

# BY-ELECTIONS IN PUNJAB



JULY 2022

FAFEN OBSERVATION REPORT



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## IMPROVEMENTS IN POLLING AND RESULT MANAGEMENT PROCESSES BUT LAX CONTROLS OVER ELECTION DAY CANVASSING

- **Conclusive probe into claims of alleged rigging and bias must for integrity of elections**

**ISLAMABAD, July 19, 2022:** An impressive 49.7 percent turnout in the by-elections for 20 Punjab Assembly constituencies on July 17, 2022 augurs well for an otherwise struggling democracy in Pakistan. The election day remained largely orderly and well-managed, though reports of isolated incidents of brawls and fights, some of them overplayed by media, particularly the social media, tainted the perception of quality of electoral exercise that, however, culminated with a rare acceptance of defeat by Pakistan Muslim League – Nawaz (PML-N), a gesture that can set the stage for a thriving democracy in the country.

Pakistan Tehreek-i-Insaf (PTI) emerged victorious on 15 of the 20 seats, which were vacated after its members were disqualified for voting against their party's directions in the election for the Chief Minister (CM) of Punjab. PTI lost four constituencies to PML-N candidates and one to an independent candidate. The party had alleged foul play since the outset of the by-election process and leveled allegations of partisanship against the Election Commission as well as other government institutions. Considering the gravity of these allegations, an independent probe through a specially formed parliamentary committee comprising representatives of all parties may be instituted to ascertain their veracity or otherwise. In addition to contributing to the ongoing electoral reform process, a conclusive probe will strengthen the integrity of future elections.

Amongst several positives, the by-elections are instructive for the Election Commission of Pakistan (ECP) and other stakeholders to pay more attention to curbing the increasingly polarizing tactics and content of party campaigns both before and on the election day not only through traditional mechanisms but also social media. The by-elections reinforced the need for a proper monitoring and enforcement mechanism to ensure compliance with the Code of Conduct for Parties and Candidates and check any misuse of government resources, and alleged cases of vote-buying and other inducements through tightening the laws, rules, and limits for election expenses. In addition, to improve the election environment, a stricter legal regime must be introduced to discourage unsubstantiated allegations, insinuations, and accusations.



The ECP ensured appreciable improvements in polling, counting, and result-management processes, particularly by making sure that preliminary results of all constituencies, except for the one in Rawalpindi (PP-7), were promptly released. This ensured greater public confidence in the election outcome and also preempted the escalation of political temperatures that generally arise as a result of delayed results.

However, the ECP's enforcement remained weak for curtailing the campaigning and canvassing on election day through electronic media and social media primarily due to inadequate legal and regulatory provisions. ECP's instructions to media on election coverage were largely circumvented, with political leaders from contesting parties canvassing for votes in their media appearances on election day. Instructions for the telecast of polling stations-wise results were also not completely adhered to. While these practices outside polling stations were also observed, contesting candidates in several constituencies also employed newer ways to woo voters such as rallies and gatherings away from the legally-barred limits around polling stations. The election law needs to be reinforced to curb such practices in future elections. One way to address such situations is to introduce effective checks on the use of money, which currently are inadequate, cosmetic, and weak. Unless campaign finance rules are tightened, a level playing field will be difficult to be maintained for all candidates and political parties.

The by-elections were among the most hotly contested elections in recent times. The number of contestants dropped from 234 candidates (226 men and eight women) who contested in General Elections (GE) 2018 to 175 candidates (170 men and five women) for the 2022 by-elections. As many as 4,579,898 voters were registered to vote in these constituencies as compared to 3,842,368 in 2018. Among men voters, the turnout was 53 percent compared to 60.6 percent in GE-2018. Women's turnout was recorded at 45.5 percent – relatively lower compared to 54 percent in GE-2018. Over 60,000 more voters cast their votes in these by-elections as compared to their number in 2018, of which more than half (37,271) were women.

The Free and Fair Election Network (FAFEN) deployed 203 election-day observers – 109 men and 94 women – to observe the voting and counting processes at 800 polling stations in all 20 constituencies. The observers were trained on the Elections Act, 2017, and the codes of conduct of the relevant stakeholders to observe the proceedings effectively and independently. FAFEN observers were also provided standardized checklists to record their observations. Each observer was assigned four polling stations: in the first polling station, they were tasked to observe the processes preceding the start of polling, at the second and third they observed the voting processes, and at their fourth polling station, in addition to the voting process, they observed the closing and counting processes. FAFEN observers were not allowed to ask voters about their voting choices inside or outside polling stations as it is strictly prohibited under the ECP's Code of Conduct for Observers and as per Section 178 (b) of the Elections Act, 2017.

