



# Post-Election Review Report

General Elections 2013

Draft



9 December 2013

Election Commission of Pakistan



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## Executive Summary

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Pakistan held General Elections on 11 May 2013, the largest electoral process to date involving over 86 million voters and nearly 650,000 polling personnel working at nearly 70,000 polling stations. The Election Commission of Pakistan (ECP) strove throughout the process to deliver a free, fair and transparent election and to support the democratic progress of the country. Many observers applauded the elections as the most credible in the history of Pakistan.

Despite the historic success of the 2013 General Elections, the polls were not without significant challenges, foremost of which were the prevalent security challenges in many parts of the country, and an electoral management system that struggled to exert effective control to the lowest level.

Ever conscious of the fact that self- accountability is the best tool for meaningful reforms, the ECP launched this post-election review process to gather experiences of those who were directly part of the elections, and to use these experiences to inform reform packages and build on the improvements introduced prior to the 2013 General Elections.

A Committee comprising ECP, UNDP and IFES officials conducted the post-election review and drafted this report. The committee developed a substantial process to gather experiences directly from those who were part of the elections using a number of information sources and techniques:

- Reports from Provincial Election Commissioners;
- Key Informant Interviews (KIIs) with District Returning Officers (DROs) and Returning Officers (ROs);
- Workshops involving all Regional Election Commissioners (RECs) and District Election Commissioners (DECs);
- Workshops with Presiding Officers (PrOs);
- Focus group discussions (FGDs) with male and female voters, youth, polling staff and security officials;
- Election observation reports from national and international organizations;
- Report of the Senate Special Committee on Election Issues; and
- Reports from ROs responsible for bye-elections.

Committee members conducted workshops across the country, and produced reports containing key issues and recommendations for the committee. A subcommittee formed to finalize the report carefully removed duplicate recommendations, clarified those that were unclear, and consolidated them into a comprehensive record of over 300 recommendations that are contained in this report.

Hundreds of recommendations were collected from the focus groups, key informant interviews, reports, and workshops. The committee also reviewed each recommendation from each of the main election observation missions, both national and international. Recommendations were also included from PEC reports on General Elections. In addition, we included recommendations from RO reports on Bye Elections. In addition to 21 thematic areas, the committee further classified each recommendation according to the following categories for follow up actions:

1. Recommendations that require amendment in the Constitution or Election Laws (Legislation required);
2. Recommendations to be included in the goals and objectives for the ECP's Second Strategic Plan 2014-2019 (ECP Strategic Plan);
3. Recommendations to be implemented through ECP directives, instructions and SOPs (ECP SOPs);
4. Recommendations to be considered by the Election Commission for decision (EC Decision Required); and
5. Recommendations on which the committee does not suggest any further action (Not Recommended).

Any consultative process with as many actors involved will generate multiple and sometimes conflicting recommendations to improve the electoral process. In the spirit of transparency and discussion, the committee presets these recommendations true to the form in which they were received. In this way, the recommendations are a reflection not of the view of the committee, but the views of the participants themselves.

The release of this report, also placed on the ECP website ([www.ecp.gov.pk](http://www.ecp.gov.pk)), marks the end of one general electoral cycle and the beginning of the next; an ideal time for reform. The ECP is committed to integrate the spirit of these many recommendations into our strategic plan, our reform agenda, and our operating procedures. We hope that this report will further contribute to vibrant discussion and debate that will help to catalyze reforms, and contribute to greater improvements in future electoral processes and a stronger democracy for all Pakistanis.

## Chapter 1: Introduction to the Post-Election Review Process

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Elections are an important tool for continuity of the democratic process in a country. Pakistan held its largest General Elections on 11 May 2013, involving over 86 million voters and nearly 650,000 polling personnel working at around 70,000 polling stations. It was a huge challenge, but the Election Commission of Pakistan (ECP) fulfilling its Constitutional obligations delivered a free, fair and transparent election, which has been seen as an important development for the country's democratic institutions. The elections were not without challenges. There were serious security issues in some parts of the country but the ECP decided not to bow down before such issues and succeeded in organizing and conducting elections throughout the country. Because of deaths of a few candidates elections had to be postponed in some constituencies but the number was not significant enough to have any major impact on the outcome of elections as a whole.

The ECP made detailed arrangements for the General Elections. Holding elections on the same day in a country of Pakistan's size, both in terms of geographical spread and population, was never an easy job; however, it was done with a professional precision.

In the period leading to Election Day, ECP officers and staff worked around the clock to make necessary arrangements for this gigantic exercise. Huge quantities of materials were developed and printed, including but not limited to, ballot papers, electoral rolls, nomination forms, codes of conduct, relevant envelopes and forms, training materials, etc. Other necessary materials like ballot boxes, voting screens, indelible ink, etc. were also arranged in large quantities and delivered throughout the country – in all, 126 districts and tribal area agencies. It was a massive operation but with the assistance of the government departments and armed forces institutions, the ECP managed it successfully. Printing of constituency-wise ballot papers and their delivery in a very short period was an especially nerve-wrecking exercise. It was a race against time and delay in the delivery of ballot papers could have jeopardized all other arrangements.

The ECP must also acknowledge the contribution of two external organizations – International Foundation for Electoral Systems (IFES) and United Nations Development Program (UNDP) – that provided technical assistance and support in a number of areas including training of nearly 650,000 polling personnel. The ECP understands the challenges faced by both the organizations and appreciates the way they responded to the issues that emerged during the process of implementing this huge exercise.

While one may bask in the overall success of an exercise as immense as the 2013 General Elections, it will not be fair to ignore the challenges and issues one normally faces in implementation and delivery of such an exercise. The ECP has always been conscious of the fact that self- accountability is the best tool for meaningful reforms. Likewise, this period is a window of opportunity as the operational demands of general elections pass, there is greater opportunity to review and reform their policies and processes. As a living organization, it has always tried to strive for improvement—in terms of its performance and ultimate delivery of its constitutional mandate.

