



BY-ELECTION

OBSERVATION REPORT

NA-120 Lahore III

ILLEGAL CANVASSING, BAR ON OBSERVERS REPORTED FROM NA-120

Surge in incidence of violations

ISLAMABAD, September 17, 2017: Though Election Commission of Pakistan (ECP) managed to control illegal campaigning and canvassing around the majority of polling stations during the by-election in NA-120 Lahore-III, Free and Fair Election Network (FAFEN) reports that its observers witnessed party camps at one-fourth and provision of transport by candidates around one-third of observed polling stations.

Procedural irregularities in voting, counting processes and a bar on legally accredited observers by security officials were the key highlights of reports from 40 FAFEN observers, who observed election procedures at 113 out of 220 polling stations (51.4%) established for the by-election, which was held in unprecedented security arrangements.

FAFEN observers were barred from entering 11 polling stations (10% of observed stations) by security officials, despite the fact that they had been duly accredited by the ECP. Observers were also restricted from observing the counting processes from another 10 polling stations.

In addition, there was a considerable surge in the incidence of violations of electoral laws, rules and codes of conduct. FAFEN observers recorded, on an average, four violations per polling station as compared to 2.6 violations per polling station recorded in the last by-election held in NA-260 in Balochistan in July 2017.

Parties' camps were witnessed outside 24 polling stations (21.2% of observed polling stations) within the prescribed 400-meter boundary for campaigning and canvassing, while transport was being provided by candidates and parties around 37 polling stations (32.7%, or about one-third of observed stations). FAFEN observers reported voter chits with party symbols printed being produced before polling officers at 152 polling booths. The highest number of violations reported (40) related to the voter identification process, in which polling officers were not fulfilling the

CONSTITUENCY HIGHLIGHTS ...



100 50 0 100 Kilometers

REGISTERED VOTERS

There are 321,786 registered voters in the NA-120 Lahore III. Among them, 179,642 are men and 142,144 are women.

BY-ELECTION 2017

MALE	FEMALE	TOTAL
179,642	142,144	321,786

GENERAL ELECTION 2013

MALE	FEMALE	TOTAL
165,312	129,925	295,237

POLLING STATIONS (PS)

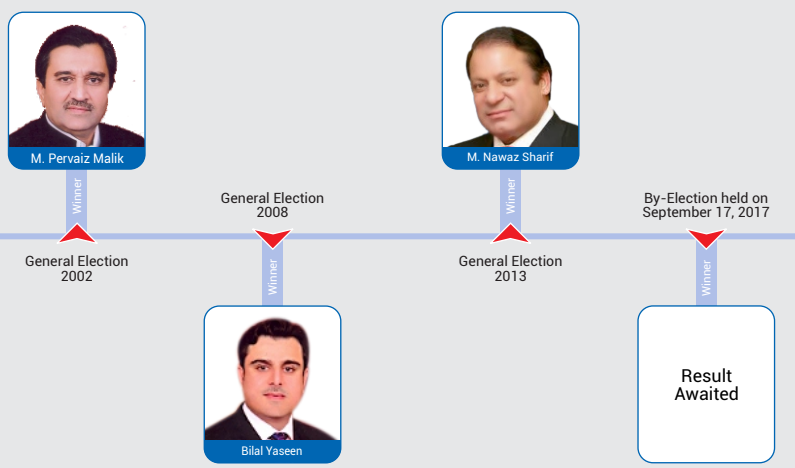
Election Commission of Pakistan (ECP) has set up 220 polling stations – 102 male, 99 female and 19 combined for the by-election. Overall, 573 polling booths – 312 male and 261 female – were established.

MALE PS	FEMALE PS	COMBINED PS
102	99	19
573 POLLING BOOTHS		

procedural requirement for polling officers to call out loud the name of each voter so that polling agents can hear and raise objections, if any.

Although the secrecy screen was installed at each of the polling booths observed, FAFEN observers reported 11 instances of breach of voters' secrecy. This reporting indicates that either security or polling officials or other voters went behind the secrecy screens unlawfully. FAFEN observers reported from 129 polling booths the lack of availability of critical materials, including Form XIV (Statement of Count) and Form XV (Ballot Paper Account).

TIMELINE OF ELECTIONS



FAFEN observers reported from 16 polling stations that voters were allowed to queue of voters after 5:00 pm, and were facilitated to vote by the election officials.

The NA-120 seat fell vacant after the disqualification of former Prime Minister and PML-N President Muhammad Nawaz Sharif by the Supreme Court of Pakistan. The ECP set-up 220 polling stations, including 102 male, 99 female and 19 combined polling stations. A total of 573 polling booths – 312 male and 261 female – were set up on September 17, 2017. A total of 321,786 citizens, including 142,144 women, are registered as voters in the constituency. ECP distributed 350,000 ballot papers to polling stations.

