



BY-ELECTION 2018

# FAFEN'S BY-ELECTION OBSERVATION REPORT

October 22, 2018

## Turn-out Drop, Low Incidence of Irregularities Mark By-Elections



A perplexing drop in voters' turnout characterizes an otherwise well-managed by-elections held in one national and two provincial assembly constituencies on October 21, 2018, warranting an urgent attention of political parties to address the dwindling public interest in the electoral process, which remained high only three months ago during the General Elections (GE) 2018.

Procedural irregularities such as restrictions on polling agents were observed to have increased during these by-elections, more on Karachi seats (NA-247 Karachi South-II and PS-111 Karachi South-V) than on Peshawar seat (PK-71 Peshawar VI), wherein 15 percent of observed polling stations, polling agents were seated at a place where they could not observe the polling process. In addition, the by-elections also recorded an increase in the number of ballots excluded from the count at the polling stations.

The percentage of ballots excluded from the count slightly increased to 2.4 percent in these by-elections as compared to 2.1 percent excluded ballots in these

constituencies during GE-2018. Though 2,048 more voters were added to the electoral rolls of these constituencies since GE-2018, overall 66 percent less voters turned out – 62 percent less men and 73% less women – to exercise their right to vote on October 21, 2018.

The candidates returned on these seats in GE-2018 had vacated them after assuming the offices of the President and Provincial Governors. All of these seats were won by Pakistan Tehreek-e-Insaf (PTI) during GE-2018, while the result on the Karachi constituencies remained unchanged, the Peshawar seat was won by Awami National Party (ANP). A total of eight candidates belonging to 14 political parties, and 19 independents were in the run for these constituencies. Contrary to the GE-2018, no woman candidate contested these by-elections.

Strict security arrangements were made for these elections with security forces deployed inside and outside polling stations. To ensure enforcement of the electoral law and regulations, District Returning Officers (DRO) and Returning Officers (RO) along



with Army officials were given magisterial powers. The designated army personnel were authorized to exercise power of Magistrate First Class authority under Article 220 and 245 of the Constitution, Section 4 and 5 of Anti-Terrorism Act, 1997 (as amended) and Section 5 (read with Section 193 of the Elections Act 2017).

The Election Day had followed a lackluster campaign with little interest by major political parties. Tehreek-e-Labbaik Pakistan (TLP), Muttahida Majlis-e-Amal (MMA) and Pakistan Muslim League Nawaz (PML-N) had been the runner-up in NA-247, PS-111 and PK-71, respectively, during GE-2018 but they

did not nominate any candidate for these constituencies during the by-elections.

FAFEN deployed 101 election-day observers, including 72 men and 29 women, to observe the voting and counting process at 320 polling stations in one National Assembly (NA) and two Provincial Assemblies (PA) constituencies. This report is based on the observations received on election-day from 162 polling stations reported by FAFEN observers using an indigenously designed Election Information Management System (EIMS) comprising of mobile- and web-based applications.

## 1 Voter Turnout

Voter turnout remained abysmally low during these by-elections with overall turnouts in Karachi and Peshawar constituencies declining from 40 percent (in GE-2018) to 17 percent. A constituency-wise analysis shows that the turnout for NA-247 Karachi South-II declined from 40.27 percent to 11.56 percent since GE-2018. Similarly, the turnout for PK-71 Peshawar-VI decreased from 38.14 percent to 21.66 percent, while the turnout for PS-111 Karachi South-V fell from 41.59 percent to 13.31 percent.

As witnessed earlier during the by-elections held on October 14 in 35 NA and PA constituencies, women's turnout decreased to a greater degree in comparison to men during these by-elections as well. Women's

turnout was lowest in NA-247 with only 7.8 percent of the registered women voters exercised their right to vote. In PA constituencies of Karachi and Peshawar, only 10.34 percent and 12.29 percent of registered women voters exercised their right to vote, respectively. Nevertheless, women's turnout remained above the legal threshold of 10 percent of the total votes polled in these constituencies. According to the Elections Act 2017, if votes polled by women are less than 10 percent of the total votes, the Election Commission of Pakistan (ECP) may declare the election void.

Following table illustrates an assembly-wise comparison of voter turnout of GE-2018 with these by-elections:

#	Assembly	GE-2018			By-Elections 2018		
		Male	Female	Overall	Male	Female	Overall
1	NA-247 Karachi South-II	45.04%	34.62%	40.27%	14.68%	7.88%	11.56%
2	PK-71 Peshawar-VI	47.03%	24.87%	38.14%	27.96%	12.29%	21.66%
3	PS-111 Karachi South-V	44.69%	38.10%	41.59%	15.96%	10.34%	13.31%



## 2 Voter Registration

These by-elections witnessed an increased number of registered voters on the electoral rolls in comparison to GE-2018. As many as 2,487 voters (men: 854, women: 1,633) were added to the electoral rolls of NA-247. Similarly, 186 men and 376 women voters increased on the electoral rolls in PS-111,

while PK-71 witnessed an increase of 570 men voters and 465 women voters.