This report is based on the observations received on election day from 638 polling stations from all 20 constituencies obtained by FAFEN observers through a specially-established call center as well as through real-time reporting using mobile and web-based applications. The data, once received, was cleaned and where necessary, verified, before being subjected to analysis.

## **1. POLARIZING AND ACRIMONIOUS CAMPAIGN: DISREGARD FOR CODE OF CONDUCT FOR PARTIES AND CANDIDATES WITH IMPUNITY**

The campaign phase became increasingly acrimonious as election day drew nearer. The PTI campaign was centered on allegations of corruption, the use of state resources for influencing elections, and collusion of state and international actors. The party leadership expanded its allegations of bias to the Election Commission along with other state institutions. On the other hand, representatives of the Tehreek-e-Labbaik Pakistan (TLP) declared that voting for PML-N was akin to committing a grievous sin (“*haram, najais, gunah*”). From its platform, PML-N's campaign built its

narrative questioning the integrity of PTI leadership, particularly its leader Imran Khan and accused him and his close family and friends of corruption and kick-backs. Marred by an increasingly negative trend of name-calling and accusations, the campaigns reflected the inadequacy of the ECP to enforce the Code of Conduct for Political Parties and Candidates to control the rampant personal attacks.

In the absence of caretaker governments, the ECP's powers to intervene are restricted only to constituencies where elections are being held, but it has no powers to check the

government on larger decisions that may influence voters' choices such as reduction in fuel prices, etc. Despite an inadequate legal framework, the ECP asserted its authority in tackling measures taken by the provincial government that were interpreted by the opposition as an attempt to influence the elections. The Punjab CM announced the Punjab Chief Minister *Roshan Gharana* Programme whereby free electricity would be provided to households using up to 100

electricity units a month. The ECP suspended the scheme and termed it a violation of the electoral Code of Conduct which prohibits any elected representative from announcing a development scheme for constituencies heading toward elections as it could create an unfair bias with voters, and it would also be an abuse of the government funds. The political environment, however, remained highly charged leading up to the by-polls.

## 2. INCREASED YET UNEVEN GROWTH IN REGISTERED VOTERS AND A WELCOME DECREASE IN THE GENDER GAP

Compared to GE-2018, the number of registered voters increased in all 20 constituencies, albeit not uniformly. Overall, the number of registered voters increased by 14 percent (from 3,842,368 in 2018 to 4,579,898). The electoral rolls of Jhang's PP-125 reflect an increase of 27 percent (53,454) in registered voters, while Khushab's PP-83 had the smallest increase amongst the 20 constituencies with 11.7 percent (33,858) more registered voters compared to 2018.<sup>1</sup>

From the perspective of registered women voters, a narrowing gender gap on the electoral rolls across all constituencies reflects a positive trend. Compared to GE-2018, the overall gender gap in these 20 constituencies has decreased from 10.7 percent to 7.4 percent. However, as with the overall increase in registered voters, the gap has closed unevenly across these constituencies, with Jhang's PP-125 leading the way with a decrease in the gender gap by almost half, i.e., from 14 percent in 2018 to 7.4 percent. Of the 14 constituencies where the gender gap was 10 percent

or above in 2018, 11 now have a gender gap under 10 percent<sup>2</sup>.

Tracking the changes in registered voters at the census block level also reflects interesting trends<sup>3</sup>. Overall, of the total 5,648 census blocks constituting the 20 constituencies, the available data allowed FAFEN to compare the registered voters of 5,433 (96 percent) census blocks. Of these, the number of registered voters remained unchanged in 55 (one percent), decreased by 1,023 (19 percent), and increased by 4,355 (80 percent) of the census blocks. Of the 4,355 census blocks in which registered voters increased, the registered voters in 2,643 (61 percent) of the census blocs increased by up to 25 percent, between 25-50 percent in 1,043 (24 percent), and in the range of 51-75 percent and 76-100 percent in 259 (six percent) and 135 (three percent) census blocks, respectively. In another 275 (six percent) census blocks, the number of registered voters increased by over 100 percent<sup>4</sup>.

## 3. ORDERLY AND TIMELY COMMENCEMENT OF POLLING

For the most part, FAFEN's 203 accredited and non-partisan citizen observers did not face any restriction in entering and observing the voting process; however, observers were barred from observation of two polling stations, one each in PP-168 Lahore-XXV and PP-282 Layyah-III.

