



# OBSERVATION REPORT

PP-38 Sialkot-IV

## PP-38 Sialkot by-election: FAFEN observers record relatively higher incidence of violations

ISLAMABAD, July 30, 2021: By-election on Punjab Assembly seat in Sialkot (PP-38 Sialkot-IV) on Wednesday registered a relatively higher incidence of violations of electoral laws, rules and codes of conduct with FAFEN observers reporting an average of two violations per observed polling station, says Free and Fair Election Network (FAFEN) in its report on Thursday.

FAFEN observers had reported an average of one violation per observed polling station in the last by-election, which was held on a Sindh Assembly seat in Badin district (PS-70 Badin-I) on May 20, 2021.

Illegal campaigning and canvassing around majority of the observed polling stations for PP-38 by-election was observed. FAFEN observers found candidates or contesting parties' camps set up in the vicinity of 88 percent observed polling stations. The compliance with Standard Operating Procedures (SOPs) for COVID-19 prevention showed a varied trend across the constituency with nearly 50 percent of the observed polling stations partially enforcing the SOPs.

Although lower in number if compared with the constituency turnout during general elections 2018, by-election on PP-38 Sialkot attracted a large number of voters despite rainy weather and ongoing fourth wave of COVID-19 pandemic with 55.3 percent voters- 56.6 percent men and 53.9 percent women- coming out to vote for Wednesday's by-election. During general elections, the constituency had witnessed a cumulative turnout of 59 percent. However, PP-38 by-election turnout is greater than the recent by-elections for NA-249 Karachi West-II, PS-70 Badin and PP-84 Khushab-II, which registered a turnout of 22 percent, 35 percent and 53 percent, respectively.

FAFEN deployed a total of 33 non-partisan, trained and duly accredited observers- 25 men and eight women- to observe

## CONSTITUENCY HIGHLIGHTS ...



### REGISTERED VOTERS

There are 233,422 registered voters in the PP-38 Sialkot-IV including 128,128 male voters and 105,294 female voters.

#### GENERAL ELECTION 2018

MALE	FEMALE	TOTAL
118,191	90,268	208,459

#### BY-ELECTION 2021

MALE	FEMALE	TOTAL
128,128	105,294	233,422

#### CHANGE IN REGISTERED VOTERS

MALE	FEMALE	TOTAL
5% <sup>+</sup>	7% <sup>+</sup>	12% <sup>+</sup>

### POLLING STATIONS (PS)

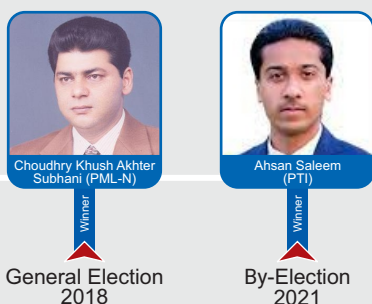
Election Commission of Pakistan (ECP) had set up 165 polling stations – 41 male, 41 female and 83 combined for the by-election. Overall, 487 polling booths – 262 male and 225 female – were established.

MALE PS	FEMALE PS	COMBINED PS
41	41	83
487 POLLING BOOTHS		

the polling processes at 126 polling stations – 30 male, 33 female, and 63 combined.

As for polling arrangements, election authorities had assigned more than 1,200 voters to a polling station, which is a legally recommended limit of voters on a polling station, at more than two thirds of the polling stations (114 or 69 percent). FAFEN observers reported more than one polling booth in the same room at 48 polling stations – 11 male, 18 female, and 19 combined – making the polling space congested for voters.

### TIMELINE OF ELECTIONS



The seating arrangements for the candidates' polling agents at 122 (97 percent) observed polling stations, however, were observed to be proper enabling them to observe the polling processes firsthand and raise objections or make challenges.

The observers found election materials in adequate quantities at all observed polling stations except one. Moreover, all due arrangements were made at the polling stations to protect the secrecy of voters except for five polling stations where secrecy screens were placed improperly compromising the secrecy of voters' choice.

FAFEN observers interviewed at least three voters outside every observed polling station about their satisfaction with the polling processes and the overall environment of the by-election. Voters outside 104 (83 percent) polling stations expressed their satisfaction with the entire polling process. Voters outside 16 (13 percent) polling stations were partially satisfied. Only one interviewer expressed complete dissatisfaction with the polling process.

