



ECC Policy on Audit and Recount Evaluations

Purpose: This policy describes how the ECC will evaluate the results of the audit and recount process that will be performed by the IEC to implement the ECC's order of 08 September 2009. Mindful of the time it would take to individually examine the large number of ballot boxes across the country affected by this order, the ECC agreed with the IEC that a sample could be taken to obtain data that would reliably represent the existence of polling irregularities in polling stations with equivalent results nationwide. The objective of the process is to allow the ECC to make informed decisions about the prevalence of fraud in the polling stations affected by the ECC's order and to determine the impact on the results of the presidential election held on 20 August 2009.

Audit and Recount Sample: A total of **3377 polling stations** are covered by the ECC's order. To create a statistically sound sample, the IEC and the ECC agreed to divide the affected stations into six categories¹ and to treat each category of polling stations separately. A random sample of polling stations was selected for each category, which enables conclusions to be reached with a very low statistical margin of error. Each sample size is approximately 10 percent of estimated total ballots in the respective category.

Category	Definition	Total stations	Stations in sample
A1	Polling stations in which 600 or more valid votes were cast	545	55
B1	Polling stations with more than 100 votes in which one candidate received 95 percent or more of the total votes cast	1270	124
C1	Polling stations in which 600 or more valid votes were cast AND in which one candidate received 95% or more of the total votes cast	741	82
A2	Polling stations in which 600 or more total votes were cast, except those already covered in A1	299	30
B2	Polling stations in which one candidate received 95 percent or more of the total valid votes cast, except those already covered in B1	401	40
C2	Polling stations in which 600 or more total votes were cast AND in which one candidate received 95% or more of the valid votes	121	14

¹ Due to an administrative error, three initial categories were selected in a way that did not include all polling stations covered by the ECC Order of 08 September 2009. Because random samples had already been drawn for each category when the error was detected, an additional three categories had to be created to fully represent the polling stations covered by the ECC Order.



Audit and recount methodology: *Polling station information.* For each ballot box within a sample, the IEC will record data related to physical indicators of fraud. The ECC will use this data to assist in its determination of whether or not the ballot boxes are considered fraudulent. This determination will be based on indicators that include:

- a visual inspection of the ballot box for signs of tampering;
- a check of the contents of the ballot box to determine whether required materials are present and whether the contents indicate signs of irregularities;
- an inspection of the ballots to see whether they show clear signs of fraud; and,
- a review of the result and reconciliation forms to determine whether votes were recorded correctly.

In accordance with ECC's Rules of Procedure, the ECC will determine whether one indicator or several indicators together provide clear and convincing evidence of fraud at that particular polling station, depending on the totality of the information available relevant to that polling station.

If the ECC finds clear and convincing evidence of fraud in a ballot box, it will invalidate the results of the polling station in accordance with this policy, and notify the IEC accordingly. A finding that a ballot box was fraudulent means that the integrity of the voting process for that box has been compromised, and that *all* the votes contained in the box are fraudulent, in accordance with accepted electoral practice.

Sample category information. The presence of clear and convincing evidence of fraud in the sampled polling stations will enable the ECC to determine the incidence of fraud in non-sampled polling stations from the same category. If a percentage of the votes in a sample is found to be fraudulent, the ECC would find this to be clear and convincing evidence to conclude that the same incidence of fraud applies to the votes cast at all polling stations in the corresponding category.

After determining the incidence of fraud in specific stations in the samples where it is warranted by the evidence, the ECC will determine the extent to which its findings about the samples affect the overall results of the presidential election. It will do so by determining what percentage of the valid votes in the sample are fraudulent, and multiplying this percentage by the vote total for each candidate in the corresponding category. This calculation will determine how many of each candidate's votes would be considered fraudulent and therefore removed from the count. For example, if a candidate won a total of 300,000 votes in all polling stations of a category, and if 50% of the votes in sampled boxes are found to be fraudulent, the ECC would conclude that 150,000 votes for the candidate would be affected by its findings of fraud. This calculation will be performed for each of the candidates in each of the six

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categories of polling stations. The ECC will then aggregate these calculations for each candidate. The ECC will notify the IEC of its findings and decisions, which will be public.

Other investigations

The ECC is also investigating the complaints it has received on polling and counting. This process is ongoing and is separate from the audit and recount method described above. Where the ECC finds clear and convincing evidence of fraud with respect to a polling station under investigation, it will order the invalidation of the results for that polling station. The ECC will conclude its investigations into the complaints received at the same time as it reaches its conclusions on the audit/recount process.
