



FREE AND FAIR ELECTION NETWORK

FAFEN Preliminary By-Election Report (NA-154 By-Election December 23, 2015)

Better administration, over-zealous security mark high-turnout NA-154 by-election

ISLAMABAD, December 24, 2015: An impressive voter turnout of nearly 60 percent, restriction on independent observation and an over-zealous security arbitrarily interpreting election laws characterized a relatively better administered and hotly-contested by-election for NA-154 in Lodhran that preceded a campaign with excessive use of public and private money, say preliminary observation findings by the Free and Fair Election Network (FAFEN).

FAFEN documented a total of 633 instances of illegalities and irregularities at 476 booths of 180 polling stations from where the information could be acquired on the Election Day. This amounts to 3.5 violations of electoral laws and rules per polling station, a substantial reduction in comparisons to the recently held local government elections. The improvement may be attributed to ECP's decision to deploy its own officials as District Returning Officer (DRO) and Returning Officer (RO), giving itself a greater control over the process. This observation is in line with FAFEN's observation of by-elections between 2009 and 2013, which establishes that ECP delivers a better quality of electoral process when it takes direct control instead of deputing officials from judiciary or executive as DRO or RO.

Despite an improvement in the technical aspects of the election management, the ECP appeared to be unable to enforce the elections laws and rules in the letter and spirit during the pre-election phase. The multi-billion development package for Lodhran district announced by the federal government and public works carried out through private funds by candidates, according to media reports, are both blatant examples of inducement to voters and are cognizable under Sections 78 and 79 of the Representation of People Act 1976.

Illegalities and irregularities observed by FAFEN included restrictions on observation by security personnel, some deviations from polling scheme, instances of suspicious voting at certain polling stations and instances of army stopping polling agents with valid authority letters and media with ECP permission from entering polling stations. Despite ECP's accreditation, army and police officials did not allow FAFEN observers to enter the polling stations at the start of the polling. It was only after DRO's intervention, the Army personnel agreed to permit FAFEN observation but that too, in most cases, under their supervision and time bars. This arbitrary interpretation of election law by the security officers indicates at the need that ECP must provide election-related training to security personnel to ensure compliance with electoral laws.

The seat had fallen vacant after PMLN's Siddique Khan Baloch, who won as an independent candidate in General Election 2013 and later joined the ruling party, was declared disqualified in a petition filed by the runner-up Jahangir Tareen of PTI, who challenged that the winner had a fake degree and employed illegal and corrupt practices for winning the election. Khan challenged the tribunal decision in the Supreme Court, which granted a stay earlier but later sustained the tribunal's decision for re-election. However, Khan was allowed to re-run.

A predominantly rural area, NA-154 is spread over 34 union councils of Lodhran district including Lodhran Municipal Committee and parts of Duniyapur Tehsil. The electoral politics in NA-154 appears to be driven considerably by tribal and factional factors. The Baloch, Tareen and Mirza are the politically dominant groups in the area. In 2002, the seat was won by PML's Nawab Amanullah Khan, while PPPP candidate Mirza Muhammad Nasir Baig followed as the runner-up. PML won the seat again in 2008, this time with Siddique Khan Baloch as its candidate. Meanwhile, Mirza Nasir Baig was the runner-up once again. Baloch went on to retain the seat in 2013, this time as an independent candidate. Meanwhile, PTI's Jahangir Khan Tareen replaced PPPP as the runner-up in 2013.

In 2013, out of 21 parties/candidates contesting the polls, independent candidate Siddique Khan Baloch won the seat with bagging 36.4 percent of 236,523 polled votes. PTI was the runner-up with 32.1 percent votes, followed by PML-N with 19.3 percent of the polled votes. Other parties and candidates jointly secured 8 percent of the polled votes while another 4 percent votes were rejected. A high turnout constituency, the voter turnout went up from 54.3 percent in 2002 to 66.3 percent in 2008. However, it dropped to 63.9 percent in 2013 and further dropped marginally to 59.8 percent in Wednesday's by-election.

