



ELECTION RESULTS AUDIT FRAMEWORK



Safeguarding the integrity of electoral process and outcome is crucial for nurturing a vibrant and inclusive democracy. The Constitution of Pakistan entrusts the Election Commission to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

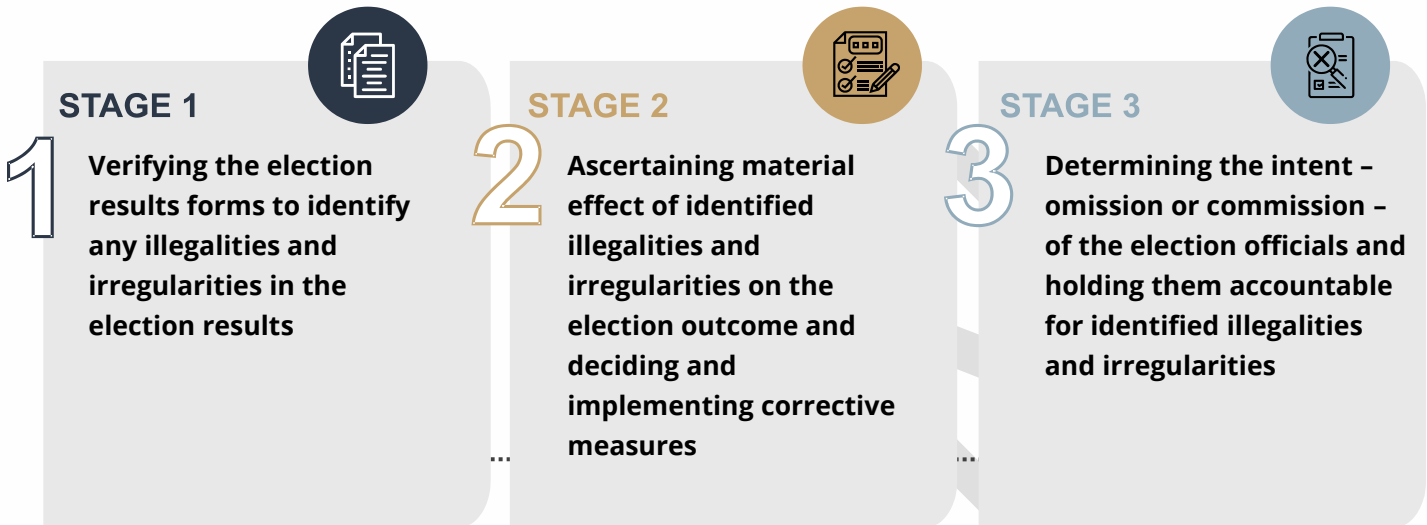
For the conduct of election, the Commission performs its duties through its staff as well as with the support of the human resources taken from the executive and judiciary. The extensive logistical undertaking involved in conducting general elections for both federal and provincial assemblies requires the deployment of hundreds of thousands of officials seconded by the federal and provincial governments as well as the judicial authorities. These officials manage the election operations including the counting, tabulation, and consolidation of results, which lead to the most election-related controversies and disputes.

In wake of expansive nature of electoral process and the ensuing controversies, the election process entails an exhaustive list of forms to be maintained to document every step of the election process including the results. This documentation establishes an entire trail of the results to refer to in case of any controversy. The vast scale of the entire electoral process and the use of seconded personnel from diverse sources create a situation where the interpretation and application of legal and procedural provisions may vary, leading to confusion and disputes regarding election outcomes. This lack of uniformity underscores the significance of introducing a comprehensive scrutiny process of the elections results by the Election Commission's own cadre, aimed at enhancing transparency and bolstering public confidence in the integrity of the electoral process.

Against this backdrop, FAFEN proposes a methodical post-polling audit of the election documents and result forms prepared for each constituency before the publication of the names of successful candidates in the official gazette. The proposed audit aims to determine whether or not the election result accurately reflects the will of the voters who cast their ballots on the Election Day. It will be a technical investigation based on physical evidence i.e. official election documentation including election-related forms as admissible under the Elections Act, 2017. Such an audit will help minimize the post-election disputes and will reflect the spirit of the Constitution

and the law that require the Election Commission to act as the custodian of the integrity of the election process and its outcome.

The proposed audit involves the following three stages:



Since General Elections 2013, the Election Commission has adopted technological solutions for efficient results management process such as Election Management System (EMS), which can be used to scrutinize the results preparation, tabulation, consolidation and finalization processes and check their compliance with the election law, rules, and procedures. Such verification will also help identify systemic and procedural flaws in the existing electoral framework that may be addressed in future reforms.

STAGE 1

VERIFICATION OF ELECTION RESULT FORMS

The first stage will involve assessing the availability, authentication, completeness and correctness of the election result forms, and the consistency of information within and amongst these forms.

1.1 ELECTION DOCUMENTS AVAILABILITY ASSESSMENT

The first step of the results verification will require the ECP to ensure the availability of vital election-related documents. These essential documents include not only the result forms but also the appointment orders for polling staff and final lists of polling stations along with ECP notifications of any changes to the final lists of polling stations, among other critical items. These are crucial documents for verifying the authenticity of result forms and validating the recorded information therein. Following is a list of these documents that forms basis of the FAFEN's proposed election results audit methodology.