Therefore, immediately after holding of the General Elections, the ECP started a post-election review process to gather experiences of those who were directly part of the elections so that a reform agenda could be put together. The process was aimed at bringing about further improvements in the electoral system and election procedures, building on the improvements introduced prior to the 2013 General Elections. The ECP thus followed a multi-layered consultative process by adopting the under mentioned methodology:

1. Key Informative Interviews (KIIs) with District Returning Officers (DROs) and Returning Officers (ROs)

2. Workshops involving all Regional Election Commissioners (RECs) and District Election Commissioners (DECs)
3. Workshops with Presiding Officers (PrOs)
4. Focus group discussions (FGDs) with male and female voters, youth, polling staff and security officials

In order to run the process smoothly, the ECP established a Post-Election Review Committee comprising ECP, IFES and UNDP officials. The Committee's mandate was to prepare agendas, develop questions, identify areas with focus on specific segments of society, review the input received through various interventions, and draft a report and present the same before the Election Commission. After initial planning, the Committee members conducted workshops, interviewed DROs and ROs, held FGDs and compiled reports for each of the event. Once individual event reports were prepared, the Committee then reviewed these reports to identify major issues and consolidate key recommendations.

Another important aspect of the review process was to go through the international and national observer reports in order to relate the issues identified through workshops, KIIs and FDGs across Pakistan. The idea was to make sure that important recommendations formulated based on observers' reports are not overlooked and those that did not appear during the ECP's review process are included. Since the ECP values recommendations of the external entities as they provide an independent view, the observer reports were considered as important aspect of the overall exercise.

In addition, the Election Commission decided to solicit the comprehensive reports from all Provincial Election Commissioners (PECs), highlighting the major challenges and key issues faced during the General Elections 2013, the coping mechanism and key recommendations in this regard. The summary of the key issues and recommendations made by the PECs, have been made part of this report.

Immediately, after General Elections 2013, the ECP conducted the biggest bye-elections in 16 National Assembly constituencies and 26 Provincial Assemblies constituencies on 22 August 2013. The bye-elections were held to fill-in the seats where elections were post-postponed due to deaths of contesting candidates, withheld by the ECP/superior courts or due to death of incumbent Members or where people contested on multiple seats and after winning elections on multiple seats, they had retain one seat and vacate the others as per the law. As was the practice during the General Elections, the ECP has appointed ROs from the judiciary. The ECP has requested the Army to make necessary security arrangements, especially at sensitive polling stations. The ECP management sought the reports from the ROs who conducted these bye-elections on the following key issues:

1. The reason for low turnout
2. Shortcomings, if any in the whole electoral process starting from schedule till announcement of results
3. The issue concerning preparation of list of polling stations, selection of polling personnel and the polling station's location
4. Deployment of Army to reinforce the security provided by the provincial governments

The post-election review committee examined the reports forwarded by the ROs. The gist of reports with key issues and recommendations has been included in this report.

The committee also reviewed the report of the Senate Special Committee on election issues and incorporated relevant extracts and key recommendations in the report.

The ECP post-election review committee met on 2 October 2013 under the chair of Secretary ECP. Senior officials from ECP UNDP and IFES attended this meeting. This session was a brainstorming session to review the issues faced during the election, coping mechanisms applied, lessons learned, and draft recommendations from the PER process. The committee set out three targets to be achieved by the process. First, some recommendations should be converted into goals and objectives in the new ECP five-year Strategic Plan (2014 – 2019), while others will form administrative reforms (SOPs,



Directives, etc.). Second, following the release of the report, the ECP will renew the previous electoral reform proposal and revise it in line with the recommendations. The revised electoral reform proposal will be put forward to the parliament by the ECP. Lastly, the recommendations would all be included in the general election report. It was agreed that the post-election review would be shared with the stakeholders and placed on the ECP website.

The committee acknowledged the positive spirit of cooperation that characterized the PER process including the role played by each of the main actors, appreciated the cooperation from IFES and UNDP through the electoral process, and asked that this cooperation be continued through the next electoral cycle (2013 – 2018).

In addition to the thematic areas, the committee classified each recommendation according the following categories for follow up actions:

1. Recommendations that require amendment in the Constitution or Election Laws (Legislation required);
2. Recommendations to be included in the goals and objectives for the ECP's Second Strategic Plan 2014-2019 (ECP Strategic Plan);
3. Recommendations to be implement through ECP directives, instructions and SOPs (ECP SOPs);
4. Recommendations to be considered by the Election Commission for decision (EC Decision Required);
5. Recommendations on which the committee does not suggest any further action (Not Recommended).

A subcommittee was formed to finalize the report, including the rationalization of the many overlapping recommendations, and completion of the classification of the final recommendations into the five categories above.

## **ECP's Initiatives Prior to 2013 General Elections**

In the previous electoral cycle, the ECP had two main objectives before it: First to prepare for the General Election 2013 and second to implement the Strategic Plan 2010-2014. With the dedicated efforts of ECP officials and many supporting partners, ECP has successfully achieved both the objectives including undertaking a number of initiatives before conducting the 2013 General Elections. Some of them are enumerated below:

### **Five-Year Strategic Plan (2010-2014)**

In 2010, the ECP unveiled its Five-year Strategic (2012-2014) plan comprising 129 objectives grouped under 15 broader goals. The Plan, first of its kind in the ECP's 50-year history, guided the ECP's work in various electoral domains and provided focus both at policy as well implementation levels. The Plan was developed in consultation with political parties, civil society and other stakeholders. As of August 2013, almost 80 percent of the Plan has already been implemented.

### **Computerized electoral rolls with photographs**

The ECP, by using the country's national civil registry database, managed by the National Database and Registration Authority (NADRA), generated electoral rolls that carry National Identity Card (NIC) of each voter as a unique identifier. The electoral rolls are now free of duplicate and fake entries. For the May 2013 General Elections, the ECP generated the first ever voter list with photographs, which was used at the polling stations across the country. It is considered by political parties and other stakeholders as the most important reform to improve the quality of elections in the country. There are over 86 million registered voters in Pakistan.

### **SMS Service to check names on electoral rolls and location of polling station**

Continuing with its reform process, the ECP launched its 8300 SMS service, which was used by approximately 55 million voters up until a few days before the General Elections to check their names

on voters list and find out their polling stations, serial number on the electoral roll and electoral block. The system was very helpful to voters and was highly appreciated by stakeholders.

### **Codes of conduct for various actors**

For the General Elections 2013, the ECP prepared five codes of conduct, which covered political parties and candidates, observers, media, polling personnel, and security personnel. The codes were prepared in consultation with political parties, media and civil society organizations (CSOs). The Code of Conduct for Political Parties and Candidates was printed in newspapers prior to its approval by the Commission in order to seek comments and suggestions from political parties and the public.