The Presiding Officers are required to show empty ballot boxes to the polling agents of the contesting parties and candidates before sealing them in the presence of polling agents or candidates and obtain their signature on the

relevant form regarding the inspection of ballot boxes before the start of the poll. According to FAFEN observers, the Presiding Officers showed empty ballot boxes to the candidates or their agents at 151 (99.3 percent) polling stations where they observed the opening of the polling stations and sealed the boxes afterward, except at one polling station. At 27 (17.8 percent) of the observed polling stations, the polling agents raised objections to the proceedings before the opening of the poll. Moreover, FAFEN observers noted polling agents were present at 153

<sup>1</sup> Registration trends will be covered in the detailed observation report to be released later.

<sup>2</sup> Only three constituencies, PP-168 Lahore-XXV, PP-237 Bahawalnagar-I and PP-288 Dera Ghazi Khan-IV, have a gender gap exceeding 10 percent.

<sup>3</sup> Comparative reading of registered voters by census blocks will be covered in the detailed report to be released later.

<sup>4</sup> Details by each constituency will be covered in the detailed observation report to be released later.



(92.2 percent) of the observed polling stations before the start of the polling process.

The official duration of voting was set from 8:00 am to 5:00 pm, with election staff required to be ready to open the polling station for voters at the stipulated time. At 135 (84.9

percent) of the polling stations at which the opening was observed, the election staff was seen to be ready to open the polling for voters on time. However, voting was observed to begin at that precise time at 132 (84.1 percent) of the observed polling stations.

#### 4. LARGELY WELL-MANAGED CONDUCT OF POLLING PROCESSES

The ECP had set up 3,130 polling stations comprising 9,565 polling booths for 4,579,898 registered voters. At 935 (30 percent) of these polling stations, the number of registered voters was less than the legally-recommended limit of 1,200 voters.

The polling process remained largely organized and smooth with adequate security arrangements made at the polling stations by the ECP, barring instances of verbal altercations and physical clashes. According to FAFEN's observers, voting was conducted in a largely well-organized manner in 577 (96.8 percent) of the observed polling stations. At only 46 (8.2 percent) of the observed polling stations, observers noted instances of misbehavior or hostilities erupting between voters/party loyalists.

Smooth processing at the stations was aided by the adequately-trained and equipped election staff which, for

the most part, fulfilled the technical requirements of the voting process. The observers recorded that the officers had adequate necessary materials e.g., ballot books, stamps, ink, etc., at almost all the observed polling stations. Moreover, polling booths, which, according to the law, must be placed individually in separate rooms, were thus arranged in 337 (51.7 percent) of the polling stations.

The security personnel are subject to the Presiding Officers' control for maintaining order and peace inside and outside polling stations. During the election day, observers noted the presence of security staff within the walls of 427 (75 percent) of the observed polling stations. However, their presence did not cause any disturbance, as observers noted that in 410 (97.4 percent) of the instances the security staff dealt fairly with the voters present inside.

#### 5. NEED FOR IMPROVING SECURITY OF BALLOTS AND VOTERS' CHOICES

Secrecy screens are provided by the ECP to protect the secrecy of voters. However, at 26 (4.5 percent) of the observed polling booths, these screens were placed in a manner that could have potentially compromised the voters' secrecy. Moreover, in 50 (8.9 percent) of the observed polling stations, FAFEN observers witnessed unauthorized individuals accompanying voters behind the secrecy screens.

FAFEN observers reported that voters were carrying voter *parchis* (chits) displaying the name or symbol of a contesting

party or candidate at 21 of the observed polling stations. These chits that voters usually receive from party camps outside the polling stations are helpful for polling officers to search the voters' names in the electoral rolls but a chit with the party or candidate's name on it can compromise the secrecy of the vote. The Supreme Court of Pakistan also banned the provision of such chits to the voters in Pakistan Workers' Party Case, 2012.

#### 6. FACILITATION OF WOMEN, PWDS, AND TRANSGENDER PERSONS ENSURED

ECP's proactive role is critical to ensuring women participation. At polling station 11, PP-202 Sahiwal-VII, political parties had reached an agreement that barred women from voting. The ECP promptly took notice of this alleged attempt at disenfranchising women and under Section 9 of the Elections Act, 2017, issued a notification on July 17, 2022, to ensure women's participation in the by-

elections. Despite the notice, however, no woman voter cast vote at the said polling station.