#	Election Form/Document	Scope/Quantity	Why is it required?
i	Form-26: Appointment Orders of Polling Staff for Election	As per section 53 of the Elections Act, 2017 read with Rule 48(6) of the Election Rules 2017, the Returning Officer shall issue Appointment Orders to the Presiding Officer, Assistant Presiding Officers and Polling Officers in respect of each polling station on Form-26. There must be one Form-26 issued for each polling station set up in a constituency as per Rule 48(6) of the Election Rules, 2024.	These forms are required to verify that Form-45 and Form-46 are prepared by the duly appointed polling staff. Any unnotified changes in the staff shall render the result of the polling station concerned invalid and prompt action against the Returning Officer concerned.
ii	Form-28: List of Polling Stations for a Constituency along with official notifications of any changes made therein under Section 59(8)	As per section 59 of the Elections Act, 2017 read with Rule 50(40) of the Election Rules, 2017, the District Returning Officer shall publish a final list of polling stations to be set up in a constituency on Form-28. There must be one Form-28 for each National Assembly and Provincial Assembly constituency. ECP notifications of any changes to the final List of Polling Stations shall also be required.	These forms are required to verify that the polling stations were duly established and whether or not all the registered voters were assigned to the polling stations. Any unnotified last minute changes in the implementation of Final List of Polling Stations shall prompt an action against the Returning Officer concerned.
iii	Form-33: List of Contesting Candidates	As per section 68(1) of the Elections Act, 2017 read with Rule 56(1) of the Election Rules, 2017, the list of contesting candidates shall be drawn up on Form-33. There must be one Form-33 for each National Assembly and Provincial Assembly constituency.	These forms are required to validate the names of candidates on the polling result forms. Their absence will make the candidate-wise results verification impossible.
iv	Form-45: Result of the Count (at Polling Station)	As per section 90(10) of the Elections Act, 2017 read with Rule 81 of the Election Rules, a Presiding Officer shall prepare the result of the count on Form-45. In a general election, there shall be two Form-45 prepared at each polling stations including one for National Assembly constituency and another for Provincial Assembly constituency, except in the case of Islamabad Capital Territory. Under section 90(13) of the Act, the Presiding Officer shall send the Results of the Count to the Returning Officer after the close of the poll proceedings. Under the law, there are multiple copies of Form 45: 1) copy sealed by	Form-45 and Form-46 are the primary documents on which the election outcome of a constituency is based. The absence of a Form-45 or Form-46 of a polling station will invalidate the election results of that polling station. ECP should establish a list of such polling stations where Form-45 or Form-46 were not available. Election at these polling stations should be declared null and void and the consolidation of election results for the relevant constituencies should be amended accordingly. In addition, Presiding Officers from these polling stations must be held

#	Election Form/Document	Scope/Quantity	Why is it required?
		<p>the Presiding Officer in a temper-evident bag that is placed in the bag of election material; 2) picture of Form-45 transmitted by the Presiding Officer to the Returning Officer through mobile app; 3) original copy sealed in a temper-evident bag by the Presiding Officer for physically delivering it to the Returning Officer; 4) copy that is affixed by the Presiding Officer outside the polling stations; 5) copy that is retained by the Presiding Officer for own record; 6) copy sealed in a temper-evident bag by the Presiding Officer for dissemination to the District Election Commissioner; 7) copies that are given by the Presiding Officer to polling agents at the polling stations; and 8) copy that is given by the Presiding Officer to the observer. The Elections Act, 2017 doesn't establish which copy will be considered legal in case the copies are different and duly signed and there is a dispute.</p>	<p>accountable for failing to fulfill their election duties.</p>
v	Form-46: Ballot Paper Account	<p>As per section 90(11) of the Elections Act, 2017 read with Rule 83 of the Election Rules, a Presiding Officer shall prepare a ballot paper account on Form-46. In a general election, there shall be two Form-46 prepared at each polling stations including one for National Assembly constituency and another for Provincial Assembly constituency, except in the case of Islamabad Capital Territory. Under section 90(13) of the Act, the Presiding Officer shall send the ballot paper account to the Returning Officer after the close of the poll proceedings.</p> <p>Under the law, there are multiple copies of Form 46: 1) copy sealed in a temper-evident bag by the Presiding Officer that is placed in the bag of election material; 2) original copy sealed in a temper-evident bag by the Presiding Officer for physically delivering it to the Returning Officer by</p>	