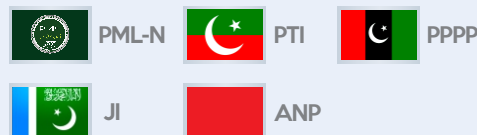
FAFEN observed the pre-election process and polling day through 40 trained, non-partisan observers. The polling day observation covered 113 out of 220 polling stations (51.4%) set up in the constituency. Observers spent between 60 and 120 minutes in each polling station to document their observations on a standardized checklist that is based on the provisions of the Representation of the Peoples Act 1976, Conduct of Elections Rules 1977 and instructional handbooks that the ECP has provided to election officials. These laws and rules governed the NA-120 by-election pending implementation of the Unified Election Law, 2017, adopted in August.

During the pre-election phase, the constituency witnessed an intense and competitive campaign by major political parties, including PML-N, PTI, PPPP and other influential independent candidates. Rallies by major political parties continued

CONSTITUENCY HIGHLIGHTS ...

MAJOR POLITICAL PARTIES

As many as 44 candidates – 10 representing political parties including PML-N, PTI, PPPP, JI, ANP and PPP-W and 34 independents contested the by-poll.



TOTAL CONTESTING CANDIDATES

MEN	WOMEN	TOTAL
39	5	44

POLLING PERSONNEL

PRESIDING OFFICERS	220
ASSISTANT PRESIDING OFFICERS	573
POLLING OFFICERS	573

ELECTION HISTORY

GENERAL ELECTION 2013

The seat had fallen vacant after the disqualification by the Supreme Court of the Prime Minister (PM), Mian Muhammad Nawaz Sharif.

GENERAL ELECTION 2013

VALID VOTES	REJECTED VOTES	VOTER TURNOUT
151,403	2,031	51.9%

GENERAL ELECTION 2008

VALID VOTES	REJECTED VOTES	VOTER TURNOUT
96,275	1,160	36.3%

GENERAL ELECTION 2002

VALID VOTES	REJECTED VOTES	VOTER TURNOUT
71,987	819	31.3%

MARGIN OF VICTORY

2002	2008	2013
14,258	41,566	39,329

ELECTION OBSERVERS DEPLOYED

MALE	FEMALE	TOTAL
26	14	40

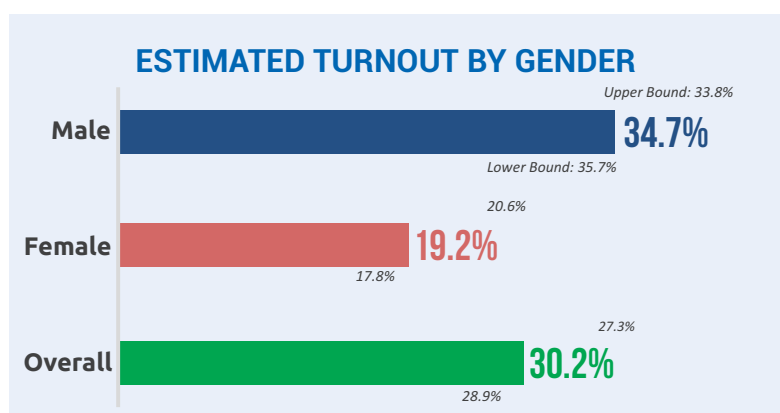
throughout Election Day, which is a direct violation of the ECP's code of conduct. FAFEN observers also reported issues in the set-up of polling stations, such that polling agents could not see the polling process. At nine polling stations, FAFEN observers reported that the polling agents were seated outside the polling stations. A plausible reason for this issue could be that these polling stations were set-up in small buildings that did not have adequate space to cater to a large number of polling agents. At certain polling stations, voters also experienced similar issues of congested polling booths.

Earlier, the ECP had sought help from the Pakistan Army to ensure polling day security and instructed that Close Circuit Television (CCTV) cameras should be installed inside polling stations. Security personnel were stationed inside and outside polling stations. According to a notification issued by ECP, security officials were given the authority to exercise powers under Sections 4 and 5 of the Anti-Terrorism Act, 1997, and could also exercise First Class Magisterial powers in case of impersonation of a voter, capturing of polling stations, illegal canvassing or illegal practices related to the polling process. However, no such cases were reported by FAFEN observers.

Some of FAFEN's key findings include:

1. Voter Turnout:

A total of 321,786 voters – 179,642 men and 142,144 women – are registered on electoral rolls in NA-120. According to FAFEN estimates, the overall turnout of voters in this by-election is expected to be approximately 28 percent – 35 percent for men and 19 percent for women. During the 2013 General Elections, NA-120 registered a record turnout of 51.9%, while in the 2002 and 2008 General Elections the turnout was recorded at 31.3% and 36.3%, respectively. The following graph illustrates the estimated turnout in the NA-120 by-election by gender.