Three political parties i.e. Pakistan Muslim League Nawaz (PMLN), Pakistan Tehreek-e-Insaf (PTI) and Tehreek-e-Labbaik Pakistan (TLP) had fielded their candidates for PP-38 Sialkot-IV by-election while five candidates ran independently. A comparison of votes polled to two main contenders (PTI and PML-N) during GE-2018 and recent by-election shows a marked increase in PTI's vote share, which rose from 32.8 percent in 2018 to 48.5 percent in 2021 while PML-N's vote share slightly decreased from 46.6 percent to 43.6 percent. PTI candidate has returned from the constituency, as per provisional result, by securing 62,657 votes.

## CONSTITUENCY HIGHLIGHTS ...

### MAJOR POLITICAL PARTIES

As many as 8 candidates including representatives of PML-N, PTI, TLP and five contested as independent in the by-election.



### TOTAL CONTESTING CANDIDATES

#### GENERAL ELECTION 2018

MEN	WOMEN	TOTAL
8	0	8

#### BY-ELECTION 2021

MEN	WOMEN	TOTAL
8	0	8

### POLLING PERSONNEL

PRESIDING OFFICERS	165
ASSISTANT PRESIDING OFFICERS	487
POLLING OFFICERS	487

### ELECTION HISTORY

#### REASON OF BY-ELECTION

The seat had fallen vacant due to death of PML-N lawmaker Choudhary Khush Akhtar Subhani.

#### GENERAL ELECTION 2018

VALID VOTES	VOTES EXCLUDED FROM THE COUNT	VOTER TURNOUT
120,781	2,889	59.3%

#### BY-ELECTION 2021

VALID VOTES	VOTES EXCLUDED FROM THE COUNT	VOTER TURNOUT
127,062	2,136	55.35%

### SENSITIVITY OF PS BY-ELECTION 2021

HIGHLY SENSITIVE	SENSITIVE	NORMAL
30	68	67

### MARGIN OF VICTORY

GENERAL ELECTION 2018	BY-ELECTION 2021
17,086	6,304

The by-election was necessitated due to the death of PML-N Member of Provincial Assembly (MPA) Chaudhry Khush Akhtar Subhani, who had won this constituency during the GE-2018 by securing 57,617 votes.

FAFEN observations of PP-38 Sialkot by-election are documented under following sections:

### 1. Campaigning and Canvassing

The election code of conduct prohibits campaigning and canvassing inside and around polling stations on the Election-day. The prohibition was observed to be effectively enforced inside most of the polling stations; however, its compliance outside the polling station buildings remained lax. FAFEN observers did not witness any campaign materials inside 120 (95 percent) out of 126 observed polling stations. The remaining six (five percent) of the observed polling stations were noted to have candidates' or political parties' campaign materials affixed on their walls or being distributed inside the polling station precincts. From outside the polling station, the observers reported the presence of political parties or candidates' camps in the close vicinity of 111 (88 percent) observed polling stations including 24 male PS, 29 female PS, and 58 combined PS.

### 2. Electoral Violence and Conduct of Security Personnel

With the police and Punjab Rangers personnel deployed at each polling station, no major incident of violence was reported in the constituency. However, FAFEN observers noted four instances of verbal clashes among voters and polling staff in three separate polling stations. The behavior of the security officials was generally observed to be welcoming and supportive towards voters at almost all the polling stations except one where the security officials were observed to be treating voters harshly.

Under the instructions of ECP, the Punjab police deployed more than 3,000 police officials for election-related security arrangements. In addition to the police, ECP also ordered to deploy over 500 Punjab Rangers personnel outside all the polling stations. A control room was also established at the office of the Returning Officer (RO) to receive reports and take timely steps to deal with any extraordinary situation during the polling process. In addition, the Election Commission of Pakistan (ECP) had also set up separate control rooms at the ECP Secretariat in Islamabad and Provincial Election Commission (PEC) for receiving any complaints by voters, candidates, and their election or

polling agents regarding any electoral irregularities.

### 3. Enforcement of COVID-19 SOPs

ECP had instructed the polling staff to strictly comply with the Standard Operating Procedures (SOPs) for containing the spread of COVID-19 infections while also ensuring that no eligible voter was deprived of the right to vote. The polling staff and the district administration were asked to provide masks (if required) to the voters before entering polling stations.

FAFEN observers noted the polling and security staff to be only partially complying with the set of SOPs in nearly half of the polling stations (63 or 50 percent). Only 25 (20 percent) of the observed polling stations had strict enforcement of COVID-19 SOPs whereas 38 (30 percent) polling stations completely disregarded the protocols.

