



## **Joint Electoral Management Body**

# **Regulation on Electoral Observers and Political Party and Candidate Agents**

The Joint Electoral Management Body (JEMB), pursuant to the authority granted to it by Presidential Decree on Basics of Holding Elections during the Transitional Period/110 of 18 February 2004 (29/11/1382), issues the following Regulation on Electoral Observers and Political Party and Candidate Agents:

### **Article 1**

#### **General**

- (1) Domestic and international electoral observers (“Observers”) may observe the electoral processes in accordance with the provisions of this regulation, provided that they have been registered for that purpose by the JEMB.
- (2) Political party and candidate agents (“Agents”) may carry out the functions allowed to them under this Regulation, provided that they have been registered for that purpose by the JEMB.

### **Article 2**

#### **Accreditation of Observer and Agent Entities**

- (1) An observer organization may apply to be accredited as an Observer Entity by submitting an Accreditation Application Form to the JEMBS Provincial Office and/or to JEMB HQ in Kabul.
- (2) A political party or independent candidate may apply to be accredited as an Agent Entity by submitting an Accreditation Application Form (Annex 1) to the JEMBS Provincial Office and/or to JEMB HQ in Kabul.

- (3) Each Accreditation Application Form includes an Undertaking, which shall be signed by the leader or authorized signatory of the applicant.
- (4) An organization that is registered as either:
  - a. a non-governmental organization with the Ministry of National Economy; or
  - b. or a social organization with the Ministry of Justice,shall submit, along with its Accreditation Application Form, documentary proof of its registration.
- (5) A political party shall submit, along with its Accreditation Application Form, documentary proof that that it is registered as a political party with the Ministry of Justice.
- (6) An independent candidate shall submit, along with his or her Accreditation Application Form, his or her JEMB candidate identification number.
- (7) Subject to the provisions of this Regulation or the Electoral Law, the JEMB shall accredit an NGO, political party or independent candidate within 14 days of receiving a completed Accreditation Application Form along with the documents or information required under this Article.
- (8) The JEMB may, in its discretion, invite an organization that would not otherwise qualify for accreditation as an Observer Entity under this Regulation, to be an Observer Entity.
- (9) Each accredited Observer or Agent Entity shall appoint a person as its Liaison with the JEMBS

### **Article 3**

#### **Registration of Observers and Agents**

- (1) Each accredited shall submit, through its Liaison, an Observer/Agent Application Form (Annex 2), for each person that it proposes as an Observer or Agent.
- (2) Each Observer/Agent Application Form will include a copy of the Code of Conduct for Electoral Observers or Code of Conduct for Political Party and Candidate Agents (Annex 3) (the “Code of Conduct”) signed by the proposed Observer or Agent.
- (3) Each completed Observer/Agent Application Form shall include the type and number of the valid photo identification of the Observer or Agent being proposed.
- (4) The JEMBS shall register each Observer or Agent duly proposed by an accredited Observer or Agent Entity that fulfils all the requirements of this Regulation.
- (5) The JEMB may, in its discretion, register as an Observer an individual who would not otherwise qualify for accreditation.
- (6) The JEMBS shall issue an Observer or Agent badge to each Observer or Agent that it registers, within a period of time specified by the JEMB in its procedures. The JEMBS shall issue badges to the Liaison of the Observation Entity that submitted the Observer/Agent Application Form.

#### **Article 4**

##### **Eligibility Criteria for Agents and Observers**

- (1) In order to be accredited as an Agent or Observer, a person must:
  - a. Be at least 18 years of age on the day on which he or she is registered;
  - b. Not be an active duty member of any police, military or security force;
  - c. Not be a candidate for the Wolesi Jirga or Provincial Council; and
  - d. If that person is an Agent or domestic Observer, be registered to vote in Afghanistan.