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		hand; 3) copy that is affixed by the Presiding Officer outside the polling stations; 4) copy that is retained by the Presiding Officer for own record; 5) copy sealed in a temper-evident bag by the Presiding Officer for dissemination to the District Election Commissioner; 6) copies that are given by the Presiding Officer to polling agents at the polling stations; and 7) copy that is given by the Presiding Officer to the observer. The Elections Act, 2017 doesn't establish which copy will be considered legal in case the copies are different and duly signed and there is a dispute.	
vi	Form-47: Provisional Consolidated Statement of Results of the Count (for Constituency)	Under section 92 of the Elections Act, 2017 read with Rule 84 of the Election Rules 2017, a Returning Officer shall prepare provisional consolidated results on Form-47 and share the same with the Commission. There shall be one Form-47 for each NA and PA constituency. A copy of Form-47 signed by the Returning Officer is affixed at a conspicuous place in the office of the Returning Officer while a copy is sent to the Commission.	Form-47 is a provisional result form required to be issued on or before 02:00 a.m. the day immediately following the polling day. If, for any reason, the results are incomplete by 02:00 a.m., the Returning Officer shall communicate to the Commission provisional results as consolidated till that time along with reasons for the delay, in writing, while listing the polling stations from which results are awaited and thereafter shall send the complete provisional results as soon as compiled but not later than 10:00 a.m.
vii	Form-48: Consolidated Statement of the Results of the Count furnished by the PrOs	Under section 95 of the Elections Act, 2017 read with Rule 85 of the Election Rules 2017, a Returning Officer shall consolidate the results on Form-48. There shall be one Form-48 for each NA and PA constituency. Within 24 hours after the consolidation proceedings, the Returning Officers are required to send signed copy of the Form-48 to the Commission and retain a copy for record.	Form-48 is a consolidation of the results of the count of all the polling stations and the postal ballots.
viii	Form-49: Final Consolidated Result	Under section 98 (1) of the Elections Act, 2017 read with Rule 88 of the Election Rules 2017, a Returning	Form-49 is the final result form providing a candidate-wise consolidated tally of votes and is

#	Election Form/Document	Scope/Quantity	Why is it required?
		Officer shall prepare final consolidated result on Form-49. There shall be one Form-49 for each NA and PA constituency. Within 24 hours after the consolidation proceedings, the Returning Officers are required to send to the Commission signed copy of the Form-49 together with Form-48, all Form-45 and all Form-46, as received from the Presiding Officers, and shall retain copies of these documents for record.	followed by the gazette notification of the results. The results may not be notified in absence of the form.

1.2 RESULT FORMS AUTHENTICATION ASSESSMENT

Once the vital election documents are available, the audit process must focus on confirming their authenticity. This can be achieved by verifying whether or not these documents were duly issued by the authorized election officials. Below are outlined the authentication criteria as provided in the Election Rules, 2017 for each form, as well as the potential implication in case a document could not be authenticated, including the resulting consequences for the election officials concerned.

1.2.1 FORM-45: Under section 90(12) of the Elections Act, 2017, the Result of the Count is to be signed by the Presiding Officer and the senior most Assistant Presiding Officer. According to the manner prescribed for Form-45 in the Election Rules 2017, each form must contain the names, designations, place of posting, signatures, thumb prints and NIC numbers of the Presiding Officer and Senior Most Assistant Presiding Officer appointed at the Polling Station through orders issued on Form-26. A Form-45 should be regarded unauthentic and the result of the count of polling station concerned should be declared invalid if it:

- I. lacks the information required to verify the identity of Presiding Officer and Senior Most Assistant Presiding Officer;
- II. the information of the signatories as given on the Form-45 does not match with the information on Form-26;
- III. the information of the signatories as given on Form-45 matches Form-26 but the thumb impressions of signatories do not match with their records in NADRA;
- IV. Authenticity of forms produced by the litigants should undergo the abovementioned verification criteria I, II and III.

1.2.2 FORM-46: Like Form-45, each Form-46 must contain the names, designations, place of posting, signatures, thumb prints and NIC numbers of the Presiding Officer and Senior Most Assistant Presiding

Officer appointed at the Polling Station through orders issued on Form-26. A Form-46 should be regarded unauthentic and declared invalid if it:

- I. lacks the information required to verify the identity of Presiding Officer and Senior Most Assistant Presiding Officer;
- II. the information of the signatories as given on the Form-46 does not match with the information on Form-26;
- III. the information of the signatories as given on Form-46 matches Form-26 but the thumb impressions of signatories do not match with their records in NADRA;
- IV. Authenticity of forms produced by the litigants should undergo the abovementioned verification criteria I, II and III.

1.2.3 FORM-47: According to section 92 of the Elections Act, 2017, the provisional consolidated result shall be signed by the Returning Officer. As per the manner prescribed in the Election Rules, 2017, Form-47 shall also contain the seal of the constituency's Returning Officer, and the place and date of issuance of the form. If any of this information is missing, the ECP may declare the Form-47 null and void. Authenticity of forms produced by the litigants should undergo the same verification.

1.2.4 FORM-48: According to section 95(8) of the Elections Act, 2017, the consolidated statement of the result of the count shall be signed by the Returning Officer. As per the manner prescribed in the Election Rules, 2017, Form-48 shall contain the signature of the constituency's Returning Officer and the place and date of issuance of the form. Authenticity of forms produced by the litigants should undergo the same verification.

1.2.5 FORM-49: Like Form-48, a Form-49 must contain the signature of the constituency's Returning Officer and the place and date of issuance of the form. Authenticity of forms produced by the litigants should undergo the same verification.