### **Campaign monitoring**

The ECP set up monitoring teams across the country in order to monitor and report violations of the code of conduct by political parties and candidates during campaign period. It was also the first time that such an initiative was taken by the ECP. The monitoring teams served as a deterrent against violations and were supposed to be helpful to ROs and DROs to take actions against violations. Monitoring teams were trained on their roles and responsibilities before being dispatched to their respective constituencies.

### **Separate account for campaign expenditure**

The ECP, at the direction of the Supreme Court of Pakistan, made it mandatory for contesting candidates to have separate account for each of the constituencies they intended to contest from. This was to ensure that the candidates observe the ceiling of Rs. 1.5 million and one million for National Assembly and Provincial Assembly elections respectively. This helped in keeping control over election expenditure.

### **New Nomination Form**

To ensure that contesting candidates fulfill the conditions for election as laid down in the Constitution, the ECP revised the Nomination Form requiring candidates, *inter alia*, to provide additional information about taxes, an affidavit about dual nationality and their contribution in legislation if the candidate was a member of the one of the previous assemblies.

### **Nomination booklet for contesting candidates**

The ECP developed and provided a nomination booklet with necessary information about the process of filing a nomination paper and extracts from the law to facilitate the contesting candidates.

### **Training of DROs and ROs**

With the aim to equip them with required knowledge, the ECP organized training for all DROs and ROs prior to the General Elections. The training was also helpful in implementing new initiatives that the ECP introduced for the General Elections.

### **Training of PrOs, Assistant Presiding (APOs) Officers and Polling Officers (POs)**

Based on the polling scheme for the General Elections, the ECP planned to have comprehensive training for around 650,000 polling officials to manage over 70,000 polling stations across the country. This huge training exercise was completed successfully.

### **Result Management System**

The ECP designed, developed and implanted the first-ever comprehensive “Result Management System” with the support of UNDP. The compilation of a database of elections results in this RMS has been a significant achievement for the ECP. The ECP’s new database contains data from 127,483 results forms (64,297 polling station results for 265 National Assembly constituencies and 63,186 polling station results for 538 Provincial Assembly constituencies). This constitutes over 90% of polling station results and the database is continuously being updated with results from subsequent bye-elections. The database has captured not only digitized data from individual polling stations but also scanned images of polling station results forms (the Statement of The Count – Form XIV). This wealth of information is being used to analyze voter turnout and subsequently to analyze voting patterns.

### **Gender disaggregated voter turnout**

An important initiative of the ECP's was the introduction of a column in the form used for counting votes at the polling station by PrOs, requiring information on the number of women voters who cast their votes.

### **Voter awareness**

The ECP declared 17 October as National Voter's Day by organizing countrywide events involving all stakeholders. The ECP launched its district-centered national voter outreach program where the ECP's district offices became hubs for voter education activities. Materials were printed and provided to the ECP's district offices for further distribution to CSOs all over the country. The ECP's partners embarked upon social media initiatives and women-focused efforts to increase voter turnout. All these concerted efforts led to over 55 percent voter turnout in the 2013 General Elections, the highest in the last three decades. The increased voter turnout is a major success.

### **Appointment of Election Tribunals**

Unlike past practice, this time the ECP appointed Election Tribunals that are not serving judges of the High Courts. Retired High Court Judges and retired District and Session Judges have been appointed by the ECP to Election Tribunals on a full-time basis. All necessary support has been provided to them so that decisions on election petitions are taken in the shortest possible time. This is a major development in deciding election petitions in a timely manner.

### **Better security arrangements**

In view of serious security threats and the deteriorating law and order situation, the ECP made special efforts to ensure that the electoral environment during the campaign period and on Election Day remains peaceful. Law enforcement agencies the armed forces, Rangers, FC, police, provincial and federal governments extended their full cooperation and support to ECP to achieve this end.

## **Key Challenges faced by the ECP**

The ECP's initiatives were positive and well in time, but perfection in any man made system is not possible. The ECP's efforts, despite successes in major areas, were not flawless due to large-scale implementation. Elections held in May 2013, have been acknowledged by national and international observers as fairer than any previous elections. At the implementation level, the following challenges and issues were observed:

- In some areas, teams appointed by the ECP for campaign monitoring could not deliver the expected outcome, and violations of the code of conduct by some candidates went unnoticed.
- Another challenge faced was lack of support from political parties and contesting candidates – they were seen violating the code of conduct that was formulated in consultation with them. They certainly had responsibilities to make electoral process smooth and credible.
- The ROs had the full authority to accept or reject nomination papers of the contesting candidates, but the ECP did not issue specific instructions on how to undertake this process and it was left to the ROs' discretion/judicial competence. Provisions of Articles 62 and 63 of the Constitution are subjective, and the application of these clauses varied from one RO to another. This caused inconsistencies in the scrutiny process. The new nomination form has superfluous information and many aspiring candidates sought help in completing this new form. The ECP tried to obtain and make public potential candidates' records of the State Bank of Pakistan (SBP), the Federal Board of Revenue (FBR), the National Accountability Bureau (NAB) and NADRA. The scrutiny period was too short, and some of these organizations did not provide information in the required time, so candidates were cleared without proper verification. A centralized scrutiny cell was set up in the ECP Secretariat with members from NAB, SBP, FBR and NADRA to verify the candidates' nomination papers. Though it was a good initiative, this cell did not perform effectively.

- Printing and timely supply of huge quantities of ballot papers for National Assembly and provincial assembly elections was an uphill task. Due to delays in printing, the ballot papers in some areas were delivered late, thereby causing problems for ROs and PrOs.
- Prior to the General Elections, it was feared that there would be widespread violence. In anticipation of such a situation, the ECP constituted district security committees. Armed forces were also deployed in areas that had the potential for violence. Nearly half of the polling stations were declared sensitive. All these measure helped in keeping a check on violence, and thus the incidents were far less than expected.
- All election activities are time bound and have to be completed within the time specified in law and rules. This was a major challenge and the ECP with the assistance of election functionaries strived hard to meet this challenge.

The realization that lessons learned from experience provide the base for developing future strategies led the ECP to hold a post-election review. As a living and dynamic organization, the ECP has to prepare itself to face future challenges and emerging changes in the electoral environment worldwide. The experiences, observations and suggestions of various stakeholders will help the ECP to identify areas for future electoral reforms and formulate its second Five Year Strategic Plan (2014-2018).

