



## **Analytical Vision on Regionally Phased Conduct of Polling**

Conducting general elections in a day period requires strong security capacity, transportation facilities and robust capacity of electoral commissions. Lack of security and transportation capabilities and facilities in a country can challenge the polling process.

In Afghanistan due to the ongoing escalating security and lack of other facilities nowadays the politicians have reached a conclusion that regional phased elections is a solution in tackling possible arise of challenges.

Election and Transparency Watch Organization of Afghanistan (ETWA) presents an analytical perspective for identifying the consequences being arisen from (Regionally Phased Conduct of Polling) in the light of objective condition and undertaking proper measures for its management.

This analysis paper includes a legal framework on regionally/zonally phased polling, its advantages and shortcoming and existing potential for this type of elections, as well as explains likely consequences of it. It also entails some proposals that support positive impacts of regionally phased election and decline its negative consequences.

### **1. A Legal Framework on Regionally Phased Conduct of Election**

Although in Constitution there is no clear reference on conducting elections on regional/zonal phase, the paragraph (4) of article (83) of this law emphasis on adoption of measures to ensure just and general representation for all people of the country.

Paragraph (4) of article (104) of the new election apparently on the basis of this ruling of the Constitution gives the special committee an authorization to delay elections in one or few electoral constituencies in case of insecure situation and natural disasters that can hamper just and general representation of people until the situation is improved.

Under the interpretations from paragraph (4) of article (83) of the Constitution, regionally phased conduct of elections is subject to the provision of general and just representation for all citizens. Similarly, according to paragraph (1) of article (83) of the Constitution that says Wolesi Jirga members should be elected through free, general, secret, and direct elections can be regarded as legal terms to conducting elections on regionally phased.

## **2. Regionally Phased Elections and Its Advantages:**

Conduct of elections on regionally phased give the government and Independent Election Commission (IEC) the opportunity to divide the geographical territory into multiple regions/zones and hold election at every region in different times in case of unfavorable situation.

In this case, the government and electoral commissions put more focus over a small geographical territory which can pave the way for a massive turnout.

## **3. Essential Potential and Capacity:**

It is important to remember that only legal framework is not adequate for regionally phased conduct of polling. Yet there is a need to the existence of capacities and resources that is effective in removing irregularities during these elections. Such as the provision of list of voters, appropriate electoral constituencies and capabilities of IEC provincial branches for ballots processing.

- a. Preparation of voter's list is of great importance in holding regionally phased elections. In absence of a list of voters, it would be very tough to separate or distinguish a ballot of one region with another region. Similarly existence of a voter's list will assists IEC to provide a precise statistic of eligible voters at electoral regions or zones and properly manages deployment process of sensitive materials and reduces frauds.
- b. Division of electoral constituencies proportionate with the available ethnic composition in provinces is an important matter. No observance of gender diversity in this type of election will deprive large numbers of people from having just representation in elected organs. As according to the single non-transferable voting system and the existing potential of (Double or Triple Voting by one person), the likelihood for repeat of the experience of 2010 Ghazni election in other provinces will be increased.
- c. Strengthening management and technological capacity of provincial branches of IEC is crucial for conducting regionally phased elections. As in such elections the election commission must turn its management from centralism to decentralism manner in attempt to facilitate the ground for timely process of ballots in provincial or regional branches.

## **4. Possible Consequences of Mismanagement:**

If the electoral commissions fail to ensure good management during regionally phased conduct of polling, there is the possibility of different challenges during this process. Here we point out to below issues:

- a. In absence of a list of voters, conduct of elections on regionally phased will pave the way for double and triple voting in other provinces. Also the likelihood of organized riggings in the polling process will be increased compared to the past given the existence problems in the old voting cards.
- b. On regionally phased conduct of election, no proper division of electoral constituencies, especially in volatile provinces and with ethnic diversity will undermine women's participation and put general and just representation of many people at risk.

- c. Similarly, in such elections, lack of management and technological capacity at provincial offices of IEC can lead into irregularity and unusual delay in announcing Wolesi Jirga (Lower House) election's results. Experience showed the delay in such situations maximizes the potential for fraud in election more than ever.

## **5. General Suggestions on Regionally Phased Conduct of Elections**

The following measures should be taken into account to mitigate the challenges being arisen during the conduct of regionally phased elections:

- a. In relation to capacity building, there is a need to equip provincial branches of IEC with necessary technology such as (information bank for collecting and counting ballots, making standard storages for keeping sensitive electoral materials before and after voting day) and recruit professional staff.
- b. More precisions should be considered in the division of regions/zones, with (insecurity and (preventing voting more than once) should be considered as crucial criteria during the division of regions/zones. In the second step, it can be followed by (general and just representation and finally by climate problems.
- c. Since the possibility of damage to general and just representation of people is far more conceivable during regionally phased election, thus, the idea of small electoral constituencies is required to be implemented, particularly in provinces with ethnic diversity and other sensitivity.
- d. Preparation of voter's list on the conduct of regionally phased polling is very necessary in order to prevent possible irregularities like voting more than once and etc.

### **Our Proposed Model:**

Whenever the main purpose from the regionally phased election is to mitigate the security situation. In this case, conduction manner of election closely relates to the division manner of electoral constituencies in a province level.

Experience showed that to what extent insecurity level varies from capital to provincial capitals of provinces, to the same extent the insecurity level changes from provincial capitals of provinces to remote districts. Thus, every province is required to be split into two electoral constituencies. The first should be urban electoral constituencies (All urban parts including the districts connected to the province's capitals) and the second should be rural electoral constituencies (All districts that are located far from provincial capitals.) Then seats of all provinces should be linked to both electoral constituencies on the basis of its population.

### **Advantages of This Division**

- a. In such constituencies, insecurity situation and commuting facilities are largely similar, which provide equal opportunities for the voters and candidates. Likewise, cultural and social similarities of inhabitants of these

constituencies reduce the probabilities of non-observance of the principle of general and fair representation.

- b. Existence of more commuting facilities at central constituencies and access restrictions to capital of provinces in rural constituencies is the factors distinguishing the two districts together. For this reason, these kinds of territories should be recognized as individual electoral constituencies in order to minimize the probability of irregularities and voting more than once in such constituencies. Here we are explaining the structure of stated constituencies by giving by giving an example of Nangarhar province:

### **Nangarhar Province:**

Central Constituency includes (7 Municipality Districts as well as Surkh Roud, Behsud, Kama, Khewa and Dara-i-Noor Districts, while the remaining districts of Nangarhar come in the category of Rural/Local Constituency.

Following the division of total seats of this province on the two constituencies according to its population's scale and then conduct elections at the central constituencies first, then following a week difference go to for elections at rural constituencies.

It is important to say that this type of electoral constituencies with the criteria of (Security situation, the criteria of general and just representation and lower fraud potential) can be a best option as per the current situation during regionally phased conduct of elections.

This type of electoral constituencies' division not only assists in holding regionally phased elections in uncertain security situation, but it can be used during the registration process of voters as well.