



FAFEN EMPHASIZES LEGAL PREREQUISITES FOR CREDIBLE ELECTIONS

ISLAMABAD, February 6, 2024: The Free and Fair Election Network (FAFEN) calls upon all election stakeholders to make collective efforts to ensure that the voters are able to freely cast their ballots on February 8, 2024 and subsequent processes of counting, tabulation and consolidation are conducted in an entirely transparent manner in accordance with the provisions of the Elections Act, 2017.

The much-awaited general elections are crucially important for Pakistan to ensure political stability, which is a prerequisite for social and economic development. The elections will be held following two years of political entanglement and uncertainties that have led to an atmosphere of polarization and communal stress that does not augur well for an already-struggling democracy. A credible election is, therefore, essential that can inspire confidence of all political parties, and particularly the Pakistani people. Despite the issues of level playing field raised by multiple political parties, the fact that all major political parties are still in the run bodes well for democracy, and may be indicative of their confidence in the electoral process.

In view of the criticality of the upcoming elections, FAFEN has particularly urged the Election Commission of Pakistan (ECP), political parties and the contesting candidates to reinforce and reassert the provisions of the Elections Act, 2017 and the Election Rules, 2017:

For the Election Commission of Pakistan (ECP)

- 1) The ECP must employ its powers under Section 8(b) of the Elections Act, 2017 to review the decisions of Returning Officers with regards to the rejected ballots in constituencies where the margin of victory is less than the rejected ballots.
- 2) The ECP must publish on its website before the close of polls on February 8 the number of postal ballots issued for every National and Provincial Assembly constituency in order to ensure transparency.
- 3) The ECP must ensure that the Presiding Officers are allowing candidates and their agents, and observers during the counting processes at the polling station as per Sections 90(1) and 90(2) of the Elections Act, 2017, and the Returning Officers are allowing them during the preparation of the preliminary result as per Section 92 and the proceedings of the consolidation of results as per Section 95(9) of the Elections Act, 2017 as an essential requirement for the creditability of election results. The observers must also be allowed access to the proceedings before the start of the poll and through the voting process.
- 4) The ECP must ensure that the Presiding Officers are providing candidates and their agents, and observers copies of Form-45 (Result of the Count) and Form-46 (Ballot Paper Account) as per Section 90(13) of the Elections Act, 2017, and affixing the same at a conspicuous place at the polling station for public inspection as per Section 90(14) of the Elections Act, 2017.
- 5) The ECP must ensure that the Returning Officers are providing candidates and their agents, and observers copies of Form-47 (Provisional Consolidated Statement of Results of the Count) as per Section 92 of the Elections Act, 2017, and copies of Form-48 (Consolidated Statement of the Result of the Count Furnished by the Presiding Officers) and Form-49 (Final Consolidated Result) as per Section 95(9) of the Elections Act, 2017.
- 6) The ECP must ensure that accredited media persons are given access to polling stations and report on various election day processes – opening of polling stations, voting and counting processes. They should also have access to the offices of Returning Officers to report on the proceedings of tabulation and consolidation of results.



- 7) The ECP must publish on its website the constituency-wise approvals of any changes in the Final List of Polling Stations made by the District Returning Officers in exceptional circumstances, if any, as per Section 59(8) of the Elections Act, 2017.
- 8) The ECP must ensure the publication of the provisional results along with gender-disaggregated turnout as per Section 13(6) of the Elections Act, 2017 on its website. This must cover the provisional results either completed or partially completed by 02:00 a.m. on the day immediately following the polling day, as well as the provisional results completed by 10:00 a.m. as per Section 13(3) of the Elections Act, 2017. The ECP must ensure that gender-disaggregated turnout is recorded on all Form-45 (Result of the Count) by the Presiding Officers at combined polling stations as per Section 91(1) of the Elections Act, 2017.
- 9) The ECP must ensure that citizens' rights to movement and expression are fully protected.
- 10) The ECP must ensure the compliance with legal provisions that prohibit campaigning and canvassing on election day as per Sections 177 and 182 of the Elections Act, 2017. Moreover, the ECP must immediately clarify whether this prohibition also applies on virtual campaigning and canvassing.
- 11) The ECP must publish all Form-45 (Result of the Count), Form-46 (Ballot Paper Account), Form-48 (Consolidated Statement of the Results of the Count furnished by the Presiding Officers) and Form-49 (Final Consolidated Result) on its website as early as possible, but not later than 14 days from the date of poll as per Section 95(10) of the Elections, Act, 2017, and complying with the spirit of Section 13(6) of the same Act.
- 12) The ECP must ensure that the Elections Act, 2017 provisions [Sections 95(5) and 95(6)] concerning requests for recount by candidates during the consolidation proceedings are implemented in letter and spirit.
- 13) To strengthen women's electoral inclusion, the ECP must employ its powers under Section 9(2) of the Elections Act, 2017 to proceed against any individuals who are found to have entered into any verbal or written agreement or arrangement to bar women from voting at any polling station. A turnout below 10 percent at any polling station may be used as a standard to initiate a probe irrespective of the overall women turnout in the constituency. Similarly, the ECP must ensure that the Returning Officers should act in a timely manner on special reports on election day by the Presiding Officers as per Section 91(3) of the Elections Act, 2017, if they have a reason to believe that women voters have been restrained from voting based on any express or implied agreement.