**Post-Election Review Committee Members**

<b>Sr #</b>	<b>Name of Officer</b>	<b>Designation and Organization</b>	<b>Status</b>
1	Syed Sher Afgan	Additional Secretary	Chairman
2	Syed Sabir Hussain Gillani	ADG(TRE), ECP	Member
3	Mr. Muhammad Nawaz	Director (Law) , ECP	Member
4	Mr. Irfan Kausar	Deputy Director (Elec-I), ECP	Member
5	Mr. Naeem Ahmed	Deputy Director (Elec-II), ECP	Member
6	Mr. Shahid Iqbal	Research Officer, ECP	Member
7	Syed Abid Hussain Shah	Deputy Director (Conf.), ECP	Member
8	Mr. Asif Ali Yasin	PS to AS, ECP	Member
9	Mr. Akhtar Hussain Sabir	Election Specialist, UNDP	Member
10	Mr. Muhammad Qasim Janjua	Training Specialist, UNDP	Member
11	Ms. Abeer Masood	VE Team Lead, UNDP	Member
10	Mr. Shabir Ahmed	Deputy Country Director, IFES	Member
12	Mr. Ejaz Ahmed	Sr. Electoral Reform Officer, IFES	Member
13	Mr. Khalid Waheed	Project Officer, IFES	Member
14	Ms. Kulsoom Akhtar	Training Specialist, IFES	Member
15	Ms. Farheen Abbasi	Training Associate, IFES	Member

## Post-Election Review Sub-Committee Members

Sr #	Name of Officer	Designation and Organization	Status
1	Mr. Naeem Ahmed	Deputy Director, ECP	Member
2	Mr. Saeed Ahmad Khan	Deputy Director, ECP	Member
3	Mr. Akhtar Hussain Sabir	Election Specialist, UNDP	Member
4	Mr. Muhammad Qasim Janjua	Training Specialist, UNDP	Member
5	Mr. Ejaz Ahmed	Sr. Electoral Reform Officer, IFES	Member
6	Qazi Saleem Akhtar	Sr. Electoral and Legal Advisor, IFES	Member
7	Mr. Skye Christensen	Consultant RMS Data Analysis, UNDP	Coopted Member
8	Ms. Nadia Fakhar	Project Associate Electoral Technologies, IFES	Coopted Member

## Chapter 2: Issues & Recommendations by Provincial Election Commissioners

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### Background

The Election Commission of Pakistan has well established Provincial Election Commissioners' PECs) offices in all provincial capitals namely Lahore (Punjab), Karachi (Sindh), Peshawar (KPK) and Quetta (Balochistan). The Election Commission solicited the comprehensive reports from all PECs, high lighting the major challenges and key issues faced during the General Elections 2013, the coping mechanism and key recommendations in this regard. The summary the key issues and recommendations made by the PECs, have been included in this chapter.

### Key Issues

- The introduction of Result Management System (RMS) was really a good idea but there were several flaws in that system, resultantly, many difficulties faced in this system. Due to certain flaws in that system, no result was received during entire first night after poll in respect of Sindh Province. The DROs/ROs informed that result is being delayed as RMS system ran very slow.
- The time given for the training of DROs/ ROs / ARO, Monitoring Teams, Data Entry Operators and Polling Staff was too short and schedule for their training was issued quite late.
- Dispatch of election material in Regional Offices in bulk, this caused wastage of time and incurred huge expenditure on transportation and due to dispatch of election material in bits & pieces the bulk breaking process kept delayed at many places.
- Electoral Rolls, 2012 widely appreciated by public which ensured "One man one vote" but were also criticized for reasons of enrolment of voters at irrelevant places / blocks.
  - Some entries shifted out of the Province.
  - Even entry shifted out of the Province.
  - Even entry of one family shifted to different locations either within the same block or to some other block.
  - Incorrect description of addresses in the given column.
  - Flaws and shortcoming observed in house listing operation as the exercise was under taken hastily.
  - Incomplete house listing lead to wrong placement / and assigning of voters data according to the strict description of a Census Block / Electoral Area.
  - IN some cases the data / entries of voters in DER duly verified was observed as missing the PER.
  - While in some other cases the forms submitting by the electors for enrolment, correction and deletion during the display period of Electoral Rolls were found not been incorporated in the FER despite of the fact that data entry process at the local NADRA offices was completed.
  - Even the data of voters in PER was found either missing or was shifted to some other location in the FER without any request made by the voters concerned for shifting of their entire / voters.
  - In some cases, the male and female voters were observed being mixed up and not segregated while in PER the entire were in segregated form.
  - Exercise of power under section 18 of the Electoral Rolls, Act 1974 diluted as the registration of voters has been subjected to the completion and acceptance of the data entry by the computer based system as otherwise unless and until the data entry of the particular applicants is processed and completed at the NADRA local offices and is also accepted by the computer based at NADRA Head Quarter Islamabad.

- Response at 8300 facility was observed being slow on the polling day due to over load.

