



OBSERVATION REPORT

PK-7 SWAT VI

LOW FEMALE TURNOUT, VOTE SECRECY ISSUES PERSIST

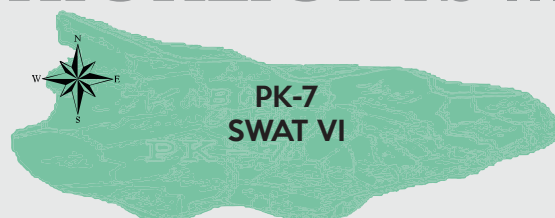
Islamabad, June 29, 2022: Abysmally low female turnout and inadequate arrangements to protect secrecy of vote coupled with widespread instances of campaigning and canvassing on Election Day remain major issues clouding the by-election in PK-7 Swat-VI that was otherwise peaceful with generally compliant voting and counting processes, observes Free and Fair Election Network in its report.

Only 6,020 (six percent) of the 84,339 registered female voters exercised their right to vote in the by-election held on June 26, 2022. Of 28 female polling stations, 22 recorded less than 10 percent turnout with the lowest remaining one percent at Polling Stations No. 51 and 119. The votes polled by female voters in the constituency, however, made up 18 percent of the total polled votes. Under section 9(1) of the Elections Act, 2017, if the turnout of women voters is less than 10 percent of the total votes polled in a constituency, the Election Commission may presume that the women voters have been restrained through an agreement from casting their votes and may declare, polling at one or more polling stations or election in the whole constituency, void

Overall, 33,573 (18 percent) registered voters turned out to vote in the by-election. The constituency had recorded 37 percent turnout – 51 percent male and 18 percent female in General Election (GE) 2018 and 23 percent turnout – 33 percent male and 10 percent female – in by-election held in October 2018. There were three female polling stations with less than 10 percent turnout in GE-2018 and 21 in by-election 2018. The persistent low women turnout in the constituency necessitates targeted and urgent measures by the Election Commission to encourage women to vote during future elections.

Procedurally, the by-election witnessed irregularities mainly

CONSTITUENCY HIGHLIGHTS ...



REGISTERED VOTERS

There are 188,084 registered voters in the PK-7 Swat VI including 103,745 male voters and 84,339 female voters.

GENERAL ELECTION 2018

MALE	FEMALE	TOTAL
88,441	65,830	154,271

BY-ELECTION 2018

MALE	FEMALE	TOTAL
88,948	66,771	155,719

BY-ELECTION 2022

MALE	FEMALE	TOTAL
103,745	84,339	188,084

CHANGE IN REGISTERED VOTERS (Since GE-2018)

MALE	FEMALE	TOTAL
17.3% ⁺	28.1% ⁺	21.9% ⁺

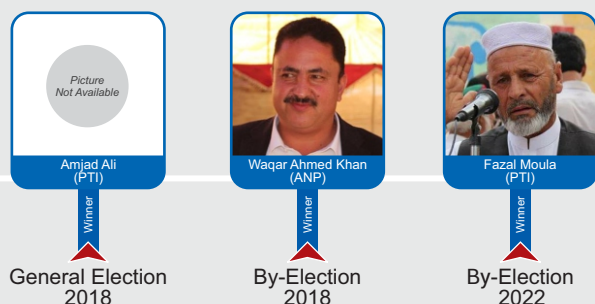
POLLING STATIONS (PS)

Election Commission of Pakistan (ECP) had set up 124 polling stations – 30 male, 28 female and 66 combined for the by-election. Overall, 308 polling booths – 176 male and 132 female – were established.

MALE PS	FEMALE PS	COMBINED PS
30	28	66
308		
POLLING BOOTHS		

relating to secrecy of vote and campaigning and canvassing inside and around polling stations. According to FAFEN observers, 52 (29 percent) of 180 observed polling booths had secrecy screens installed in such a manner that might have compromised voter's secrecy. In addition, 13 polling booths had CCTV cameras angled toward the portion of booth reserved for marking of ballot papers by voters.