2. Opening of Polling Stations

FAFEN observed the opening processes at 30 polling stations. The election staff was present by 8:00 am at 29 of these polling stations. The critical election materials i.e. ballot books, secrecy screens, electoral rolls, ballot boxes, indelible ink and necessary stationary were available by the official start time of polling at all 30 polling stations observed before the start of the polling process. According to the observers, the polling agents at five polling stations raised objections on the readiness of the polling staff while the presence of unauthorized persons was witnessed at two polling stations.

However, FAFEN observers reported that the number of the copies of the Statement of Account (Form XIV) was less than the number of candidates at 39 polling stations. Similarly, the number of copies of the Ballot Paper Account (Form XV) did not match the number of candidates at 89 polling stations. The ballot books issued by the Returning Officer did not match the total number of voters registered at the polling station at one place. No instance of female polling staff missing from the women polling booths were reported from 222 polling booths observed in the constituency.

3. Restrictions on Independent Observation

FAFEN observers were stopped from observing the voting processes at 11 polling stations by either the presiding officers or the security officials. The ECP allows its accredited observers to monitor all stages of the election, including the opening of polling stations, voting and the counting process. However, FAFEN observers reported that the election officials under close supervision of the Army were hesitant to allow the accredited citizen observers to enter the polling stations and carry out the observation.

4. Ballot Processing and Voting Pattern

FAFEN observers reported two irregularities in the ballot processing throughout the polling day. The Assistant Presiding Officers (APOs) were observed filling in the particulars of voters on counterfoils and signing and stamping the counterfoils and the back of the ballot papers according to the ECP guidelines. Only in one polling booth, the FAFEN observer noted the APO not putting his signature on counterfoils.

Similarly, in one booth the APO did not sign the back of the ballot papers.

However, suspicious voting patterns were recorded at nine polling booths in as many polling stations. In these polling booths, the reported votes were higher than 45 per hour at the time the turnout data was documented. In following the voting procedure as prescribed by the law, polling staff at one polling booth can process up to 45 votes at one booth in an hour. The highest voting rate was recorded as an average of 82 votes per hour at a polling booth in one polling station.

5. Breach of Voters' Secrecy

The observers, at four polling stations, reported that the polling staff stamped on the ballot paper on behalf of the voters while at five polling stations the voters, other than disabled or elderly, were accompanied by other persons behind the secrecy screens. At two polling stations, the polling agents were seen stamping the ballot papers.

6. Unauthorized Presence Inside and Outside Polling Stations

In two polling stations, unauthorized persons were observed present inside polling stations and polling booths. The male presence at female polling booths was not reported from anywhere. Armed civilians were observed to have been present in the party camps around seven polling stations.

Moreover, security personnel were seen present inside 109 polling stations. The ECP has authorized the Army officials to stay inside the polling stations and polling booths. Under the usual circumstances, the electoral rules allow security personnel to maintain order only outside polling stations in order to ensure smooth polling and they can only enter polling stations or booths when requested by the Presiding Officer.

7. Campaigning and Canvassing around Polling Stations

FAFEN observers reported from 24 polling stations that the workers of several political parties had set up camps within 400 yards of the polling stations. The electoral rules bar canvassing and campaigning inside 400 yards of any polling stations. The voters were seen carrying vote vouchers with visible symbols of the contesting parties or candidates inside 152 polling booths. Similarly, at 17 polling stations observed, election officials did not remove campaign materials as required by election laws. Moreover, the supporters of the candidates were observed providing transport to the voters outside 37 polling stations. The observers noted the presence of campaign materials inside four polling stations.

8. Partisan Election Officials and Breach of Right to Secret Voting

FAFEN observers did not report partisan behavior of election officials from any of the polling stations observed on polling day.

9. Facilitation to Disabled Voters

FAFEN also observed the facilitation provided to disabled voters. The ECP provided ramps to make the polling stations accessible for voters on wheelchairs at only 18 out of 113 polling stations observed.

10. Violence

FAFEN observers reported sporadic instances of electoral violence - mostly brawls and minor clashes between PML-N and PTI party workers. Almost all the contesting candidates from opposition parties interviewed by FAFEN during the pre-election period raised various concerns about the PML-N candidate, including the use of state resources. The PPPP candidate accused the District Election Commissioner (DEC) of favouring the PML-N. He also raised concerns regarding the security of the constituency, mentioning that the Police did not register a First Information Report (FIR) of incidents of intimidation of his party's workers by PML-N. PTI's campaign in-charge also accused the PML-N of initiating development schemes after the announcement of the election programme for Lahore-III NA-120.

11. Pilot-Test of Biometric Verification Machines (BVMs)

The ECP conducted a pilot-test of Biometric Verification Machines (BVMs) at 39 polling stations. With assistance from NADRA, the ECP installed BVMs with stored polling station-wise data to authenticate voters before issuance of ballot papers to them. FAFEN observed the trail-run of BVMs employing a robust and systematic checklist. A majority of FAFEN observers reported that BVMs were not operated by the authorized polling staff, but by the firm from which the machines were procured.