## Recommendations

1. The quality of Polling Bags should be enhanced in future elections by enlarging its size and using better cloth, and stitching.
2. The necessary introductory training of the RMS System should be given to its operators to improve their output and Pilot Project should be carried out before using it on the D-Day.
3. The time for printing of ballot papers should also be enhanced.
4. The voting screens were of a low quality.
5. Magnetize Ink Stamp Pads and Normal Stamps Pads have not distinct difference, which should be differentiated.
6. In future, procurement of election material and its transportation may be carried out directly from the Press / Manufacturer to the field offices in sufficient quantity & well before time.
7. In future, at the time of printing of ballot papers, the specimen / proof of ballot paper may be sent to the Returning Officers concerned for its verification and authentication as per past practice. This is exercised in the Bye-Elections-2013 and it proved to be the correct decisions.
8. Keeping in view the worst law & order situation in Sindh Province, more security may be provided to the offices of ECP at Provincial, Divisional and District Levels.
9. Transport facility may be provided to the staff of ECP, who sit beyond office hours during the Elections as staff face great difficulties in order to reach their homes due to non-availability of public transport at late night, especially in those areas where law & order situation is worst i.e. Karachi, Hyderabad, Sukkur, Thatta etc.
10. The Result Management System (RMS) provided by UNDP did not function properly from the very first day of its installation as the persons appointed to work for this system have not proper knowledge of the software of said system and due to that reason; most of the Returning Officers have managed / prepared the result sheets manually. It is proposed that proper training about software of RMS may be given to the Data Entry Operators of ECP field Offices.
11. The Provincial Head Quarter Offices was totally ignored and no information / software was provided, which resulted in that I.T. Wing of this office was very helpless in solving any problem faced by the Returning Officers. IN future, I.T. Wing of PEC's Offices must be involved / trained and I.T. branch of each Province must be in position to look after this process for better communication and for resolving the problems in the field offices.
12. In future, funds for transportation of Polling Staff as well as for the DROs/ ROs of P.O.L charges may be increased and allocated early. Delay in this matter causes embarrassing position for District Election Commissioners.
13. Annual Revision of Electoral Rolls may be commenced along with the process of updating Electoral Rolls so as the entries enrolled at irrelevant places / census blocks could be corrected by giving opportunity to the voters at their doorstep for making the desired corrections.
14. Change in the description / boundaries of the census blocks may not be made until next National Census in the country.
15. Un-verified entries / voters may be kept in the Electoral Rolls of an Electoral Areas as per temporary address given in the NIC of a person.
16. The ECP and its field formation shall have a complete control and possession over the voter's database instead of NADRA.
17. The RECs/DECs/AECs being Registration Officers shall have free and un-interrupted access to the voter's database for enrolment, correction and deletion purposes and for verification NIC of the applicants.
18. One set of Electoral Rolls of each district in a division shall be provided to the REC of the respective division for record and for use in case of emergency, etc.
19. Base of 8300 facility for checking voters status shall be broadened and improved to ensure quick response particularly on the polling day.



20. The role of NADRA shall be curtailed and restricted to the verification of the NIC of the applicants only and the data entry process shall be carried out in the offices of the RECs/DECs/ACEs being Registration Officers instead of in the NADRA local offices.
21. Electoral Rolls shall be based on the Revenue set up / structure instead of Census Blocks as the later phenomenon is not being comprehended by common voters / residents of an area.
22. Officers from the executive and administrative departments may also be appointed, as DROs/ROs in future in the ECP itself cannot become ready for taking over the role by itself.
23. DROs and ROs in future may be taken from judiciary as well from administration.
24. Election Dispute Resolution may be made the most essential and important segment of the training program in future.
25. The DROs and ROs may be sensitized of the importance of complaints disposal, the aspect that is being keenly observed and objected by all stakeholders, national and international observers.
26. A combined training program of DROs/ ROs and DECs / AECs may be arranged in future for the sake of securing a better working relationship and effective coordination between them that is necessary for smooth conduct of election work.
27. The duration usually set for scrutiny purpose in the Election Schedule / Program may be reconsidered and at least 15-days may be fixed for the purpose.
28. The amount of Security Deposit may be enhanced up to 50,000 and 25,000 for National and Provincial Assembly respectively and may be made non-refundable.
29. For better and effective monitoring, the number of Monitoring Teams per constituency may be increased in future.
30. The engagement of retired government officials on monitoring teams should be considered.
31. A representative from a Civil Society Organization may also be considered included in each team in future.
32. Instead of providing moral cover and base, full legal cover may be provided to the Code of Conduct and its non-compliance by all concerned may entail some stringent legal action to be taken against the violators.
33. All the codes as given under the code of conduct may be brought under the full legal cover of “the Representation of the People Act, 1976”.
34. For the training of polling staff, the selection of Lead Trainers and especially of the Master Trainers may be made in consultation and in close coordination of the field offices of the ECP.
35. Qualified persons who virtually excel in the field may be preferred for the purpose.
36. During training sessions the preparation of and filing of Form-XIV (Statement of the Count and Form-XV (Ballot Paper Account) may specially be focused.
37. More effective, efficient and quick response mechanism for handling Election Day’s complaint may be evolved.
38. A central control room in each PEC office with telephone and fax facilities should be established to receive complaints and pass on over fax / phone to the concerned authorities for taking quick and appropriate action on the spot.
39. Changes needed to be made in the relevant law that provides for the independent returned candidates to join any political party within three days of the notification of the returned candidates.
40. Allotment of reserved seats to political parties may be made only on the total general seats won by a political party and the independent returned candidates may not be counted for the purpose.
41. Excluding the independent returned candidates from the count would discourage the trend of contesting elections independently that is being considered as the main bargaining chip in the hands of the independent returned candidate.
42. The field offices of the ECP may also be provided sufficient funds at the time of commencement of any electoral activity especially such a gigantic activity of the conduct of General Elections.
43. The funds allocated to DRO / ROs for POL may be increased.
44. Funds for entertainment may also be provided to the field offices of the ECP.
45. Funds should be given to the ROs to arrange for the printing of forms.

46. RMS may be used in future elections.
47. The system would need better internet connections if they were to transmit the results online.
48. Improvement in the software and the program for its operation may be made to cover up the shortcoming deficiencies of the system.
49. The use of the system may be made a segment to the training program for the DROs and ROs in future.
50. Nomination Forms for reserved seats need to be revisited and unnecessary columns may be deleted.
51. Appointment of female staff in rural areas be re-considered as many problems are faced by the female staff due to non-availability of accommodation and other threats.
52. During elections, it has been observed that there is a lot of information, a part from the regular press release that was shared by ECP with its provincial and regional offices. However, due to lack of any such policy, there existed confusion regarding the nature of document, whether it is to share with public / media or not. Hence, a policy should be formed to clarify or label a document / information as for public or official perusal.
53. In GE 2013, the ECP has effectively countered all the positive and negative criticism that arouse in media. Still there is need to appoint/nominate a regular spokesperson from ECP on Provincial level who is capable and experienced enough to address all the queries and criticism. The spokesperson shall be allowed to appear in talk shows, newspaper forums, video packages as to clarify the image and contribution of ECP in front of public.
54. As compared to the past years, ECP has become quite open towards media. However, it has been observed that there is still more reliance on Press Release and Print Ads. The ECP should use more social media outreach. A proper media campaign should be planned prior to the elections that shall cover all the aspects and utilize all the forms of media and advertising effectively.
55. There is dire need to devising of code of conduct for media to access the Election Offices. It has been observed that the media reporters freely entered into the offices and insisted (and in some cases forced) to provide information demanded, hence badly disturbing the office decorum and secrecy of election work. There should be a policy to ensure that the media may get information without disturbing offices decorum and violating of security regulations.
56. The Accreditation cards for media and NGOs are issued for observation on polling day. However, the process is still not regularized. There is need to formulate the eligibility criteria for issuance of card, setting up requirements for the applicants and briefing the rules for observation on polling day.