The ECP set up a total of 303 polling stations (34 male, 34 female and 235 combined) for 419,182 registered voters (228,870 male and 190,312 female), 13 percent higher than 370,150 voters (205,433 male and 1) registered in the constituency during the 2013 General Election 2013. The 303 polling stations had 839 booths (450 male and 389 female) for the voters.

FAFEN deployed a total of 76 trained, non-partisan observers (40 male and 36 female) to observe the election process at all polling stations in the constituency. Every observer underwent a training on election laws and procedures and personally appeared before the DRO for accreditation process. Each observer documented his/her findings on a standardized checklist based on the provisions of the Representation of the People Act 1976, Conduct of Elections Rules 1977 and instructional handbooks provided to the election officials by the ECP. This preliminary report is based on the observation of 180 polling stations from where the information could be acquired on the Election Day. The following are other major findings of FAFEN observation:

1. Polling Scheme Deviations

There were seven instances of changes in the notified polling scheme. The finding is based on the comparison of polling scheme as gazetted by the DRO and information acquired from Presiding Officers about assigned census blocks to polling stations as set up on the Election Day. The following were the instances where deviations were documented:

- a. According to the polling scheme, the voters of *Thathi Samija* (Census Block Code 217021204) were assigned to vote in Polling Station No. 133. However, this census block was allocated to Polling Station No. 132 in the same village on Election Day.
- b. According to the polling scheme, the voters of Chak No.356/WB (Census Block Codes 219030207 and 219030208) were assigned to Polling Station No. 244 Govt. Boys High School, Chak No.356/WB Part-II (Combined). However, these census blocks were allocated to Polling Station No. 242 Govt. Girls Middle School, Chak No. 356/WB (Combined) on Election Day.
- c. Female voters of Chak 97/M (Census Block Code 2171010310) were not found to be assigned to Polling Station No. 49) Govt. Girls Primary School, Chak No. 97/M Part-II (Female) as gazetted in the polling scheme.
- d. Female voters of Chak No. 359/WB Kamalpur (Census Block Code 219030405) were not found to be assigned to Polling Station No. 273 Govt. Boys High School, Chak No.359/WB Part-II (Female) as gazetted in the polling scheme
- e. Male voters of Chak No. 359/WB Kamalpur (Census Block Code 219030406) were not found to be assigned to Polling Station No. 272 Govt. Boys High School, Chak No. 359/WB Part-I (Male) as gazetted in the polling scheme.
- f. According to the polling scheme, voters of Chak No. 44/M (Census Block Code 219040209) and 45/M (Census Block Code 219040210) were assigned to Polling Station No. 299 Govt. Boys Middle School, Chak No. 44/M and Polling Station No. 300 Govt. Girls Primary School No-2, Chak No.45/M, respectively. However, they were found to be allocated to Polling Station No. 292 Govt. Girls Primary School, Chak No.34/M on Election Day.
- g. Voters of Chak No.1-4/MPR (Census Block Code 219040502) were not assigned to Polling Station No. 294 Basic Health Unit, Chak No.1-4/MPR as gazetted in the polling scheme.

2. Campaigning and canvassing around polling stations:

There appeared to be a significant improvement in ECP's control over canvassing and campaigning within 400 yards of polling stations on Election Day. Unlike most elections, only 29.4 percent of polling stations were observed to have camps established within the prohibited limits where canvassing and campaigning was carried out by the supporters of candidates. Of these, 73.6 percent party camps were also issuing slips to voters with their serial number on the

electoral roll. One quarter of the slips carried election symbols of candidates. Similarly, FAFEN observers reported candidates/supporters transporting voters at 29.4 percent of the observed polling stations.