#### **Article 5**

##### **Rights and Obligations of Observers**

- (1) Registered Observers with properly issued badges shall be entitled to attend and observe the electoral operation in accordance with Procedures issued by the JEMBS.
- (2) Registered Observers have the right to ask questions and make comments on the electoral process to appropriate electoral officials in accordance with the Procedures issued by the JEMBS.
- (3) Registered Observers may attend JEMB meetings provided they have been invited by the JEMB or the JEMBS.
- (4) Observers shall visibly display their accreditation badges and carry, at all times supporting photo identification. Observers shall not be admitted to any election-related event or facility without such identification.
- (5) Only female Observers may enter centres and areas reserved for female registrants and voters.
- (6) Observers shall comply at all times with the Code of Conduct for Electoral Observers and Political Party and Candidate Agents.
- (7) The designated supervisor of an electoral facility may require an Observer to leave an electoral facility concerned if, in the opinion of the designated supervisor, the Observer has violated the Electoral Law, this Regulation, the Code of Conduct or any lawful instruction from a JEMBS official. The designated supervisor shall inform his or her supervisor immediately if such action is taken.
- (8) The designated supervisor of an electoral facility may limit the number of Observers who may access an electoral facility for reasons of safety or space. In such case, the designated supervisor shall establish a schedule or other method of allowing Observers equal access to the facility in question.

#### **Article 6**

##### **Rights and Obligations of Agents**

- (1) Registered Agents with properly issued badges shall be entitled to attend and observe the electoral operation in accordance with Procedures issued by the JEMBS.

- (2) Registered Agents have the right to file challenges and objections with the JEMBS electoral Officials as permitted by JEMB Regulations.
- (3) If an Agent is not satisfied with the response of a supervisor of a polling facility to a challenge, the Agent may file a formal complaint with the Electoral Complaints Commission
- (4) Registered Agents may attend JEMB meetings provided they have been invited by the JEMB or the JEMBS.
- (5) Agents shall visibly display their accreditation badges and carry, at all times, photo identification. Agents shall not be admitted to any elections-related event or facility without such identification.
- (6) Only female Agents may enter centres and areas reserved for female registrants and voters.
- (7) Agents shall comply at all times with the Code of Conduct for Electoral Observers and Political Party and Candidate Agents.
- (8) The designated supervisor of an electoral facility may require an Agent to leave an electoral facility concerned if, in the opinion of the designated supervisor, the Agent has violated the Electoral Law, this Regulation, -the Code of Conduct for Political and Candidate Agents or any lawful instruction from an electoral official. The designated supervisor of the facility shall inform his or her supervisor immediately if such action is taken.
- (9) The designated supervisor of an electoral facility may limit the number of Agents who may access an electoral facility for reasons of safety or space. In such case, the designated supervisor shall establish a schedule or other method of allowing Agents equal access to the facility in question

## **Article 7**

### **Revocation of Accreditation**

- (1) The JEMB or ECC may revoke the accreditation of an Observer or Agent who violates the applicable Code of Conduct or commits an offence under Article 53 of the Electoral Law.
- (2) The JEMB or ECC may revoke the accreditation of an Observation Entity:
  - a. That commits an Electoral Offence under Article 53 of the Electoral Law;
  - b. That repeatedly or knowingly proposes unqualified Observers or Agents; or
  - c. Whose Observers or Agents repeatedly or systematically violate their Code of Conduct.
- (3) An Observer or Agent Entity may revoke the registration of any of its Observers or Agents at any time. An Observer or Agent shall return his or her badge to the Liaison person of the Entity that proposed him upon request. An Observation Entity shall inform the JEMBS as soon as possible if it revokes the accreditation of one of its Observers or Agents.

(5) If the JEMB revokes the registration of an Agent or Observer, the Agent or Observer shall immediately return the badge upon request to any JEMBS representative.

(6) An organization or independent candidate shall return all of its Observer or Agent badges to an electoral official within 7 days of having its accreditation revoked.

## **Article 8**

### **Miscellaneous**

(1) The JEMB *Regulation on the Participation of Domestic and International Observers in the Voter Registration and Electoral Processes* dated 13/07/2004 is hereby repealed.

(2) The JEMB *Regulation on the Participation of Political Parties, Independent Candidates and their Agents in the Electoral Process* dated 14/09/2004 is hereby repealed.

(3) This Regulation shall enter into force the day of its signature.