



OBSERVATION REPORT

PK - 30 Mansehra - I

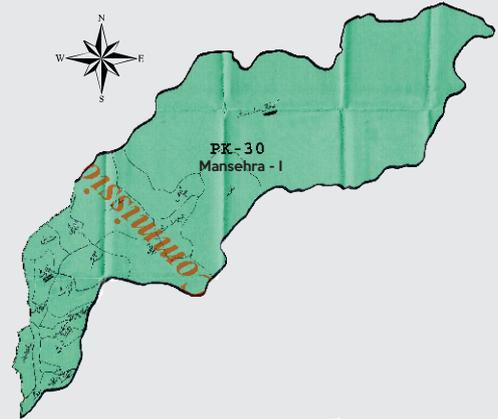
LOW TURNOUT, CAMPAIGN VIOLATIONS PERSIST IN MANSEHRA BY-ELECTION

Islamabad, February 27, 2019: A decline in male voter turnout and violations of the Election Commission's Code of Conduct for campaigning marked the PK-30 Mansehra-I by-election held on February 26, 2019, observes Free and Fair Election Network (FAFEN).

The Election Day proceedings remained smooth across the constituency with 47 percent registered voters turning out to vote despite unfavorable weather conditions. However, the observers noted seven incidents of unauthorized persons influencing voters or polling staff on polling day. The by-poll followed month-long campaigning by two major political parties including Pakistan Tehreek-i-Insaf (PTI) and Pakistan Muslim League-N (PML-N). Party workers were observed violating the ECP's code of conduct for political parties and contesting candidates by using banned (panaflexes) and oversized campaign materials (banners, portraits, pamphlets and posters) at public places. PTI and PML-N were also observed using loudspeakers in their party meetings. The code of conduct prohibits the use of loud speakers for campaigning purposes and also bars elected representatives and public office-bearers from participating in campaign activities. However, FAFEN observed the participation of incumbent legislators of PTI and PML-N in the election campaigns of their respective party candidates.

In PK-30, the ECP had declared 85 polling stations as sensitive, and installed Close Circuit Television (CCTV) cameras inside polling booths. Comprehensive security arrangements were also made for the election with the deployment of Pakistan Army inside and outside the polling

CONSTITUENCY HIGHLIGHTS ...



REGISTERED VOTERS

There are 193,830 registered voters in the PK- 30 Mansehra-I including 110,647 male voters and 83,183 female voters.

General ELECTION 2018

MALE	FEMALE	TOTAL
110,016	82,365	192,381

BY-ELECTION 2019

MALE	FEMALE	TOTAL
110,647	83,183	193,830

CHANGE

MALE	FEMALE	TOTAL
+631	+818	+1,449

POLLING STATIONS (PS)

Election Commission of Pakistan (ECP) set up 186 polling stations – 36 male, 35 female and 115 combined for the by-election. Overall, 525 polling booths – 297 male and 228 female – were established.

MALE PS	FEMALE PS	COMBINED PS
36	35	115
525		
POLLING BOOTHS		

stations to handle any emergency. Moreover, the ECP extended magisterial powers to Pakistan Army.

PTI's Syed Ahmed Hussain Shah won the by-election by securing 46,438 (51 percent of the polled votes), while PML-N's Syed Mazhar Ali Qasim Shah secured 39,945 (44 percent) votes. According to the Provisional Consolidated Statement of the Result of the Count (Form-47), a total of 1,187 (one percent) votes were excluded from the count. Earlier, during General Elections (GE) 2018, Mian Zia Ur Rehman of PML-N had won this constituency by securing 28,997 (30.0 percent) of the

TIMELINE OF ELECTIONS



polled votes, while Pakistan Peoples Party Parliamentarians' (PPPP) Syed Ahmad Hussain Shah was the runner-up with 28,747 (29.8 percent) votes. The seat had fallen vacant due to the de-notification of Mian Zia Ur Rehman after a Supreme Court verdict against him in a fake degree case.

