qader Parwana, Abdul Qayoom, Ahmad Wahid Ahadi, Mujiburahman Bahadori, Bolqes Nekzad, Fawzia Amiri, Fawzia Rahimi, Ghulam Mahrooh, Mozghan, Shokhria Noorzai, Wahid Nastuk, Wahid Parwaiz

## **East Region**

### *Nangarhar, Kunar, Laghman, and Nuristan Provinces*

*Program Staff:* Mohammad Yosuf Alkozai, Sharifullah Amiri, Najeebullah Kotwal

*Long Term Observers/Regional Analysts:* Rasool Ehasany, Roger Bryant, Sandi Gale

*Master Trainers/Observers:* Ajmal Hashemi, Asadullah Silab, Aziza, Dr. Obaidulrahman, Mussrat Arif, Mohammad Kabir Khan, Mohammad Qayoom, Najeeba, Mohammad Saida Jan

## **Southeast Region**

### *Khost, Paktia and Paktika Provinces*

*Program Staff:* Abdul Mateen, Mohammad Nazir Ezhar, Niaz Mohammad Mandozai

*Master Trainers/Observers:* Ehsanullah Zadrán, Khalid Hemat, Kheyal Wazir, Mahbooba Saadat, Mohammad Khalid Hemat, Ogay Haidari, Zarmina

## **South Region**

### *Kandahar, Helmand, Zabul and Urozgan Provinces*

*Long Term Observers:* Amandine Roche, Marija Babic, Mohammad Bahir

*Program Staff:* Noor Nawaz, Mohammad Omer Satee, Monawar Ahmad

*Master Trainers/Observers:* Mohammad Ebrahim, Mohammad Nawaz, Obaidullah Bakhtyalai, Sharifa Popal

## **Senior Experts Group – Election Day**

Peter Manikas NDI Director for Asia Programs

Grant Kippen Former Chairman of the 2005 and 2009 ECC

Scott Worden Former Commissioner of the 2009 ECC; Former Advisor to the JEMB in 2005

## Internal Call Center for NDI Election Day Observers

### **Team North**

*Team Leaders:* Nellika Little, Shahira Sadaat

*Members:* Jawid, Nargis Qasimi, Reza Iqbal, Abdul Wasi Meher, Sayed Hamid

### **Team Central**

*Team Leaders:* Shams Rasikh, Vania Anguelova

*Members:* Dr. Hedayat, Frozan Zekria, Mansoor Khairy

### **Team West**

*Team Leaders:* Hadi Mohammadi, Luis Maria Duarte

*Members:* Ajmal Cheshti, Beheshta Seddiqi

### **Team East**

*Team Leaders:* Devin O'Shaughnessy, Misri Khan

*Members:* Abdullah Haidary, Maiwand Abbas

### **Team Southeast**

*Team Leaders:* Mohammad Bahir, Marija Babic

*Members:* Ajmal Malikzai, Malalai Azimi

### **Team South**

*Team Leaders:* Abdullah, Amandine Roche

*Members:* Abdul Baqi Rasheed, Muslim Khan



[www.ndi.org](http://www.ndi.org)  
[www.afghanistanelectiondata.org](http://www.afghanistanelectiondata.org)