3. Availability of election material

Through interviews with presiding officers, FAFEN observers documented issuance of ballot papers in excess of total registered voters at 5 percent polling stations. At 8.9 percent polling stations, the number Statement of the Count (Form-XIV) forms issued were less than the number of candidates. At 34.4 percent of polling stations, the Ballot Paper Account (Form-XV) were issued less than the number of candidates. At 3.9 percent polling stations, secrecy screens were not provided for all polling booths. At 4.4 percent polling stations, presiding officers said they did not have enough voter stamps for all booths. At 1.1 percent polling stations, transparent ballot boxes were not in line with the number of polling booths established. At 26.1 percent polling stations, inadequate quantity of seals with ECP monogram to seal the ballot boxes was provided. At 28.9 percent polling stations, the presiding officers did not have polling scheme.

4. Irregularities in ballot processing

The ECP appeared to have improved its training of election officials that also has translated into improved ballot processing at the polling stations. FAFEN observers could document only negligible instances of irregularities during NA-154 by-election. At only 2.7 percent of 476 booths, assistant presiding officers (APO) were not observed to be completely filling counterfoils before issuing the ballots to voters. Under ROPA, APOs are required to fill out the serial number of voters, CNIC number, take thumb impression of voter on the counterfoil before signing and stamping it. In addition, assistant presiding officer also signs and stamps the ballot paper at its back before issuing it to the voter.

5. Suspicious Voting Patterns

There were 63 polling booths at 41 polling stations where FAFEN observers recorded suspicious voting patterns. If the polling is most efficient and each voter is taking approximately a minute and 30 seconds for processing (checking of name, checking of CNIC, filling voter information on counterfoil, issuance of ballot paper, going behind secrecy screen, stamping a ballot and returning of stamp to the assistant presiding officer), there can be approximately 45 votes that can be cast in an hour at a booth. However, the rate of voting was higher than possible at 63 booths of 41 polling stations listed below.

PS No.	Polling Station Name	PS Type	Time of Observation	Average Votes polled per hour at the Booth			
				Booth 1	Booth 2	Booth 3	Booth 4
1	Govt. Boys Middle School Railway Station Lodhran (Male) (P)	Male	12:32	47	56		
12	TMO Office, Town Hall Lodhran (Male) (P)	Male	11:45	100			
34	Govt. Special Education School ,M.C Lodhran	Male	12:30	44	46	48	34
42	GPS, Mundhali	Combined	9:40	83	11		
48	Govt. Girls Primary School, Chak No. 97/M Part-I (Male) (P)	Male	9:45	49	29	17	49
53	Govt. Boys Primary School, Adam Wahin. (Male) (P)	Male	13:50	53	59		
59	GBPS, Gedevanwala	Combined	15:35	33	36	50	
66	Govt.Boys Elementary School , Khanpur (Combined) (P)	Combined	11:05	76	59		
75	GGPS, Haleemwala	Combined	16:05	63		48	
76	UC Office, Dawran	Combined	15:20	27	27	47	
77	Govt Boys Primary School Thadda Thahim (Combined) (P)	Combined	12:45	56	37	32	34
82	BHU, Sundar Kot Lal Shah	Female	10:30	100	67		
84	GPS, Ghalwanwala	Combined	12:40	37	55	23	33
100	Govt Boys Primary School,Tibbi Ghalwan (Combined) (P)	Combined	9:55	38	50		
101	Govt Boys Elementary School, Basti Arain at Qaziwala (Male) (P)	Male	10:35	60	45	51	