### 4. Voting Process

FAFEN observers reported smooth smoothly voting processes inside the polling booths without any remarkable violations of the due process. The polling staff had taken appropriate measures to protect voters' secrecy at 121 (96 percent) of the observed polling stations. However, five polling stations were reported to have secrecy screens set up in such a way that allowed people in the polling booth to see the voters marking their ballot papers. Moreover, no instance of unauthorized persons accompanying the voters behind the secrecy screen was received from any observed polling stations.

The polling process seemed completely organized at 120 percent (95 percent) polling stations while the remaining six (five percent) polling stations faced minor issues of voter management. The election materials were also observed to be in adequate quantities at nearly all of the observed polling except one where key electoral supply ran short during the polling day.

Moreover, the authorized polling agents, who were legally allowed to witness the polling process and object to any irregularity as defined under the law, were seated appropriately inside the polling booths at 122 (98 percent) observed polling stations and were able to observe the entire polling process firsthand. The Assistant Presiding Officers (APOs) were also observed to be rightly performing their duty of signing and stamping on the backside of the ballot papers at all of the observed polling stations before its issuance to the voters.

FAFEN observers reported two instances of female

voters being sent away from polling stations without casting their votes because their votes were not registered at the polling station they were visiting.

### 5. Counting Process

FAFEN observed the counting process at 28 polling stations across the constituency. The observers reported that polling staff provided the copies of Form-45 (Result of the Count) to polling agents present at observed polling stations by the end of the counting process. However, Form-45 was not pasted outside five observed polling stations which is also a mandatory requirement under subsection 14 of section 90 of the Elections Act, 2017. The polling staff at one polling station refused to provide a copy of Form-45 to FAFEN observer. The ECP had also directed all Presiding Officers to share a scanned copy of Form-45 with RO by using WhatsApp through their smartphones or other means of communication in presence of polling agents of the contesting candidates.

### 6. Voter Registration and Turnout

There were 233,422 registered voters on the constituency's electoral rolls as per the final list of polling stations issued by the ECP for this by-election. This number showed an increase of 12 percent (or 24,963) since GE-2018 when 208,459 voters were entitled to vote in the constituency. As many as 9,937 male voters and 15,026 female voters were added to the electoral rolls since GE-2018.

Of these registered voters, 55.35 percent (129,198 voters) exercised their right to vote on the polling day. The male voter turnout was 56.6 percent and female voter turnout was 53.9 percent. Overall, the turnout was a little less than GE-2018 voter turnout (59.33 percent).

No reports of any bar on women voters were received during the polling day. FAFEN observers noted voters queued outside or inside 103 (82 percent) of the observed polling stations' buildings during the polling day. Both male and female voters were seen visiting polling stations to cast their votes.

### 7. Contesting Parties and Candidates

A total of eight candidates – three belonging to PML-N, PTI and TLP, and five independents – contested the by-election in PP-38 Sialkot-IV. It was an all-men contest with no female candidate vying for the post. A same number of candidates had contested for the constituency during GE-2018 with only difference that PPPP had also fielded a candidate back then but it did not award its ticket to any candidate during the by-election.

### 8. Setting Up of Polling Stations

ECP set up 165 polling stations – 83 combined and 41 male and as many female – comprising 487 polling booths – 262 male booths and 225 female booths – for 233,422 registered voters – 128,128 male and 105,294 female – of the constituency, averaging 1415 voters per polling station.

The Elections Act, 2017 highlights a limit of 1,200 voters to be assigned to a polling station and 300 to a polling booth for smooth voting process. However, additional voters may be assigned in exceptional circumstances with the reasons to be recorded in writing. Still, 114 (69 percent) polling stations of the constituency were allocated more than 1,200 voters.

### 9. Independent Observation

Section 238 of the Elections Act, 2017 permits duly verified and accredited elections observers to observe the proceedings including the voting and counting processes at the polling stations. In compliance with the legal provisions, FAFEN's trained, non-partisan and accredited observers were allowed to observe the polling process at 126 polling stations and counting process and 28 polling stations without any restrictions. However, the security staff barred FAFEN observer from entering a polling station despite having an accreditation card provided by the ECP.

### 10. Extent of the Constituency

The PP-38 Sialkot-IV consists of mostly suburbs of the Sialkot city including the patwar circle of Gunnan Kalan, and Kundan Pur, Dalowali, Jhulki and Mindarwala areas of Chaprar qanungo halqa.