For Political Parties and Candidates

- 1) The political parties and contesting candidates should deploy trained polling agents at all polling booths of all polling stations.
- 2) The political parties and contesting candidates should instruct all polling agents to be present at polling stations by 6 a.m. to observe the opening of polling stations.
- 3) The contesting candidates should provide authority letters to all polling agents, and instruct them to carry their original National Identity Cards (NIC).
- 4) The contesting candidates should nominate one polling agent from amongst the polling agents deployed on the polling booths to be present during the counting process at the polling station in accordance with Rule 80(3) of the Election Rules, 2017.
- 5) The political parties and contesting candidates should instruct the polling agents to note down the serial numbers of the seals to be placed on the ballot boxes, serial numbers on temper evident bags to be used for carrying Form-45 (Result of the Count) and Form-46 (Ballot Paper Account), and official code mark on the stamps provided to the Assistant Presiding Officers for marking on the backs of ballot papers.
- 6) The political parties and contesting candidates should instruct the polling agents to make sure that they see and sign all forms and packets, including:



- a) Form-42 (Statement Regarding Inspection of Ballot Boxes Before Start of Polls) as per Rule 72 of the Election Rules, 2017.
- b) Form-43 (Tendered Votes List) as per Rule 77(1) of the Election Rules, 2017.
- c) Form-44 (Challenged Votes List) as per Rule 78(1) of the Election Rules, 2017.
- d) Form-45 (Result of the Count) as per Rule 81(1) of the Election Rules, 2017.
- e) Form-46 (Ballot Paper Account) as per Rule 83(1) of the Election Rules, 2017.
- f) Packet-1 (Valid Ballot Papers) as per Rule 80(1)(b) of the Election Rules, 2017.
- g) Packet-2 (Ballot Papers Excluded from the Count) as per Rule 80(1)(c) of the Election Rules, 2017.
- h) Packet-3 (Principal Ballot) as per Rule 80(1)(j) of the Election Rules, 2017.
- i) Packet-5 (Valid Tendered Ballot Papers included in the Count) as per as per Rule 80(1)(e)(i) of the Election Rules, 2017.
- j) Packet-6 (Tendered Ballot Papers included in the Count) as per Rule 80(1)(e)(ii) of the Election Rules, 2017.
- k) Packet-8 (Valid Challenged Ballot Papers included in the Count) as per Rule 80(1)(g)(i) of the Election Rules, 2017.
- l) Packet-9 (Challenged Ballot Papers included in the Count) as per Rule 80(1)(g)(ii) of the Election Rules, 2017.
- m) Packet-10 (Spoilt Ballot Papers) as per Rule 79(2) of the Election Rules, 2017.
- n) Packet-11 (Unissued Ballot Papers) as per Rule 80(2)(a) of the Election Rules, 2017.
- o) Packet-12 (Counterfoils of Used Ballot Papers) as per Rule 80(2)(b) of the Election Rules, 2017.
- p) Packet-13 (Marked Copies of Electoral Rolls) as per Rule 80(2)(c) of the Election Rules, 2017.
- q) Packet-14 (Tendered Votes List) as per Rule 77(1) of the Election Rules, 2017.
- r) Packet-15 (Challenged Votes List) as per Rule 78(1) of the Election Rules, 2017.
- s) Packet-16 (Result of the Count) as per Rule 81(2) of the Election Rules, 2017.
- t) Packet-17 (Ballot Paper Account) as per Rule 83(2) of the Election Rules, 2017.
- u) Packet-18 (Miscellaneous Papers) as per Rule 90(15)(j) of the Election Rules, 2017.
- v) Packet-19 (Packets Containing Brass Seal) as per Rule 64(1) of the Election Rules, 2017.
- w) Temper Evident Bags as per instructions in the ECP's handbook for Presiding and Assistant Presiding Officers (pg-68).