PS No.	Polling Station Name	PS Type	Time of Observation	Average Votes polled per hour at the Booth			
				Booth 1	Booth 2	Booth 3	Booth 4
112	GBHS, 90/M	Combined	9:50	107	85	69	60
126	GBHS, Koha Ali Basti	Combined	12:30	47	54	39	38
143	Govt Girls Middle School, Railway Station Shahnal (Combined) (P)	Combined	14:50	49	36		
151	GBPS, Didliwala	Combined	10:30	43	50	36	37
152	GPS, Ada Permat Jhok Wala	Combined	15:30	87	85	39	33
152	GPS, Addaparmat	Combined	15:30	87	85	39	32
154	Govt Boys Primary School, Rahim Yar wala (Combined) (P)	Combined	11:10	50			
161	BHC, Matrian	Male	11:30	48	35		
163	Govt Boys Middle School, Fazal Wala (Combined) (P)	Combined	12:15	53	50	36	48
168	GBS, Jatiawala	Combined	14:40	107			
192	GPS, Musewal	Combined	13:05	43	50	48	40
193	GGPS, Madrassah Maktab Wahee	Combined	10:05	50	50		
196	GBPS, Bumbwala	Combined	13:05	38	52		
200	GHS, Mehrabad	Combined	10:25	50	33	19	26
208	Govt Girls Primary School, Chak 17/MPR (Combined) (P)	Combined	10:25	35	57	30	38
214	GGMS, Part 1	Combined	15:30	54	39	30	31
215	GBPS, Thakarwala	Combined	13:00	42	58		
220	Govt. Boys High School, Galay wal at Sagwan Part-I (Combined) (P)	Combined	10:30	50	50		
231	GBHSS, Chak no 53/MP	Combined	9:30	100	66		
250	Govt Girls Primary School, Chak No. 389/WB West (Combined) (P)	Combined	11:00	48	31		
259	Govt Girls High School, Chak No.360/WB (Combined) (P)	Combined	12:30	47	37		
262	Govt Boys Middle School, Tahir Bhutta (Combined) (P)	Combined	10:45	76	71		
267	GGMS, Chak no 372	Combined	12:40	52	28	24	26
277	GGPS, 366 WB	Combined	10:40	50	23		
293	Govt. Boys Middle School, Chak No. 37/M (Combined) (P)	Combined	15:45	75	63		
294	BHU 1/4 MPR	Combined	12:30	44	41	28	50

6. Women voting

At 3.1 percent of 229 female polling booths observed, female staff was not present to facilitate women voters. At 8.7 percent of these booths, unauthorized men were present inside female polling booths. Absence of women polling staff and presence of unauthorized men undermine women voting in an environment of gender segregation. FAFEN observers observed women voters returning without exercising their right to vote at 3.5 percent of the observed polling booths. No incident of barring women from voting was documented.

7. Breach of voter secrecy

In comparison with the local government election, voter secrecy was found to have significantly improved in NA-154 by-election. The improvement may be attributed to ECP's improved training and legal presence of Army personnel inside polling stations. At only 6.1 percent of observed polling stations, unauthorized personnel or polling official accompanied voters behind the secrecy screen.

8. Restrictions on observation

At 16.7 percent of polling stations, FAFEN observers were not allowed to enter the polling stations to observe the voting process while at 34.5 percent polling stations, they were not allowed to observe the counting process. Observers were allowed to only partially observe the voting process in most of the polling stations as security personnel did not allow observers to stay at a polling station for more than half an hour. ECP accreditation allows an observer to observe a polling station or a booth for entire day without interfering in the polling and counting processes.

9. Partisan polling staff

At 2.1 percent of 465 observed polling booths, polling agents or any other persons were observed to have stamped the ballot papers. At 2.3 percent of polling booths, polling officials were observed to be stamping ballot papers on behalf of voters. At 0.6 of polling booths, polling officials were observed to be ascertaining the voter's choice. At 5.3 percent of polling stations, unauthorized personnel were being allowed by polling officials to handle the ballot papers during the counting process. At 10.5 percent of polling stations, polling officials were considering unclearly marked ballot papers for counting. At 36.1 percent of polling stations, polling officials were excluding from the count the ballot papers which were clearly marked in favor of a one candidate but carried erroneous ink marks.

10. Close of poll

FAFEN observers reported that voters present inside five polling stations at 5:00pm were not allowed to vote. In contrast, in another five polling stations, voters who arrived after 5:00pm were allowed to vote along with the ones who were present before the close time.

11. Transparency of counting process

ECP has managed to improve the transparency of counting process in terms of sharing relevant documents with polling agents and observers. At only one polling station, presiding officer did not seek signature of polling agents on the Statement of the Count. At two polling stations, signatures of polling agents were not sought on Ballot Paper Account form. At four polling stations, presiding officer did not share copy of the statement of the count with FAFEN observers. At five polling stations, presiding officers did not display the copy of result outside the polling station.