FAFEN deployed 47 – 33 male and 14 female – trained, non-partisan and duly accredited observers for the observation of the by-election. The findings of this observation were collected using a standardized and robust methodology based on the Elections Act, 2017, Election Rules 2018, respective codes of conduct and the ECP's handbooks for election officials. For this report, FAFEN analyzed the checklists received from 55 of the total 186 (or 30 percent) polling stations set up for the by-election.

Voter Registration and Turnout

PK-30 Mansehra-I includes the Balakot, Garhi Habibullah, Kaghan and Naran areas of district Mansehra in Khyber Pakhtunkhwa. The constituency witnessed an increase of 1,449 voters – 631 male and 818 female - in the number of registered voters between GE-2018 and the recent by-elections. The total number of registered voters during the by-election was 193,830, including 110,647 male and 83,183 female voters, whereas 192,381 voters, including 110,016 male and 82,365 female voters, were registered for GE-2018.

Despite an increase in the number of registered voters, voter turnout in the by-election declined slightly from 50 percent in GE-2018 to 47 percent. Notably, there was no decline in female

* As per Provisional Result (FORM-47)

CONSTITUENCY HIGHLIGHTS

MAJOR POLITICAL PARTIES

As many as seven candidates including - representatives of PTI, PML-N, MMAP and four independents - contested the by-poll.



TOTAL CONTESTING CANDIDATES

GENERAL ELECTION 2018		
MEN	WOMEN	TOTAL
11	1	12

BY-ELECTION 2019		
MEN	WOMEN	TOTAL
7	0	7

POLLING PERSONNEL

PRESIDING OFFICERS	186
ASSISTANT PRESIDING OFFICERS	525
POLLING OFFICERS	525

ELECTION HISTORY

Reason of By-Election
The seat fell vacant after the disqualification of PML-N's Mian Zia ur Rehman in a fake degree case.

GENERAL ELECTION 2018		
VALID VOTES	INVALID VOTES	VOTER TURNOUT
93,363	2,872	50%

BY-ELECTION 2019		
VALID VOTES	INVALID VOTES	VOTER TURNOUT
89,423	1,187	47%

MARGIN OF VICTORY

GE 2018	By Election 2019
250	6,493

ELECTION OBSERVERS TRAINED

MALE	FEMALE	TOTAL
33	14	47

voter turnout while male turnout decreased from 53.35 percent to 48 percent since GE-2018. Of 193,830 registered voters, as many as 90,610 voters exercised their right to vote during the by-election.

Contesting Parties and Candidates

A total of seven candidates contested the by-election in PK-30; five less than the number of candidates contesting this seat during GE-2018. No women contested the by-election unlike in GE-2018 when PTI nominated a woman candidate to contest the constituency. As many as seven political parties had nominated their candidates in GE-2018 while only three parties, including PTI, PML-N and Muttahida Majlis-e-Amal Pakistan (MMAP), fielded candidates for the by-election and four contested the election as independents.

Setting Up of Polling Stations

The ECP set up 186 polling stations – 36 male, 35 female and 115 combined – for the by-election. The total number of polling stations did not change since GE-2018; however, one male polling station was converted to a combined polling station. These polling stations comprised 297 male and 228 female polling booths. A total of 19 of the observed polling stations were reported to lack ramp facility for wheel-chair bound voters.

The Elections Act, 2017 suggests a limit of 1,200 voters to be assigned to a polling station for smooth functioning of the voting process. However, additional voters may be assigned in exceptional circumstances with the reasons to be recorded in writing. The election authorities assigned above 1,200 voters to 58 (31%) polling stations in the Final List of Polling Station issued for the by-election.

Registered Voters Assigned to Polling Stations	Number of Polling Stations
200 to 400	2
401 to 600	13
601 to 800	34
801 to 1000	37
1001 to 1200	42
1201 to 1600	48
1601 to 1800	7
1801 to 2000	3
Overall	186

Campaigning and Canvassing

FAFEN observers noted the presence of party camps in the surroundings of 30 of the 55 polling stations observed on Election Day. In two campus around these 30 polling stations, the observers witnessed the presence of armed persons. The ECP's Code of Conduct for Contesting Candidates and Political Parties prohibits candidates and their supporters from providing transport services to voters on Election Day. However, FAFEN observers witnessed contesting candidates providing transportation to voters outside 43 (78 percent) of the observed polling stations. Moreover, the observers reported the presence of campaigning material of candidates or political parties inside two polling stations.