## Chapter 3: Key Informant Interviews

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### Background

The District Returning Officers (DROs) and Returning Officers (ROs) play the key role in the conduct of elections at the operational level. The Assistant Returning Officers (AROs) assist the DROs and ROs for effective performance of their duties. In order to solicit the input and feedback from DROs/ROs, the members of the Post-election review committee conducted (KIIs) key informant interviews. The focus was to highlight the major challenges and key issues faced during the General Elections 2013, the coping mechanism and key recommendations. This chapter of the report provides the summary the key issues and recommendations made by the DROs and ROs.

Following the conclusion of the General Elections 2013 there was a need for the ECP to evaluate the administration of the elections. To this end, the ECP conducted a post-elections review exercise, assisted by IFES and the UNDP. Workshops with RECs and DECAs comprised an important part of the review exercise.

### Methodology

For the purposes of conducting KIIs, the post-election review committee randomly selected DROs/ROs from all provinces. In all, eight KIIs the members of the post-election review committee held across the country, two each in Bahawalpur (Punjab), Karachi and Thatta (Sindh), Kohat and Mansehra (KPK) and Quetta (Balochistan). The committee designed a preform to record the key challenges, coping mechanism and recommendations made by the DROs and ROs. The KIIs team consisted of one member of post-election review committee and local deputy election commissioner.

### Key Findings

#### Nomination of Candidates

The new nomination form has superfluous information and many aspiring candidates sought help in completing this new form. Candidates also found it difficult to obtain hard copies as the demand for forms and booklets was greater than the number printed.

Many non-serious candidates filed their nominations, as the security deposit amount required is low and affordable (PKR 4,000 for NA and PKR 2,000 for PA). This also resulted in a very large ballot paper.

Candidates submitted their nomination forms to ROs, who had full authority to accept or reject applications, but the ECP did not issue specific instructions on how to undertake this process; I instead, the ECP referred to the ROs' discretion/judicial competence. Provisions of Articles 62 - 63 of the Constitution are subjective, and the application of these clauses varied from one RO to another. This caused inconsistencies in the scrutiny process.

The ECP tried to obtain and make public potential candidates' records of the State Bank of Pakistan (SBP), the Federal Board of Revenue (FBR), the National Accountability Bureau (NAB) and NADRA. The scrutiny period was too short, and some of these organizations did not provide information in the required time, so candidates were cleared without proper verification.

#### Scrutiny Cell Set Up at the ECP Secretariat

A centralized scrutiny cell was set up in the ECP Secretariat with members from NAB, SBP, FBR and NADRA to verify the candidates' nomination papers. Though it was a good initiative, this cell did not perform effectively.

Many ROs did not receive candidates' data from NAB, SBP and FBR, or were provided information after the scrutiny process was over.

ROs waited for information and could not proceed with their work, even though the deadline for submission of nomination papers was extended. The cell provided information after the scrutiny period was over.

### **Training/Orientation of DROs/ROs**

The handbook for DROs and ROs covered most of the necessary information and guidance for election duty, but they were provided very late.

Trainers were found to be inexperienced and incompetent; they were unable to answer technical questions.

The orientation focused more on theory and was less practical/hands-on. For example, ROs are supposed to prepare the bags for election material but this was not demonstrated during orientation/training.

No TA/DA was given to DROs/ROs attending the orientation, which was spread over two days.

### **Training of Polling Personnel**

PrOs were not properly trained to fill-out Forms XIV and XV (Statement of Count and Ballot Paper Account), particularly gender-disaggregated data. At the end of day, while preparing counting statements, ROs had to make extra efforts to get them corrected.

Polling staff trainings commenced before list of polling staff could be finalized. More people had to be trained later, as some people who were trained earlier did not serve/had their duties cancelled. There was no coordination between ROs and partner organizations. Some POs attended trainings for PrOs and APOs and it was hard to ensure the attendance of all polling staff. Since staff was not invited by polling station, personnel assigned to each polling station did not have an opportunity to meet each other and develop rapport during the training.

### **Polling Schemes**

ROs received their appointment notifications 15 days before the elections and the deadline given for finalization of polling scheme was abruptly shortened.

ROs did not have transportation to inspect polling stations before finalizing the polling scheme.

ROs received some applications to change polling stations based on personal interests. In some areas, ROs rely on the information provided by political workers for suitable buildings to be designated as polling stations. Influential candidates have small buildings allocated as polling stations where they fear defeat; this way, the turnout is reduced at that polling station.

The polling station list was somewhat outdated, some schools on the list had been privatized, others merged, names had been changed, etc.

Some polling personnel nominated by their respective departments were not available for the polling duty at the last moment and some of the polling staff who received training did not turn up for election duty.

### **Pre-Election and Poll day Complaints Including Complaints Received from Monitoring Teams**

Monitoring Teams were not effective because no resources were provided to them to allow them to discharge their duties efficiently and effectively. In addition, the composition of teams was not proper, as some senior officers were placed under juniors.

Monitoring teams were only bound to cover 20% of the constituency and would not usually cover more. They were also bound to only report to the DRO once a week and not to ROs.

ROs often paid more attention to issues that violated the code of conduct but could not take action on own initiative because political parties and candidates would then question their neutrality and impartiality. If Monitoring Teams had to report to ROs on a daily basis, ROs could have directed them to those places for further investigation and could have taken action based on the reports of Monitoring Teams.

### **Codes of Conduct**

Some rules were not realistic and implementable, for example, the expenses limit. The officials from education department deputed for monitoring duties were generally not effective.

### **Legal Framework**

The legal framework on scrutiny of nomination papers is not clear. There is no secondary legislation or comprehensive directive from the ECP.

The period for conduct of elections is 60 days, which is very short.

Many non-serious candidates deposited their nominations just to participate in the elections, which resulted in a waste of state resources for printing of large ballot papers and other related arrangements.

The implementation process for campaign expenditure is very weak, e.g. the expense limit could not be implemented in reality.

### **Election Expenses**

It was not possible to determine actual election expenses, nor were there any mechanisms to prove the allegations. Some candidates indicated expenses by their supporters for which he/she could not be accounted for.

