

**Decree
Of
The President of the Islamic Republic of Afghanistan
On
Holding National Assembly, Provincial Council and District Council
Elections**

No. 24

Date: 06 May 2005 (17/03/1384)

Pursuant to Article 159 of the Constitution on holding elections, the following arrangements are approved .

Article 1

The Joint Electoral Management Body (JEMB) shall, in addition to the authority and functions entrusted to it by Presidential Decree No. 40 of *4 Asad 1382*, have overall responsibility for the preparation, organization, conduct, and oversight of the elections.

Article 2

- 1) The functions of the JEMB include:
 - a) Adopt regulations and ensure their actual implementation;
 - b) Supervise the operations of the Electoral Secretariat;
 - c) Register candidates for the elections;
 - d) Establish and maintain liaison and cooperation with political parties registered with the Ministry of Justice and independent candidates;
 - e) Issue regulations on the use of, and access to, mass media and press by political parties and candidates;
 - f) Develop and adopt, in consultation with political parties, candidates, mass media and electoral organizations, procedures to govern election campaigns and elections;
 - g) Review problems related to the elections;
 - h) Refer any matter outside its competence to the appropriate authorities of the Islamic Republic of Afghanistan;
 - i) Invite national and international electoral observers to the elections;
 - j) Advise the Islamic Republic of Afghanistan on criteria for a free and fair electoral exercise in accordance with the law and international standards; and
 - k) Certify and announce the results of the elections.
- 2) The Chairperson of the JEMB presides over JEMB meetings; in the Chairperson's absence, the vice-chairman presides; and in the absence of both of them, the oldest member of the JEMB present presides.
- 3) The authority and functions of the Joint Electoral Management Body shall lapse 30 days after the end of the transitional period.

Article 3

- 1) An Electoral Secretariat shall be established to support and cooperate with the electoral bodies and exercise functions regarding the voter registration process and the elections, under the responsibility and overall supervision of the JEMB.
- 2) The Chief Electoral Officer appointed by UNAMA is the director of the Electoral Secretariat, and with the advice and support of UNAMA, shall have the following duties:
 - a) Implement the policy decisions of the JEMB and carry out the functions delegated to it;
 - b) Service meetings of the JEMB;
 - c) Carry out all other functions previously assigned to the secretariat of the IAEC or the secretariat of the JEMB according to Presidential Decrees No. 39 and 40 of 04/05/1382; and
 - d) Report regularly to the JEMB on the progress of preparations for the elections.
- 3) The Chief electoral Officer, with the cooperation of the JEMB, may remove an Electoral Secretariat staff member from his or her position if he or she has violated or abused his/her functions.
- 4) The Joint Electoral Management Body may, in case of sufficient cause, may recommend to the President that the Chief Electoral Officer named by UNAMA be removed from his/her function.
- 5) The United Nations staff serving with the Electoral Secretariat shall have the responsibility of providing support, cooperation, and advice. UNAMA shall take all necessary measures to observe and implement the decisions of the Joint Electoral Management Body.

Article 4

All government agencies in the capital, provinces and districts shall be obliged to cooperate with the Joint Electoral Management Body.

Article 5

- 1) Articles 2,9,and 10 of Presidential Decree on establishment of the JEMB No. 40 of 04/05/1382 are hereby amended as follows:

- a)

Article 2

The Joint Electoral Management Body shall henceforth consist of 14 members:

- (i) the nine members of the Independent Afghan Electoral Commission named in Presidential Decree 21 of January 2005 shall be voting members of the JEMB;*
- (ii) four international members named by the Special Representative of the Secretary-General shall be voting members of the JEMB;*

(iii) a Chief Electoral Officer, named by the Special Representative of the Secretary-General, shall be a non-voting member of the JEMB.

b)

Article 9

The JEMB will keep records of its meetings and decide on the procedures for convening meetings.

c)

Article 10

The quorum for JEMB meetings is 10 members. Decisions of the JEMB shall be made by a 4/5 majority of the members present. A 4/5 majority means that, of 13 members, 11 votes must be in favour; of 12 members, 10 in favour; of 11 members, 9 votes in favour; and of 10 members, 8 votes in favour.

- 2) Article 3 of the Presidential Decree No. 86 of 20/08/1382 is hereby amended to read as follows:

The Secretariat of the Joint Electoral Management Body, with the cooperation, advice and support of the United Nations Assistance Mission in Afghanistan (UNAMA), shall be responsible for conducting the voter registration process, under the oversight of the Joint Electoral Management Body, as established by the Presidential Decree No. 40 of 04/05/1382 (26 July 2003).

- 3) In articles 11, 15, and 18 of the Presidential Decree No.86 of 20/08/1382, the phrase "Chief Electoral Officer" shall be amended to read "Chief Electoral Officer named by UNAMA".
- 4) Sub-article (3) of Article 2 of Presidential Decree No. 86 of 20/08/1382 is repealed.
- 5) Article 8 of the Presidential Decree No. 39 of 04/05/1382 establishing the Interim Afghan Electoral Commission and Articles 7 and 8 of Presidential Decree No. 40 of 04/05/1382 are repealed.

Article 6

With the exception of the provisions modified or annulled herein, the provisions of the decrees of the President of the Transitional Islamic State of Afghanistan on establishing, or defining the roles of, the IAEC and the JEMB shall continue to apply.

Article 7

This Decree shall enter into force upon signature and shall be published in the Official Gazette and after coming into force, Presidential Decree No. 110 of 18 February 2004 shall be annulled.

Hamid Karzai
President
Of
The Transitional Islamic Republic of Afghanistan