TIMELINE OF ELECTIONS



The campaigning irregularities also persisted in the recent by-election. A majority of the observed polling stations (59 or 80 percent) had party camps in their legally-prohibited surroundings, while more than a third of those were actively involved in distributing campaign materials to potential voters. FAFEN observers also witnessed the presence of campaign materials of contesting parties or candidates inside 14 (19 percent) observed polling stations.

The voting process was reported to be orderly and peaceful across the observed polling stations. The polling staff was present at all observed polling stations while the election materials were also available in adequate quantities. The Assistant Presiding Officers (APOs) and Polling Officers (POs) were duly completing all legal and regulatory requirements for voter identification and ballot issuance. FAFEN observers, however, reported 16 instances of voters being turned away from polling stations as their names were not on the electoral rolls of the station they were visiting.

The counting process was also compliant with the due procedural and legal requirements; however, the observers reported issues concerning the transparency of polling station results. The Presiding Officers did not paste Form-45 (Result of the Count) outside nine (50 percent) of the polling stations where counting was observed. Similarly, Form-46 (Ballot Paper Account) was not pasted in 11 (61 percent) instances.

For 188,084 registered voters in the constituency, the ECP had set up 124 polling stations, assigning more than 1,200 voters to 98 (79 percent) polling stations, which is a legally recommended limit of voters assigned to a polling station.

Three political parties i.e. Pakistan Tehreek-e-Insaf (PTI), Awami National Party (ANP) and Tehreek-e-Inqilab Siyasi Tehreek (TIST)

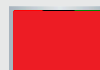
CONSTITUENCY HIGHLIGHTS ...

MAJOR POLITICAL PARTIES

As many as 4 candidates including representatives of PTI, ANP, TIST and one contested as independent in the by-election.



PTI



ANP



TIST



IND

TOTAL CONTESTING CANDIDATES

GENERAL ELECTION 2018

MEN	WOMEN	TOTAL
11	0	11

BY-ELECTION 2018

MEN	WOMEN	TOTAL
4	0	4

BY-ELECTION 2022

MEN	WOMEN	TOTAL
4	0	4

POLLING PERSONNEL

PRESIDING OFFICERS | 124

ASSISTANT PRESIDING OFFICERS | 308

POLLING OFFICERS | 308

FAFEN OBSERVERS DEPLOYED

MEN	WOMEN	TRANSGENDER
12	6	1

ELECTION HISTORY

REASON OF BY-ELECTION

The seat had fallen vacant after the death of MPA Waqar Ahmed Khan Member (ANP).

GENERAL ELECTION 2018

VALID VOTES	VOTES EXCLUDED FROM THE COUNT	VOTER TURNOUT
55,124	2,190	37.15%

BY-ELECTION 2018

VALID VOTES	VOTES EXCLUDED FROM THE COUNT	VOTER TURNOUT
34,802	920	22.94%

BY-ELECTION 2022

VALID VOTES	VOTES EXCLUDED FROM THE COUNT	VOTER TURNOUT
32,803	770	17.85%

fielded their candidates for PK-7 Swat-VI by-election while one candidate ran independently. According to Form-47 (Provisional Consolidated Statement of Results of the Count), PTI's candidate Fazal Moula won the by-election securing 17,395 (52 percent) polled votes while ANP's Hussain Ahmed Khan remained runner up with 14,604 (44 percent) votes. Moreover, two percent (770) of the polled votes were excluded from the count.

During the General Election 2018, PTI's candidate Mr. Amjad Ali had won this constituency while the ANP's Waqar Ahmed Khan remained the runner-up. However, Mr. Ali vacated the seat to retain another seat that he had won. Former runner-up Mr. Ahmed won the seat in the by-election held on October 14, 2018 defeating PTI's candidate Fazal Moula. The seat fell vacant again due to the death of Mr. Waqar Ahmed Khan on April 30, 2022 necessitating a second by-election in the constituency.

FAFEN had deployed a total of 19 non-partisan and trained observers including 12 men, six women and one transgender. These observers were allowed to observe the voting process at 74 polling stations and counting processes at 18 polling stations. FAFEN observers were duly accredited by the Election Commission of Pakistan in compliance with the requirements of section 238 of the Elections Act, 2017.