1.3 RESULT FORMS COMPLETENESS AND CORRECTNESS ASSESSMENT

After the authenticity of an election result form is established, its further verification should entail checking for the completeness and correctness of the information required therein under the Election Rules, 2017 as well as its reconciliation with other result forms. Following are given the necessary verification checks to assess the correctness and completeness of the election result forms:

1.3.1 FORM-45: Form-45, prepared for each National Assembly and Provincial Assembly constituency at a polling station, shows the number of valid votes polled in favour of each contesting candidate and the ballot papers excluded from the count including a breakdown of both these categories of votes i.e. the votes taken out from the ballot boxes, number of tendered ballots, and number of challenged ballots. Moreover, Form-45 requires documentation of gender-disaggregated number of votes polled. An

assessment of completeness and correctness of information on Form-45 and its rectification, if required, should include following:

- I. Under section 59(9) of the Elections Act 2017, a Returning Officer shall establish polling stations according to the Form-28. Therefore, a discrepancy in the number of registered voters (to be verified with any change in the census blocks assigned to a polling station), name of the polling station and/or number of the polling station as recorded on Form-28 and on Form-45 should invalidate the Form-45.
- II. Any Form-45 with deficient information or arithmetic errors should require a recount of all votes so that the Form-45 can be correctly completed. The consolidation of election results for the relevant constituencies should be amended, if required after correction of Form-45.
- III. The voter turnout at the polling station i.e. sum of valid votes and votes excluded from count, must be less than or equal to the number of registered voters assigned to the polling station on Form-28 and also mentioned on Form-45. If the voter turnout in a polling station is greater than the number of registered voters, then the election at that polling station should be declared null and void, and the consolidation of election results for the relevant constituency should be amended accordingly.
- IV. If the voter turnout in a polling station is more than 90% of the registered voters, there should be a recount of the votes and an audit of the ballots excluded from the count at that polling station.

1.3.2 FORM-46: Form-46, prepared for each polling station by the respective Presiding Officer, shows separately:

- a. the number of ballot papers provided to the Presiding Officer;
- b. the number of un-issued ballot papers;
- c. the number of ballot papers taken out of the ballot box or boxes;
- d. the number of Tendered Ballot Papers;
- e. the number of Challenged Ballot Papers; and
- f. the number of stray, spoilt and cancelled Ballot Papers.

An assessment of completeness and correctness of Form-46 and its rectification, if required, should include the following:

- I. Form-46 should be recalculated if the total number of issued ballot papers (i.e. the sum of total ballot papers taken out from ballot boxes, total number of tendered and challenged ballot papers, and any stray, spoilt or cancelled ballot papers) exceed the number of voters assigned to the polling stations. In case of recalculation of Form-46, the consolidated results should be amended accordingly, if required.
- II. A recount of the ballots should be conducted if any or all of the following information is not given on Form-46:
 - a. quantity of ballot papers received;
 - b. serial numbers of ballot books received;

- c. total number of ballot papers used (i.e. sum of ballot papers taken out from ballot boxes, tendered ballot papers, challenged ballot papers, and stray, spoilt and cancelled ballot papers); and/or,
- d. total number of unissued ballot papers.

1.3.3 FORM-47: Form-47 is the provisional result of a constituency aggregated on the basis of Form-45 of all polling stations of the constituency. Section 92 of the Elections Act 2017 requires a Returning Officer to prepare and announce provisional Consolidated Statement of Results of the Count of the constituency (excluding postal ballots) immediately on receipt of the Results of the Count from all Presiding Officers of a constituency. Section 13(3) requires the Returning Officer to communicate these results to the Election Commission on or before 2:00am the day immediately following the polling day. In case the results are incomplete at that time, the Returning Officer shall communicate to the Commission reasons thereof, listing the polling stations from which results are awaited, and send the complete provisional results as soon as the results are compiled but not later than 10:00 a.m. An assessment of completeness and correctness of Form-47 and its rectification should include the following:

- I. The total number of polling stations and the number of registered voters in the constituency provided on Form-47 should always match with the number of polling stations and the registered voters in the constituency on Form-28. Any discrepancy between the two forms should lead to re-tabulation of the results and rectification of Form-47 according to Form-28.
- II. Form-47 should include all the contesting candidates appearing on Form-33. In case of a missing candidate, the ECP should re-tabulate the results.
- III. Any arithmetic errors on the Form-47, especially a discrepancy between the sum of number of votes obtained by candidates and total valid votes should also lead to re-tabulation of the results and issuance of a rectified Form-47.
- IV. Moreover, in case the votes polled by female voters as recorded on Form-47 are less than ten percent of the total votes polled in the constituency, the ECP 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, using its powers under the Section 9 of the Elections Act 2017

1.3.4 FORM-48: Form-48 consolidates the votes polled for each candidate at each polling station in the constituency. The Returning Officers prepare Form-48 after the completion of the results consolidation process in a constituency as provided under section 95 of the Elections Act, 2017 and Rule 85 of the Election Rules, 2017. The consolidation process involves: a) scrutiny of the ballot papers excluded from the count by the Presiding Officers including the excluded tendered and challenged ballot papers to decide whether or not it was lawfully excluded; b) counting of postal ballots received back before the polling day; and c) recounting of the ballot papers of one or more polling stations by the Returning Officer on order of the Commission, or if a recount request is made by a candidate or his/her agent and the margin of victory in the constituency is less than the ballots excluded from the count and/or it is less

than five percent or eight thousand in the case of National Assembly and four thousand in the case of a Provincial Assembly, whichever is less. An assessment of completeness and correctness of Form-48 and its rectification should include the following:

- I. The ECP should conduct a reconsolidation of the results if the Form-45 of one or more polling station(s) is not reflected on Form-48 and/or one or more candidates as listed on Form-33 is/are missing on Form-48.
- II. Form-48 should also be scanned for any arithmetic errors that need to be rectified before the gazette notification of the results, if found.
- III. Whenever postal ballots or invalid votes in a constituency exceed the margin of victory, the ECP should conduct a mandatory re-examination of the postal ballots received back by the Returning Officer or the invalid votes, as the case may be.
- IV. During the verification of Form-48, ECP should also reassess any requests for recount of ballots that were disallowed by the Returning Officer and conduct a recount if any one of the following conditions exist:
 - a. the margin of victory between returned and runner-up candidates is less than five percent of the total votes polled in a constituency or eight thousand votes in case of the National Assembly and four thousand votes in case of a Provincial Assembly, as the case may be, whichever is less.
 - b. the number of votes excluded from the count by the Presiding Officers are equal to or more than the margin of victory.

1.3.5 FORM-49: Form-49 is the final consolidated statement of candidate-wise number of valid votes polled, the total number of valid votes polled and the total number of invalid votes. An assessment of completeness and correctness of Form-49 and its rectification, if required, should entail checking for the following:

- I. If a contesting candidate whose name appeared on Form-33 and who obtained one or more votes is missing on Form-49, ECP should recalculate the form.
- II. An arithmetic error in the Form-49 including a discrepancy in the total valid votes of each candidate and their sum should also invalidate the Form and lead to its reissuance after rectification.

1.4 RECONCILING THE RESULT FORMS

In addition to assessing each election result-form individually, another critical aspect of the assessment process is assessing the inter-form consistency among various result forms and ballot papers account. All result forms of a constituency must reconcile with each other in order for an election result of a constituency to be credible and legitimately notified.

1.4.1 CONSISTENCY BETWEEN FORM-45 AND FORM-46: The Presiding Officers of each polling station in a constituency prepare Form-45 and Form-46 after the counting of ballots. These both forms are authenticated by same official and contain various such numbers that must reconcile across the two forms. Following is a list of possible inconsistencies between the two forms that would require a corrective action by the ECP.

- I. The total number of votes polled recorded on Form-45 of a polling station is different from the total number of ballot papers issued minus any stray, spoilt or cancelled ballot papers recorded on Form-46 of the same polling station.
- II. The authentication details of the Presiding Officer and Senior Most Assistant Presiding Officer vary on Form-45 and Form-46 of the same polling station.

In case of any of the above discrepancies, the ECP may declare both the forms null and void, and amend the consolidated results accordingly, where required.

1.4.2 CONSISTENCY BETWEEN FORM-45 AND FORM-47: Form-47 is an aggregation, done by the Returning Officer concerned, of Form-45 of all polling stations of a constituency prepared by the respective Presiding Officers. Therefore, an assessment of the consistency of Form-47's contents with those of Form-45 requires that Form-45 of all polling stations of the constituency are available. Following is a list of possible inconsistencies between Form-47 and Form-45 of a constituency that would require a corrective action by the ECP.

- I. The number of votes obtained by a contesting candidate recorded on Form-47 is less than the sum of the numbers of valid votes polled in favour of the candidate recorded on Form-45 of all polling stations in the constituency.
- II. The number of votes excluded from the count on Form 47 differs from the sum of the total votes excluded from the count as recorded on Form-45 of all polling stations in the constituency.

If any of these discrepancies is found in comparison of Form-45 and Form-47, the ECP must rectify it in the consolidated result.

1.4.3 CONSISTENCY BETWEEN FORM-45 AND FORM-48: Form-48 relies on the vote counts from Form-45, though it may undergo alterations due to recounting of ballots, the scrutiny of excluded ballots, and the inclusion of postal ballots. Any disparities between the two forms that cannot be accounted for by these factors should necessitate a rectification of the forms by the ECP. Following consistency needs to be verified between the two forms:

- I. Form-48 of a constituency should correctly reflect Form-45 of all polling stations in the constituency as listed in Form-28. In case of any deficiency, the ECP should issue a rectified Form-48 by redoing the consolidation proceedings.
- II. Any difference between the consolidated number of valid votes recorded on Form-48 for each candidate and the sum of number of valid votes for the same candidate(s) recorded on Form 45 of all polling stations in the constituency should lead to redoing of the consolidation proceedings if the difference is greater than the margin of victory in the constituency. It is possible that this number changes as a result of recount or scrutiny of votes excluded from the count. However, any deviation surpassing the margin of victory should raise concerns and warrant closer scrutiny.
- III. An increase in the number of invalid votes on Form-48 from the sum of the numbers of votes excluded from the count on Form 45 of all polling stations should also prompt an audit of the invalid

votes when the increase surpasses the margin of victory in the constituency. The number of invalid votes cannot increase from the cumulative number of excluded ballots except in the case of a recount of the ballot papers of one or more polling stations by the Returning Officer.