The role of security personnel is critical to ensuring that all voters get equal access regardless of their gender, disabilities, or status. The Elections Act, 2017, includes specific provisions to enhance the electoral and political participation of marginalized groups while the code of

conduct for security officials requires them to facilitate persons with disabilities (PWDs), senior citizens, transgender persons, and pregnant women or mothers carrying infants to polling stations on a priority basis.

As per the observation reports from polling stations where voters belonging to these categories were observed entering, preferential treatment was extended to women at 167 (95 percent) of the observed women and combined polling stations; pregnant women and women with children at 153 (86 percent); transgender persons at 15 (58

percent); and PWDs at 213 (95 percent) of the polling stations where PWDs were seen at various stages of polling. However, the availability of a ramp to facilitate PWDs in accessing polling stations was found to be missing/inadequate at a majority of the observed polling stations – it was seen at 173 (31 percent) of the observed polling stations. Various instances were reported where the polling booth was set up on an upper floor and had to be accessed using stairs. The lack of accessibility impedes equal opportunity to vote and may even dissuade voters with disabilities.

## 7. LEGALLY COMPLIANT ISSUANCE OF BALLOTS AT MOST POLLING STATIONS

The voting process inside the polling booths was observed to be mostly compliant with the procedural requirements, barring some instances wherein the election staff deviated from legal and procedural requirements of ballot issuance by the Assistant Presiding Officers (APO). The APO's sign and stamp at the back of the ballot paper is a crucial requirement for the validity of the vote, and the ballots without it are excluded from the count. While the majority of the cases observed by FAFEN observers demonstrated complete adherence to the protocols, in 29 (five percent) of

the polling stations, it was reportedly not being followed. Moreover, at 16 of the observed polling stations, observers saw that APOs had affixed the stamps and signatures to the ballot papers in advance.

At 41 of the observed polling stations, observers noted that the Polling Officers were not calling out the voters' names loudly; at five polling stations, polling agents did not have voters lists.

## 8. ISOLATED INSTANCES OF VOTERS' DISENFRANCHISEMENT

FAFEN observers reported instances of voters being barred for both valid and some invalid reasons from voting at 82 (14.7 percent) of the observed polling stations. The reasons were highlighted to be the production of photocopies of National Identity Cards (NIC), production of other personal identification documents such as passports or NIC tokens, and being underage (below 18) or the absence of NIC. Furthermore, the polling staff did not allow voters with expired NICs to cast their vote in two of the observed polling stations despite clear legal instructions to the contrary. It

should also be noted that at one polling station, two voters were allowed to cast their votes on photocopies of NICs.

At 117 of the 130 (90 percent) polling stations where closing processes were observed, voters were present inside after 5:00 pm to cast their votes. However, of these, at 96 (82 percent) of the observed polling stations, the polling staff complied with the legal requirements and allowed the present voters to cast their votes.

## 9. NEED FOR IMPROVED ENFORCEMENT TO CHECK CAMPAIGNING AND CANVASSING INSIDE AND OUTSIDE POLLING STATIONS

FAFEN observers reported that outside 337 (58 percent) of the observed polling stations, campaign materials such as banners, posters, flags, and other promotional materials of the contesting political parties and candidates could be seen. Political workers and supporters of contesting candidates had set up their camps in the vicinity of 488 (84 percent) of the observed polling stations.

Political parties and/or candidates were also seen providing transport services to their voters outside 384 (67 percent) of the observed polling stations. PTI supporters were observed traveling in convoys of vehicles around at least one constituency, PP-168 of Lahore, appearing as a procession/rally in violation of restrictions on such activities.



At 15 of the observed stations, polling agents were wearing badges sporting party symbols, violating the

ECP's rules; at four of the observed polling stations, polling agents were asking voters to vote for their party.

## 10. LARGELY EFFICIENT AND TRANSPARENT COUNTING PROCESS AND PROVISION OF RESULT FORMS

The Elections Act, 2017, and relevant rules require polling staff to provide copies of Form-45 to polling agents and observers as well as affix a copy outside the polling station. This is done to ensure the transparency of results. At 134 (99.3 percent) of the observed polling stations, FAFEN observers reported that copies of Form-45 were given to the polling agents. At 125 (92.6 percent) of the observed polling stations, FAFEN observers also received a copy of Form-45. Moreover, at 109 (88 percent) of the observed

polling stations, a copy of form-45 was pasted on the walls of the respective polling stations.

At 17 (13 percent) of the observed polling stations, unauthorized individuals were reported to be touching/counting the ballot papers. At 13 (10.2 percent) of the observed polling stations, some candidates/polling agents present during the process of counting refused to sign the Form-45.