The maximum limit for campaign expenditure is very low, which encourages submission of false statements by the candidates.

Statements of bank accounts were not submitted regularly and candidates did not send the required information every week as was required by the ECP's directive.

### **Security**

Numerous security threats from terrorists were received from the adjoining tribal belts of FATA and Frontier Region Kohat.

The security plan for Army deployment was not shared with ROs or DEC's.

There was quite a crowd at polling stations and the numbers of security personnel assigned to each polling station were not sufficient to manage the crowd.

Lack of coordination was observed between the security agencies as no meetings were conducted between DROs/ROs and security agencies.

### **Electoral Roll**

The electoral rolls were generally considered accurate and credible. However, a few complaints regarding duplicate entries in the electoral rolls (same name and NIC # with different photo) were reported by the polling personnel.

The polling personnel were not conversant with the use of normal stamp ink and magnetic ink; as such, these inks were not used properly.

The electoral rolls with pictures was a positive initiative and helped polling staff in correctly identifying voters, but there were so many complaints by voters about their addresses.

Some influential candidates shifted their opponent voters to far-flung areas on the electoral rolls so that they could not cast their vote.

PrOs reported that political party workers and others had different electoral rolls from the official rolls issued by the ECP.

### **Allocation of Funds to DROs/ROs for the Conduct of Elections**

The amount provided to DROs/ROs for the transportation, stationery, etc., was too little.

No food arrangements were made for the polling personnel on the polling day.

DROs/ROs and their staff had to work long, late hours and meals had to be arranged at their own expenses.

### **Election Material**

It was difficult for PrOs, particularly women, to carry all the material to the polling stations and then to bring it back to the RO's office.

The cloth bags provided for storing ballot papers were too small and of poor quality. Similarly, most stationary items were of inferior quality. For example, the ink, stamp pads and ballpoint pens were sometimes dry. In some areas, ballot boxes were found to be in short supply due to large size of the ballot papers.

Form XIV was short of space for candidate names, so ROs had to develop their own forms.

Bulk breaking took because a long time because there was a lack of workers; ROs had only two AROs to help him/her.

Transport arrangements for the delivery of election material to the polling stations and retrieval were problematic.

### **Coordination with District Administration**

Coordination with district administration needs further improvement.

### **Polling Day Issues**

On the polling day, the ECP extended nationwide polling hours until 6 pm. The ECP's decision was not properly communicated to the PrOs. In many polling stations, this information reached very late when the counting process had already commenced, which created lot of confusion.

Insufficient security forces were deployed in high-threat areas, especially at female polling stations.

The number of polling staff to manage the crowd was inadequate, which created mismanagement and chaotic situations.

The attitude of some of polling agents was disruptive, which made it difficult for polling staff to carry out their duties.

The FAFEN election observers did not follow the prescribed code of conduct; some actively interfered with the polling process. They took pictures of voters while they were stamping their ballots and casting their votes, thus violating the sanctity of the secrecy of the ballot.

In some areas, polling station buildings were too small to conduct the polling process and to accommodate the voters.

In absence of proper security and conveyance arrangements, the PrOs were transported to ROs' offices in groups for submission of results and return of election material, which created a rush at times and caused much inconvenience to the PrOs.

### **Statement of Count and Ballot Paper Account**

Forms XIV and XV (Statement of Count and Ballot Paper Account) were not accurately filled-out by the PrOs, so these forms took a lot of time for data entry/reconciliation. This also resulted in discrepancies in gender-disaggregated data.

There was a shortage of tamper evident bags, Form XIV and envelopes. Ballot papers were abnormally large in some constituencies, due to which, a shortage of ballot boxes was felt at some locations.

PrOs, especially females, had to wait for many hours to submit their results to the ROs.

### **Counting at Polling Stations**

Due to load shedding at some polling stations, the counting process was disturbed.

The Forms XIV were short at some polling stations.

### **Result Management System (RMS)**

Consolidation of results was delayed because Form XIV had to be scanned and fed into RMS. It was only later that ROs were told that the result could be compiled manually and that the forms could be scanned and the data entered later. The RMS helped in the consolidation process; however, it was disturbed by the load shedding, slow Internet connectivity and poor training for the DEOs.

### **Postal Ballot Papers**

The current postal ballot system is very complicated, ineffective and can be easily manipulated and misused. In some cases, very large numbers of postal ballot applications were received, which did not seem genuine. The time for issuance postal ballots was very short and many applicants are unaware of this facility and the procedure. Many government officials do not avail this facility due to lack of awareness and polling staff do not know enough in advance about their duty appointment, so they do not avail postal ballots.

### **Assistant Returning Officers**

The ECP has not formally prescribed the role of AROs. However, they were quite helpful and supportive. However, some AROs, particularly those who were Assistant Commissioners, simply refused to perform this duty.

## **Recommendations**

### **Nomination of Candidates**

1. A revised, easy to understand nomination form that does not contain legal language should be developed and the candidacy requirements should be amended to remove vague moral conditions open to subjective interpretation. There should be a mandatory provision for CNIC number that will be helpful to ROs for verifying information. Specifically, the “Section of Assets and Liability Declaration” needs to be simplified. A softcopy of the forms and booklet should be made available on the ECP website.
2. The nomination fee should be non-refundable and increased to a substantial amount so that non-serious candidates may be discouraged from applying.
3. A scrutiny mechanism, in light of Articles 62 & 63 of the Constitution, needs to be elaborated by a secondary legislation. Accordingly, ECP directives and procedures should be developed. This will facilitate ROs’ assessment of candidate nominations to ensure consistency in scrutiny.
4. The scrutiny period for candidates’ nomination papers should be increased so that a more detailed scrutiny may be carried out. Moreover, scrutiny should be carried out on a continuous basis by the ECP, even after elections, to ensure that the documents and information provided during the nomination process are valid.
5. The period for conduct of elections should be increased from 60 to 90 days.

### **Scrutiny Cell set up at ECP Secretariat**

1. Because of the slow response from centralized scrutiny cell, it is recommended that the scrutiny cell should be decentralized and set up at the provincial or even district level. These should be functional before the announcement of the election schedule so that flaws and bottlenecks in verification and transmission of information, if any, are removed well in time.
2. The scrutiny cell should be computerized and online access with uninterrupted communication facilities should be given to the ROs. This will make the scrutiny process more effective.
3. Partner organizations (NAB, SBP, NADRA and FBR etc.) should provide information promptly so that the up-to-date data is available through the concerned officials at the provincial and district levels.
4. In addition to the provision/verification of online information from scrutiny cell, the ROs should also have direct access to the line departments and local offices such as income tax department, banks, police etc., for acquisition of necessary information.