1.4.4 CONSISTENCY BETWEEN FORM-46 AND FORM-48: All categories of votes recorded against a polling station on Form-48 must, in any case, be less than or equal to the total number of issued ballots recorded as on Form-46 of the respective polling station. Any inconsistencies between the number of total votes at a polling station recorded on Form-48 and the total ballot papers used (sum of total numbers of ballot papers taken out from ballot box(es); tendered ballot papers; challenged ballot papers; and stray, spoilt and canceled ballot papers) as recorded on Form-46 should necessitate corrective actions by the ECP.

1.4.5 CONSISTENCY BETWEEN FORM-48 AND FORM-49: Form-48 and Form-49 are both prepared following the consolidation of the results by the Returning Officer. They differ only in their scope as former separately shows the postal ballot cast in favour of each candidate and a polling station-wise tally of votes obtained by each candidate while the later gives overall votes obtained by each candidate in the constituency. The sum of each candidates' votes in all polling stations and the sum of invalid votes on Form-48 must match each candidates' votes and the invalid votes on Form-49. Following discrepancies in the two forms should require a course correction by the ECP in form of reissuance of reconciled Form-48 and Form-49.

- I. The sum of valid votes polled for any candidate(s) on polling stations and through postal ballots as recorded on Form-48 does not match the number of valid votes polled in favour of the candidate on Form-49.
- II. The sum of invalid votes at all polling stations and invalid postal ballots as recorded on Form-48 varies from the total number of invalid votes on Form-49.

1.5 REVIEW OF INVALID VOTES

Considering the growing number of votes rejected or declared invalid, ECP may need to conduct an assessment to ascertain whether or not these votes were duly rejected following the condition specified in the law. According to Form-47 of the General Elections 2024, more than 1.7 million votes have been excluded from the count in 265 constituencies. In 36 National Assembly and 86 Provincial Assemblies' constituencies, the number of ballots excluded from the count exceed the margin of victory. According to Section 90(4)(c) of the Elections Act 2017, ballots are rejected/excluded from the count for the following reasons:

- a. No official mark and signature of the Presiding Officer on the back of ballot paper;
- b. Any writing or any mark other than the official mark, the signature of the Presiding Officer and the prescribed mark or to which a piece of paper or any other object of any kind has been attached;
- c. No prescribed mark to indicate the contesting candidate for whom the elector has voted; or
- d. any mark from which it is not clear for whom the elector has voted.

In constituencies where the excluded ballots exceed the margin of victory, ECP should scrutinize such ballots to determine their veracity and legality by checking the exclusion grounds and their compliance with the section 90(4)(c). The invalid votes are packed separately polling station-wise. Any pattern of ballot rejection against or in favour of a party in a polling station, if established, should make the results of that polling station null and void.

1.6 CONSISTENCY BETWEEN NA AND PA RESULT FORMS

During general elections for both the National Assembly and Provincial Assemblies, Presiding Officers are required to prepare distinct Form-45 for each assembly. In such simultaneous elections, each voter arriving at a polling station is issued two ballot papers, usually differentiable by their color, enabling them to make their candidate selection for each assembly. While it is understandable that a small number of voters may choose to exercise their voting right for just one of the two assemblies and/or possibly unintentionally discard their second ballot paper or waste it by mistake, the prevailing trend typically indicates that there is only a slight variance between the votes cast for the NA and those for the PA at a given polling station. Therefore, it is reasonable to expect minimal disparities between the result forms for the NA and PA at a polling station that is supervised by a single Presiding Officer. Following inter-assembly discrepancies in Form-45 and Form-46 should require ECP's corrective actions.

#	Inconsistency between Forms	Implication for the election result
1	The authentication details of Presiding Officer and Senior Most Presiding Officers (i.e.) signature, name, designation, thumb impression, and NIC No.) do not match on Form-45 for NA and PA seats.	The ECP may order repoll in the polling station for both Assemblies if the name and designation of the authenticating officials on both Assemblies' Form-45/Form-46 are same but their signatures and thumb impression do not match. In case, the name and designations are also different on both Form-45-Form-46, the forms may be compared with Form-26 to see which form has signatories other than those duly appointed. The Assembly whose Form-45/Form-46 was not authenticated by duly appointed officials may undergo repoll.
2	The authentication details of Presiding Officer and Senior Most Presiding Officers (i.e.) signature, name, designation, thumb impression, and NIC No.) do not match on Form-46 for NA and PA seats.	
2	The total number of votes polled on Form-45 for NA significantly varies from the total number of votes polled on Form-45 for PA.	The ECP may order repoll in the polling station for both the Assemblies.
3	The total number of issued ballot papers (sum of the ballot papers taken out from the ballot box(es), tendered ballot papers, challenged ballot papers, and stray, spoilt, and canceled	

#	Inconsistency between Forms	Implication for the election result
	ballot papers) as documented on Form 46 for NA significantly varies from the total number of issued ballot papers on Form-46 for PA.	