The following table illustrates the constituency-wise comparison of registered voters:

Assembly	GE-2018			By-Elections 2018		
	Male	Female	Overall	Male	Female	Overall
<b>PK-71 Peshawar-VI</b>	79,276	53,150	132,426	79,846	53,615	133,461
<b>PS-111 Karachi South-V</b>	94,531	83,870	178,401	94,719	84,246	178,965
<b>NA-247 Karachi South-II</b>	294,713	249,251	543,964	295,567	250,884	546,451

## 3 Contesting Candidates

A total of 33 candidates contested by-elections in three constituencies. Of these, 14 candidates represented eight political parties, while the remaining 19 contested these elections independently. No women candidate contested these by-elections.

As many as 12 candidates – five belonging to PTI, Pak Sarzameen Party (PSP), Muttahida Qaumi Movement (MQM), Pakistan Sunni Tehreek (PST), Pakistan Peoples Party

Parliamentarian (PPPP) and seven independents – were in the run for NA-247 Karachi South-II. Similarly, a total of 16 candidates – belonging to seven political parties including Tehreek-e-Labbaik Pakistan (TLP), PTI, PST, PML-N, PPPP, PSP and MQM and nine independents – ran for PS-111 Karachi South V. Moreover, five candidates – two belonging to PTI and ANP, and three independents – contested for PK-71 Peshawar-VI.

## 4 Ballots Excluded from Count

A total of 1,290 ballots were excluded from the count at the polling stations in three constituencies. These ballots, if found wrongly excluded, may be included in the count by ROs during the consolidation of the results. The number of ballots excluded from

the count becomes critical in close contests, as reported by FAFEN after the observation of GE-2018 during which 169 NA and PA constituencies had higher number of rejected ballots than the margin of victory. However, margin of victory was well above

the number of ballots excluded from the count in three constituencies.

Following table illustrates the constituency-wise details:

Sr. No	Constituency	Winning Party	Number of Votes for the Winner	Runner-up Party	Number of Votes for the Runner-up	Margin of Victory (Difference in Number of Votes)	Number of Ballots Excluded from Count
1	NA-247 Karachi South-II	PTI	32,456	MQM	14,026	18,430	541
2	PK-71 Peshawar-VI	ANP	11,416	PTI	10,004	1,412	568
3	PS-111 Karachi South-V	PTI	12,455	PPPP	6,292	6,163	181

## 5 Campaigning and Canvassing

The ECP's Code of Conduct for Political Parties and Contesting Candidates prohibits the setting up of facilitation camps for voters outside polling stations within the radius of 400 meters. This condition was relaxed in urban areas, where political parties and contesting candidates were allowed to set up facilitation camps beyond 100 meters. FAFEN observers reported the presence of party camps within the legally prescribed perimeter at 73% or 117 of the observed polling stations. FAFEN observers reported

the presence of armed persons at 27% or 44 polling stations, most of which (40) were in Karachi constituencies.

Outside 20 polling stations, the party candidates were observed providing transport to the voters. The display of any election related material is also prohibited inside the polling station as per the Elections Act, 2017. However, such materials were found inside 38 polling stations, of which 34 were in Sindh.

## 6 Voting Process

The incidence of illegalities and irregularities during the voting process remained relatively low at 161 polling stations and 551 polling booths observed on the polling day. However, polling agents, who are legally authorized to remain present inside polling booths, were not given a fair chance to observe the polling process at almost 15 percent polling booths. In 82 polling booths, they were observed to be seated at a place

from where they could not observe polling process.

FAFEN observers noted few incidents of voters being influenced by polling staff, polling agents or unauthorized persons. A majority of these incidents were reported from PK-71 Peshawar-VI. FAFEN observers in PK-71 reported four incidents where polling staff was seen marking the ballot paper on the behalf of voters.

FAFEN observers reported four incidents in PK-71 where unauthorized persons tried to influence voters. The observers also witnessed presence of unauthorized persons (persons other than voters and polling staff) present inside three polling station in PK-71. Additionally, the observers reported two incidents where unauthorized persons were seen influencing the polling staff in the same constituency.

The condition to identify a voter only through National Identity Cards (NICs) was strictly followed across the observed polling stations.

As per law, ballots that are not stamped and signed by the Assistant Presiding Officers (APOs) are rejected from the count, disenfranchising the voter and potentially affecting the election result. The observers found the APOs fulfilling these legal conditions across all the observed polling stations.

According to the Elections Act 2017, only persons with disabilities (PWDs) are allowed to take any person of their choice (18 years of age or above) behind the secrecy screen to assist them in marking their ballot. However, FAFEN observers noted six

instances – four in PK-71 and two in NA-247 – when polling staff did not allow the voters with disabilities to seek assistance from a person of their choice for casting their vote.

The right of voters to secrecy of the ballot was breached at five polling stations in PK-71 where polling staff did not stop unauthorized persons from accompanying voters behind secrecy screens. The secrecy of the ballot is also breached if the presiding officer does not set up the secrecy screens in a way provided by the law and described in their handbooks. Of 551 polling booths observed on polling day, six percent or 38 polling booths had secrecy screens placed in a way that voters could be seen by other people marking their ballots. Moreover, at 87 polling booths, the CCTV cameras were installed in a way that they could zoom in to view the voters marking their ballots, also violating the secrecy of the ballot.