Voting Process

According to FAFEN observers, secrecy screens were properly placed to protect the privacy of voters at 150 (96 percent) of the 156 observed polling booths, whereas the placement of these screens at the remaining six (4 percent) polling booths allowed the persons present inside the booths to see the voters marking their ballot papers. Of the observed polling booths, CCTV cameras installed in eight (5 percent) booths were directed towards the voting screens and may have compromised the voters' secrecy. Authorized polling agents, candidates' representatives who are allowed to witness the polling process and object to any irregularity as defined under the law, were seated appropriately at most (152 or 97 percent) polling booths and were able to see the entire polling process first-hand. However, the seating arrangement for the polling agents at the remaining four (3 percent) polling booths did not enable them to see the polling process clearly. The observers noted three instances at two polling stations of the election staff taking breaks during the polling hours.

Moreover, four instances of voters being allowed to cast votes upon showing documents other than original National Identity Cards (NIC) were witnessed at one polling station. The observers also reported ten incidents of polling staff disallowing voters with disabilities to seek assistance from a person of their choice for casting vote at two polling stations. At one polling station, five instances of people accompanying voters behind the secrecy screen were observed. The reports of five instances of polling staff inquiring voters about their voting choices were also received from a polling station. Moreover, an incident of unauthorized persons influencing voters was reported from a polling station while seven

instances of unauthorized persons influencing polling staff were also noted.

Counting Process and Result Transmission System

FAFEN observed the counting process at 10 polling stations. At one polling station, the polling agents of PTI and PML-N refused to sign the Result of the Count (Form-45). The observers reported that the Presiding Officers (PrOs) pasted the copies of Form-45 and the Ballot Paper Account (Form-46) outside ten and six polling stations, respectively. Moreover, only two of 10 PrOs interviewed after the completion of the counting process said that they had transmitted Form-45 to the Returning Officer (RO) through Result Transmission System (RTS) while eight PrOs were reportedly unable to transmit the result through RTS.

FAFEN also interviewed the PrOs during the polling process. Only nine of 55 PrOs said that they were given mobile phones by the ECP to electronically transmit the election result after completion of counting while 35 of the remaining 46 PrOs stated that they would use their own phones to transmit the result whereas 11 PrOs said they would transmit the result manually. Moreover, 31 (56 percent) of 55 PrOs expressed dissatisfaction with the training provided by the ECP on using RTS while 24 (44 percent) PrOs were satisfied with the training on RTS.

Conduct of Security Staff

Security personnel were observed inside and outside all the polling stations observed on Election Day. They were also deployed inside 141 (90 percent) of the 156

observed polling booths. Security personnel present outside polling stations were found checking voters' NICs at all observed polling stations and checking voter chits (perchees) at 47 polling stations. The ECP's Code of Conduct for Security Officials for GE-2018 prohibited security officials from barring any voter for not carrying NIC or voter-chit as it is the duty of the polling staff to ascertain the identity of the voter and process his or her credentials.

Moreover, the observers reported from six polling stations that the security officials were allowing voters to carry their mobile phones inside the polling stations. The Code of Conduct for Security Officials prohibits permission to voters for carrying mobile phones inside the polling stations.

Independent Observation

Section 238 of the Elections Act, 2017 permits duly verified and accredited election observers to observe polling proceedings, including the voting and counting processes. In compliance with the legal provision, FAFEN's trained, nonpartisan and accredited observers were allowed to observe the polling process at 41 polling stations without any restrictions, however, they had to persuade the election staff to allow them to observe polling processes at 14 polling stations. Similarly, FAFEN observers were allowed to observe the counting process at nine polling stations without having to convince the election staff while one had to persuade the staff to allow observation of the counting process and one observer was barred altogether from observing the counting process.