FAFEN

STAGE 2**ASCERTAINMENT OF MATERIAL EFFECT OF UNVERIFIED FORMS ON ELECTION OUTCOME AND CORRECTIVE ACTION**

The Elections Act, 2017 grants wide-ranging powers to the Election Commission to materialize its constitutional mandate of conducting elections that are free, fair, just and in accordance with law. Section 8(b) authorizes the Commission to review orders passed by officers under the Elections Act 2017 including the rejection of ballot papers. Section 9(1) empowers the Commission to declare a poll at one or more polling station(s) or a whole constituency null and void if it is satisfied that by reason of grave illegalities or such violations of the provisions of this Act or the Rules as have materially affected the result of the poll. Section 9(1) also grants the Commission power to order a repoll in one or more polling stations or a whole constituency. Under Section 95(6), the Commission also possesses the power to direct recounting of ballot papers during the consolidation proceedings. FAFEN stresses the exercise of these powers in conducting a results audit and for the purpose of correcting any material effects of illegalities or irregularities found in the results trail.

FAFEN's proposed audit will identify the illegalities and irregularities that may impact the election outcome. Following the identification of such illegalities or irregularities, it is extremely important to ascertain their material effect on the result of a constituency. If the scale of illegalities/irregularities is not affecting the constituency result, punitive action can be taken against officials committing it following the due process while the result of the constituency may not be declared null and void.

The following table lists the scenarios which may potentially alter the election outcome and therefore require the Commission to exercise its abovementioned legal powers to ensure fair elections:

#	Audit Stage	Audit Step	Illegality/Irregularity with Material Effect on Election Outcome	Proposed Corrective Action
1.	Stage 1.1: Election Documents Availability Assessment	1.1(iv)	One or more Form-45 is not available and the number of registered voters assigned to such polling station(s) exceeds the margin of victory in the constituency.	Repoll in the polling station(s) with missing Form-45
2		1.1(v)	One or more Form-46 is not available and the number of registered voters assigned to such polling station(s) exceeds the margin of victory in the constituency.	Repoll in the polling station(s) with missing Form-46
3		1.1(vii)	Form-48 of a constituency is missing.	Issuance of fresh Form-48 after reconsolidation of the results as provided under

#	Audit Stage	Audit Step	Illegality/Irregularity with Material Effect on Election Outcome	Proposed Corrective Action
				section 95 of the Elections Act, 2017
4		1.1(viii)	Form-49 of a constituency is missing.	Issuance of a fresh Form-49
5	Stage 1.2: Result Forms Authentication Assessment	1.2.1	The number of registered voters at polling stations with unauthentic Form-45 is greater than the margin of victory in the constituency.	Repoll in the polling station(s) with unauthentic Form-45
6		1.2.2	The number of registered voters at polling stations with unauthentic Form-46 is greater than the margin of victory in the constituency.	Repoll in the polling station(s) with unauthentic Form-46
7		1.2.4	Form-48 of a constituency is unauthentic but all other contributory forms are authenticated.	Issuance of duly signed Form-48 after reconsolidation of the results as provided under section 95 of the Elections Act, 2017
8		1.2.5	Form-49 of a constituency is unauthentic but all other contributory forms are authenticated.	Issuance of a duly signed Form-49
9		1.3.1(i) to 1.3.1(v)	The number of registered voters at polling stations with incomplete or incorrect Form-45 is greater than the margin of victory in the constituency.	Repoll in the polling station(s) with incomplete or incorrect Form-45
10	1.3.2(i) & 1.3.2(ii)	The number of registered voters at polling stations with incomplete or incorrect Form-46 is greater than the margin of victory in the constituency.	Repoll in the polling station(s) with incomplete or incorrect Form-46	
11	Stage 1.3: Results Forms Completeness and Correctness Assessment	1.3.3 (iv)	Number of votes polled by women as recorded on Form-47 are less than 10 percent of the total votes polled by women in the constituency.	Repoll in the constituency
12		1.3.4 (i)	Form-48 omits the results of the count of one or more polling stations and the cumulative number of registered voters assigned to such polling station(s) are greater than the margin of victory in the constituency.	Issuance of duly completed Form-48 after reconsolidation of the results as provided under section 95 of the Elections Act, 2017
13		1.3.4 (i)	Form-48 omits the name of a contesting candidate whose votes as documented	Issuance of duly completed Form-48 after reconsolidation of the results