Major observations are documented in the following sections:

1. Campaigning and Canvassing

The ECP's Code of Conduct for Contesting Candidates and Political Parties prohibits all kinds of campaigning and canvassing activities inside and around polling stations on Election Day. According to FAFEN observers, the prohibition was effectively enforced at majority of the polling stations; however, sporadic incidents of violation of the ban were observed.

FAFEN observers reported presence of the camps set up by political parties or candidates in the close vicinity of 59 (80 percent) polling stations. The observers witnessed political advertisements being displayed in the party camps outside 27 (46 percent) out of those 59 polling stations and campaign materials being distributed to visitors at 21 (36 percent) of the polling stations. Moreover, the armed persons were also seen at the camps outside 11 (19 percent) of those 59 polling stations.

According to observers, the campaign materials of contesting political parties or candidates were present

inside 14 (19 percent) of the total 74 observed polling stations. As many as 66 polling agents present inside the polling booths were also observed to be wearing badges or stickers displaying their party or candidates' symbols. In addition, 26 (35 percent) of the observed polling stations had banners, posters, flags and/or other campaign material affixed on their outer walls.

In another violation of the code of conduct, candidates and political parties were observed to have been providing transport services to voters outside 19 (26 percent) of the observed polling stations.

2. Electoral Violence and Conduct of Security Personnel

The polling day remained largely peaceful and orderly. FAFEN observers reported two minor incidents of verbal clashes that took place outside polling stations and involved security officials, voters and contesting candidates.

FAFEN observers reported the presence of security personnel outside 68 (92 percent) of the observed polling stations. Moreover, the security personnel were also seen inside 133 (74 percent) of the observed polling booths. The security officials deployed outside the polling stations were observed maintaining a welcoming and supportive attitude towards voters at all observed polling stations except at three (four percent) polling stations. The security officials were also seen according preferential treatment to the transgender persons, women and PWDs at the entry points of the polling stations. At three polling stations, the security personnel restricted the media reporters from taking their cameras inside the respective polling stations whereas they allowed voters to carry mobile phones inside the polling stations at 28 (41 percent) of the observed polling stations. The Code of Conduct for Security Officials allows media persons to carry their cameras but bars carrying mobile phones inside the polling stations as they might pose a security risk while camera phones may also be used to interfere with the secrecy of vote.

FAFEN observers reported that the security officials were allowing voters to enter the polling stations only after checking their National Identity Cards (NICs) and voter chits outside 52 (76 percent) and 47 (69 percent) of the observed polling stations, respectively. Voter identification and verification is the responsibility of the Polling Officer, while the security officials are only required to ensure the peaceful and orderly conduct at the polling stations.

3. Polling Stations Arrangement

FAFEN conducted a general observation of the availability of polling officials and election materials as well as the overall polling station arrangement at 180 polling booths across 74 observed polling stations. Of these polling booths, 164 (91 percent) were set up in separate rooms while the remaining were set up in one room. Housing multiple booths in a single room may cause overcrowding.

According to the observers, the APOs and POs were present at all of the observed polling booths. The election materials were observed to be available in adequate quantities at almost all observed polling booths. However, nine-matrix stamp was missing at ten (six percent) of the observed polling booths, indelible ink or marker seven (four percent), and secrecy screens at three (two percent) polling booths. While electoral rolls, stamp pad, transparent ballot boxes, and ECP official stamp (used for marking the back of the ballot paper) were each missing at one percent of the observed polling booths.

According to FAFEN observers, the polling staff had appropriately set up the secrecy screens to protect voters' secrecy at 125 (71 percent) of the polling booths where they were available. However, 52 (29 percent) of these screens were set up in such a way that might have compromised the secrecy of the voter while marking his or her ballot paper. FAFEN observers reported that CCTV cameras were installed at 31 (17 percent) of the observed polling booths. Of these 31 CCTVs, 13 (42 percent) were installed in such a way that could have compromised voters' secrecy.

4. Voting Process

FAFEN observers conducted a detailed observation of voting processes at 67 polling booths by spending up to an hour of time there. The observers documented the voter identification and ballot issuance process for 234 voters who presented themselves to vote at these 67 polling booths.

The polling process was observed to be organized and orderly at the time of observation across all polling station except once where polling became disorganized for a brief period. Moreover, FAFEN observer reported six instances of polling process being stopped for tea, prayers or lunch.