## 11. TIMELY AND TRANSPARENT RESULTS MANAGEMENT

Section 238 of the Elections Act, 2017 allows accredited, non-partisan observers to observe the election process. FAFEN's observers are duly accredited by the ECP to observe the election process. Despite this, two FAFEN election observers were barred from observing the voting process, while 16 observers were barred from observing the counting process.

where they could see the counting process, while FAFEN observers could not make this observation at 20 (22.7 percent) of the observed polling stations.

At the time of counting, 122 (98 percent) of the observed polling stations had adequate lighting. All the 132 polling stations observed at the time of counting allowed polling agents to observe the counting process. Moreover, a total of 102 (77.3 percent) polling agents were seated at places

A significant and major improvement was observed in the timely tabulation and public release of the provisional election results. Except for PP-7 Rawalpindi-II, the results of all other constituencies were tabulated and the provisional results were announced on time by the ECP. Considering the controversies related to the late release of the provisional results, the prompt release in these elections reflects improvements in the processes.

## 12. LARGELY PEACEFUL WITH ISOLATED INCIDENTS OF VIOLENCE

In cognizance of the highly charged environment leading up to the elections, out of a total of 3,141 polling stations established for these by-elections, 1,194 (38 percent) were declared sensitive while 676 (21.5 percent) polling stations as highly sensitive by the law enforcement agencies. Considering that collectively, more than half of the polling stations were declared sensitive or highly sensitive amidst a highly charged and polarized context, the election day proceeded in a relatively peaceful fashion, barring some incidence of violence and an armed incident that left one dead.

parties, PML-N and PTI. Furthermore, the media reported that PTI leader Fawad Chaudhary's car was attacked by the workers of a contesting party during his visit to a polling station in Lahore. Another PTI leader, Shahbaz Gill, was arrested by rangers allegedly for keeping guards with him dressed in Frontier Corps uniform, a move that was condemned by PTI leader Imran Khan, who also termed it an election rigging attempt. Additionally, three persons were arrested by security agencies in Sheikhpura, as per media reports. There was another firing incident in Lahore that fortunately did not harm anyone but did call into question the alertness of the law enforcement agencies in maintaining control over the use of arms by civilians.

The incident occurred in the *Chandi Chowk* area of Sheikhpura which claimed the life of a political worker during cross-firing between the workers of the two major

FAFEN's observers reported minor clashes outside 14 (2.5 percent) of the observed polling stations. The reasons included clashes between workers of PML-N and PTI in which they exchanged harsh words due to various reasons, e.g., queue-breaking by a voter and coaxing of voters by party workers to vote for their party. FAFEN's observers also

observed the environment inside the polling stations and reported incidents of verbal altercations at 10 (1.7 percent) of the observed polling stations, in which some voters accused polling staff of bias or voters of opposing parties using abusive language with each other over personal or ideological differences.

### 13. ELECTION RESULTS – GAINS FOR PTI AND PML-N

Compared to the GE-2018, PTI increased its share of seats (from 8 to 15)<sup>5</sup> and polled votes from 684,820 (32%) to 1,048,632 (47%). PML-N also increased its tally of seats from one to four<sup>6</sup> and votes from 547,599 (25%) to 883,632 (39%) of the polled votes. Compared to GE-2018, both parties added to the number as well as the percentage share of the polled votes at the expense of independent candidates and other parties except TLP which maintained its share of six percent of the polled votes. It is worth noting that independent candidates (who had later joined PTI) contested on PML-N seat and the gains for the two leading parties resulted in the consolidation of votes in two-party contests in all but two of these constituencies, PP-83 Khushab-II and PP-228 Lodhran-V. In the former, an independent candidate was a runner-up against the winner from PTI whilst in the latter, an independent candidate emerged as the winner and PTI the runner-up on a seat won by PTI in the 2018 elections.<sup>7</sup>

Notwithstanding the charged and acrimonious campaign and election day proceedings, all major parties, in particular, the ruling PML-N and PPP accepted the results publicly – a significant development that bodes well for public and stakeholders' trust in the electoral system of the country.

<sup>5</sup> PTI had one more candidate winning PP-272 Muzaffargarh-V in a by-election in 2018. The seat was won by Syed Basit Sultan Bukhari as independent candidate who vacated the seat.

<sup>6</sup> PP-168 Lahore-XXV was won and later vacated by Saad Rafique of PML-N. PTI's Malik Asad Ali won the seat in By-elections on Dec 13, 2018.

<sup>7</sup> The detailed analysis of results will be covered in FAFEN's detailed report to be published later.