#	Audit Stage	Audit Step	Illegality/Irregularity with Material Effect on Election Outcome	Proposed Corrective Action
			on Form-47 exceed the margin of victory in the constituency.	as provided under section 95 of the Elections Act, 2017
14		1.3.4 (ii)	Form-48 contains arithmetic inconsistencies and the absolute volume of such inconsistencies exceed the margin of victory in the constituency.	Issuance of duly completed Form-48 after reconsolidation of the results as provided under section 95 of the Elections Act, 2017
15		1.3.4 (iii)	Number of postal ballots counted during the consolidation exceed the margin of victory in the constituency.	Issuance of fresh Form-48 after recounting of the postal ballot papers
16		1.3.4 (iv)	Request by candidate(s) for recounting of votes was denied during the consolidation proceedings despite the fact that the number of invalid votes exceed the margin of victory in the constituency.	Recounting of the ballots and re-examination of invalid votes ballot papers followed by reissuance of duly completed Form-48
17		1.3.4 (iv)	Request by candidate(s) for recounting of votes was denied on technical grounds despite the fact the margin of victory is less than five percent of the total votes polled in a constituency or eight thousand votes in case of the National Assembly and four thousand votes in case of a Provincial Assembly, as the case may be, whichever is less.	Recounting of the ballot papers followed by reissuance of duly completed Form-48
18		1.3.5(i)	Form-49 omits the name of one or more candidates whose votes as documented on Form-48 exceed the margin of victory in the constituency.	Issuance of rectified Form-49
19		1.3.5(ii)	Form-49 contains arithmetic inconsistencies and the absolute volume of such inconsistencies exceed the margin of victory in the constituency.	Issuance of rectified Form-49
20	Stage 1.4: Reconciling the Result Forms	1.4.1(i) & 1.4.1(ii)	Form 45 and Form 46 of same polling station(s) do not reconcile with each other and the voters assigned to such polling station(s) exceed the margin of victory in the constituency.	Repoll in the polling station(s) where Form-45 and Form-46 do not reconcile with each other
21		1.4.3(i)	The difference between the number of votes of a candidate on Form-48 and sum of votes of that candidate recorded on	Issuance of duly completed Form-48 after reconsolidation of the results

#	Audit Stage	Audit Step	Illegality/Irregularity with Material Effect on Election Outcome	Proposed Corrective Action
			Form-45 of all the polling stations exceeds the margin of victory in the constituency.	as provided under section 95 of the Elections Act, 2017
22		1.4.3(ii)	The difference between number of invalid votes on Form-48 and sum of votes excluded from the count at polling station as recorded in Form-45 of all the polling stations exceeds the margin of victory in the constituency.	Issuance of duly completed Form-48 after reconsolidation of the results as provided under section 95 of the Elections Act, 2017
23		1.4.4()	The difference between the number of total votes recorded at the polling stations given on Form-48 and the sum of issued ballots given on Form-46 of all the polling stations in a constituency exceeds the margin of victory in the constituency.	Issuance of duly completed Form-48 after reconsolidation of the results as provided under section 95 of the Elections Act, 2017
24		1.4.5(i)	The difference between the total number of valid votes polled given on Form-49 of a constituency and the sum of total valid votes recorded at the polling stations and through postal ballots given on Form-48 exceeds the margin of victory in the constituency.	Issuance of rectified Form-49
25	Stage 1.5: Review of Invalid Votes	-	Invalid/rejected votes do not meet legal rejection criteria and the number of unduly rejected votes exceed the margin of victory in the constituency	Repoll in the constituency
26	Stage 1.6: Consistency between NA and PA Result Forms	-	Form 45 for NA and Form 45 for PA of polling station (s) station do not reconcile and the voter assigned to the polling station(s) exceed the margin of victory	Repoll in the polling station(s) where Form-45 for NA and PA constituencies are discrepant

In case, the ECP does not have complete record of all forms available, the forms produced by the litigants and are duly authenticated will be used. In case, the forms produced by the litigants are duly authenticated but are different than the ones in the ECP record (save the ones that are duly corrected for arithmetic errors but only when the scale of correction is less than the margin of victory at the concerned polling station) and the number of registered voters at such polling stations is greater than the margin of victory, a repoll at such polling stations may also be ordered. In addition, the relevant election officials must be penalized for issuing discrepant forms. Moreover, the following additional checks should also be employed while auditing the integrity of polls in a constituency:

- 1.** The Election Commission must conduct biometric verification of voters on a sample basis in constituencies that have been challenged at appropriate legal fora, using the thumb impressions of voters taken at the polling stations on the electoral rolls and on the counterfoils. These thumb impressions must match. Any thumb impression that is found to have been in addition to voters who are registered at the polling stations and have duly voted must be investigated through NADRA records in an effort to curb and penalize fraudulent voting.
- 2.** The Election Commission must inspect the integrity of all records available to it as per Section 99 of the Elections Act, 2017 for constituencies whose results have been duly challenged at appropriate legal fora to ensure that they have not been tampered with.
- 3.** The Election Commission must identify any unauthorized changes in lists of polling stations and appointment of polling staff. Similarly, any change in the implementation of polling scheme on the Election Day must also be identified.

STAGE 3**DETERMINATION OF OMISSION/COMISSION AND
ACCOUNTABILITY OF ELECTION OFFICIALS**

According to section 55 of the Elections Act, 2017, election officials appointed or deputed to perform duties in connection with an election shall be deemed to be under the control, superintendence and discipline of the Commission for the period commencing on and from the date of appointment or deputation till publication of the name of the returned candidate in the official Gazette.

Upon finding unverified results, the Commission may, under section 55(4) order an enquiry against the election officials appointed at a polling station or a constituency where an inadequacy or inconsistency in the results forms is established during the audit to determine whether it was a willful or an unintentional action on part of the election official concerned. If the enquiry ordered by the Commission determines an omission by the election officials in discharge of their duties, the Commission may impose penalties as provided under the Section 55 of the Elections Act. If the enquiry ordered by the Commission determines commission of the election officials, the Commission may cause prosecution to be instituted against such officials under Section 199 of the Elections Act.