The POs were observed to be complying with the due procedure laid out for voter identification and verification in the section 84 of the Elections Act and

relevant rules. They were duly checking the hands of incoming voters for any prior mark of indelible ink in 219 (94 percent) instances, calling out loudly their serial numbers and names in 217 (93 percent) instances, striking off the entry relating to the voter on the electoral rolls in 229 (98 percent) instances, and obtaining their thumb impression on the electoral rolls in 233 (100 percent) instances.

Similarly, the APOs were observed to have been duly filling the counterfoils by entering serial number and NIC of voters in 230 (98 percent) instances. Similarly, they were obtaining thumb impressions of voters on the counterfoil and putting their signature and official stamp on it in 234 (100 percent), 218 (93 percent) and 226 (97 percent) of the instances, respectively. The APOs were observed to be putting their signatures and official stamps on back of the ballot paper in 226 (97 percent) and 229 (98 percent) instances, respectively. The absence of signature and stamp on the ballot paper leads to its exclusion from the counting.

Furthermore, voters at 34 (51 percent) polling stations were observed carrying voter parchis with the election symbol of a party or a candidate, which may compromise the secrecy of their choice of candidate. Likewise, at 16 (24 percent) polling stations the observers also saw voters being turned away without casting their votes because their votes were not registered at those polling stations. One incident of polling officials allowing a person possessing only a photocopy of National Identity Card to vote was also reported. However, no polling agent objected to the incident.

5. Counting Process

FAFEN observed the counting processes at 18 polling stations to document compliance with the procedure for the close of the poll and the vote-counting as provided in Section 90 of the Elections Act, 2017, and the relevant rules. FAFEN observers reported varied compliance with the due process at these polling stations.

According to observers, the main entrances to all observed polling stations except one were closed at 5:00 pm – the official time for the close of the polling. However, the voters present inside the premises of the polling stations were allowed to cast their votes after 5:00 pm. The counting processes started within an hour of the close of the poll at all of the observed polling stations except three where it took more than an hour.

In order to ensure the security of ballots, the polling staff must close the doors of the

room where the counting process is administered. However, the ballot counting at seven of the observed polling stations was conducted with the doors open. FAFEN observers reported presence of unauthorized persons (other than election officials, authorized polling agents, authorized observers, candidates/elections agents, and security officials) at three polling stations.

To ensure the transparency of the counting, one polling agent of each candidate is allowed to observe the process. At all the observed polling stations, polling agents were present and seated at a place where they could directly observe the ballot counting process.

According to the observers, the polling agents and security personnel were seen touching the ballot papers at two and one of the observed polling stations, respectively. The polling staff was checking the official stamp and signature of the APOs on the back of ballot papers at 16 (89 percent) of the observed polling stations.

At seven of the observed polling stations, the polling staff was not calling out loudly the name of the party and candidate to whom the vote was cast. Similarly, the polling staff was not making separate piles of votes that were being excluded from the count at four polling stations. The polling agents raised the objection to the votes that were excluded from the

count at one polling station. The polling staff was observed to be separately counting the Challenged and Tendered Ballot Papers at eight and ten of the observed polling stations, respectively. At six polling stations, the Presiding Officers conducted a re-count at his/her own discretion, whereas the ballots were re-counted at the request of polling agents at one polling station.

Observers reported that the polling staff provided copies of Form-45 (Result of the Count) to polling agents present at the end of the counting process at 13 polling stations. Similarly, at 11 polling stations, polling agents were also provided a copy of Form-46 (Ballot Paper Account). At one polling station, polling agent/candidate refused to sign Form-45; however, no such refusal was recorded for Form-46.

Subsection 14 of Section 90 of the Elections Act, 2017 requires the Presiding Officers to paste Form-45 and Form-46 outside the polling station building for public inspection. Despite clear legal and procedural provisions, the Presiding Officers at nine of the observed polling stations did not paste a copy of Form-45 on the outside walls or the gate after the completion of the counting process. Likewise, 11 Presiding Officers did not paste Form-46 outside the polling station. The Presiding Officers provided the copies of Form-45 and Form-46 to the observers at 13 and 10 of the observed polling stations, respectively.