FAFEN observers interviewed presiding officers at 33 polling stations at close of the poll to acquire their feedback about the polling process. Only one of the interviewed presiding officers said they had to use their magisterial powers.

## **7** Counting Process

Section 90 (14) of the Elections Act, 2017 specifically requires the presiding officers to affix copies of the two forms at a conspicuous place outside the polling station for public inspection. Despite clear legal and procedural provisions, presiding officers at 10 out of 33 polling stations where counting was observed did not paste a copy of Form-45 (Statement of the Count) outside the polling station after the completion of the counting process. Likewise, 18 presiding officers did not paste Form-46 (Ballot Paper Account).

The election rules provide for counting the ballot papers twice during the preparation of results at polling station-level avoid any error in preparation of results. However, the presiding officers at nine polling stations did not conduct ballot count twice, while three conducted the second count only after polling agents asked for it.

Around 137 presiding officers interviewed during the by-election observation said they were trained by the ECP on the use of RTS and had the required understanding to use this system while the remaining answered contrary to it. However, 103 presiding



officers told that they were not given mobile phones to transmit result through this system and they were found using their own phones to send the result forms to ECP. The presiding officers at 29 out of 33 polling stations, where counting was observed,

successfully transmitted the result through RTS, while four did not transmit the result. Among those successful in transmitting result through RTS, 16 were assisted by security staff for this purpose.

## 8 Conduct of Security Staff

FAFEN observer reported presence of security personnel inside and outside of the most polling stations on the Election-Day. Out of 644 observed polling booths, security officials were present at 568 polling booths.

FAFEN observers reported the presence of security officials outside of 159 out of 161 observed polling stations, while at two polling stations there were no security present.

FAFEN observers reported three incidents (two in NA-247 and one in PS-111) of security staff barring polling agents from pointing out procedural irregularities.

Security officials were also seen checking voter-chits (*parchis*) from voters at almost 86 percent or 138 of the observed polling stations. These chits, which state the serial number of the voter on the electoral roll, are

usually issued from parties' or candidates' camps outside the polling stations. These chits assist the election staff to find the voters on the electoral rolls. However, the Elections Act and the Elections' Rules do not permit denying any voter entry to a polling station if they do not have a chit.

Observers noted that security officials were frisking voters at the entrance of 156 polling stations. Although ECP's code of conduct and security guidelines bar entry to polling stations with mobile phones, FAFEN observation reveals that security officials were letting people with mobile phones inside about 12 percent or 20 of the observed polling stations. Similarly, media persons were allowed to carry their cameras inside 16 percent of the observed polling stations.

## 9 Setting up of Polling Stations

ECP set up 240 polling stations for Karachi constituencies and 86 polling stations for Peshawar. On an average, every polling station set up in Karachi was assigned 2,276 voters, and each polling booth 569 voters. Similarly, on an average, 1,551 voters were assigned to a polling station and 434 to a polling booth in Peshawar. The Election Act 2017 stipulates a limit of 1,200 voters per polling station and 300 per polling booth to be followed as far as practicable. The overall average deviates significantly from the legal limit, while an analysis of the List of

Polling Stations reveals a higher degree of variation among polling stations. Only 18 out of 326 polling stations were assigned 1,200 or less voters, 86 polling stations had voters between 1,201 and 2,000 while remaining 222 polling stations were assigned above 2,000 voters each.

The table below presents the number of registered voters, polling stations and booths, and polling staff in each constituency.



Constituency	Polling Stations	Polling Booths	Polling Staff
<b>NA-247 (Karachi South-II) and PS-111 (Karachi South-V)</b>	240	960	2,160
<b>PK-71 (Peshawar-VI)</b>	86	307	700
<b>Overall</b>	<b>326</b>	<b>1,267</b>	<b>2,860</b>

The following table illustrates the number of voters at the polling stations for by-elections in these three constituencies.

By-Election Constituencies	By-Election-2018		
	Polling Station (PS) Less than 1,200 Voters	PS with 1,200 to 2,000 Voters	PS with More than 2,000 Voters
<b>PK-71 Peshawar-VI</b>	17	60	9
<b>NA-247 Karachi South-II</b>	1	26	213

## 10 Independent Observation

Section 238 of the Elections Act, 2017 permits duly verified and accredited election observers to observe the proceedings including the voting and counting processes. Duly accredited by the ECP, FAFEN observers were allowed to enter inside 122 polling stations without any restrictions, while at 39 polling stations, they had to persuade the polling or security staff, whereas one accredited FAFEN observer were not allowed to enter the polling station in NA-247.

Similarly, FAFEN observers attempted to observe the counting processes at 39 polling stations. They were allowed to observe the counting at 28 polling stations without any restrictions, while they had to persuade the polling staff to let them observe the process at nearly five polling stations. The remaining six observers were barred from observing in the counting process