### **Orientation of DROs/ROs**

1. The appointment notification of ROs should be issued well in time for maximum benefit.
2. The DRO and RO handbooks should have a step-by-step checklist with the responsibilities of DROs/ROs/AROs.
3. Trainers should be well versed in electoral processes and possess related domain knowledge. Preferably, retired session judges/ECP officials should be selected as trainers. Moreover, a cascade training methodology should be adopted whereby ROs may be trained as master trainers so that they may conduct the orientation for AROs.
4. Training should be more hands-on/practical, particularly on filling out the required forms, packing the bags and distributing election material.
5. DROs/ROs should be facilitated with boarding, lodging and transportation for training/orientation session, or else they should be given TA/DA.

### **Training of Polling Personnel**

1. More comprehensive, hands-on training should be provided to the PrOs in filling of Forms XIV and XV. Moreover, MTs should be selected from the ECP's field offices (such as DECAs – serving or retired) that possess comprehensive electoral domain knowledge.
2. Training material should also be provided to ROs and DECAs to familiarize them with the training contents.
3. Strict disciplinary action should be taken against those who are not present for the training without a solid reason.
4. Polling and security personnel should be given more incentives so that they participate with dedication and commitment.
5. Trainings should be carried out after the polling scheme and staff lists are finalized, but should not be left to the very last minute. It would be beneficial if polling staff from the same polling station have their trainings on the same day, at the same venue so that polling staff can meet each other and establish rapport.
6. Partner organization conducting the trainings should coordinate with ROs regarding training schedules, lists of trainees and venues for smooth conduct of training.

### **Polling Schemes**

1. The responsibility of preparing polling schemes should lie with DECAs, instead of assigning this duty to DROs/ROs. If this is not possible, sufficient time should be given to ROs to finalize the schemes so that they can make field visits to every area. Transportation should be provided to them for this purpose.
2. Polling schemes, once published, should not be modified, as it causes chaos and confusion among polling personnel and voters. Polling schemes should be made public at least one month before the polling day and should be placed on the ECP website. Thus, there will be sufficient time for candidates and the public to raise objections, and for ROs to review the list.
3. Efforts should be made to establish polling stations on a permanent basis, and the data should be maintained and updated by the ECP field offices. The data of polling stations and polling



officials should also be computerized and maintained centrally at ECP Secretariat, with access available to the ECP field offices.

4. The concerned departments should only nominate those officials who would be actually available on the polling day and ensure the presence of polling officials for the trainings and on polling day. Strict disciplinary action should be taken against those polling personnel who do not turn up for election duty without a solid reason.
5. PrOs and their polling staff may be drawn from the same department or institution. This will help in resolving many issues that ROs and PrOs face at later stages.
6. Time for filing objections for polling stations should be sufficient.
7. Setting up of polling stations every two kilometers should be continued and post offices may be used if school buildings are not available in that area.
8. The ECP has permanent staff in the field that should be bound to periodically visit polling stations and update the polling schemes during the course of their routine duties.

### **Pre-Election and Poll day Complaints Including Complaints Received from Monitoring Teams**

1. The ECP should set up a central Control Room at the district level and concerned officers e.g., DRO, DC/DCO, DPO, DEC, RO/AROs (if possible) should be present in the Control Room to address complaints and problems.
2. The composition of the teams should be given due consideration and should work in a systemic manner. Their work should also be monitored so that the ECP can ensure their work is carried out impartially and fairly.
3. Monitoring Teams should have appropriate training, equipment and logistic facilities for performing their duties effectively.
4. The practice of engaging monitoring teams should continue in future elections, but they should not be limited to covering only a certain area/percentage of the constituency, and they should report to ROs, ideally on a daily basis.

### **Codes of Conduct**

1. Codes of Conduct should be reviewed to make them more relevant and effective.
2. Candidates should be provided with orientation on the Code of Conduct for Political Parties and Candidates because most of them do not read/ know what the codes and regulations are.
3. For effective implementation of codes of conduct, bold and effective officers from district administrations, who are not local, should be engaged. The ECP should issue comprehensive directives in this regard.

### **Legal Framework**

1. The period for the conduct of elections should be increased from 60 to 90 days.
2. The scrutiny mechanism related to Articles 62 & 63 of the Constitution should be elaborated by secondary legislation and ECP directive.
3. The primary legislation regulating the electoral process consists of a plethora of laws, such as the Representation of People Act, Senate Election Act, Electoral Rolls Act, Delimitations of the Constituencies Act etc. The electoral legislation should be consolidated into one unified electoral law so that repetitions and inconsistencies are avoided, and the legal framework should be made more accessible to stakeholders through ECP website. The unified electoral law should be translated into local languages (especially Urdu and Sindhi) for better understanding by parties and candidates.
4. The nomination fee prescribed for election to National Assembly and provincial assemblies should be substantially increased.
5. The role of law enforcement agencies in the elections may be defined in the law, rules and regulations.
6. Polling may be conducted in phases like India and the results may be kept secret until completion of the polling process to avoid the disturbance of voting before results are final.
7. Responsibility for preparing polling schemes should lie with the ECP field officers at the district level, instead of assigning this duty to DROs/ROs.

### **Election Expenses**

1. A comprehensive mechanism for monitoring election expenses should be evolved through legislation and a detailed ECP directive.
2. For effective monitoring of election campaign expenses, courageous, honest and upright officials from district administrations (who are not local) should be designated and stern actions should be taken against defaulters.
3. Election expenditure can only be restricted to the legal limits if they are monitored and reported daily. Therefore, the monitoring mechanism should be strengthened.
4. The maximum limit for campaign expenditure may be raised keeping in view inflation and other relevant ground realities.

### **Security**

1. All concerned individuals should make concerted efforts to ensure that the pre-poll atmosphere is free from threats and security issues, which will encourage polling staff to perform their duties and voters to cast their vote without fear of threats.
2. A comprehensive security plan should be prepared by district administrations in consultation with DPOs, DROs, ROs and DECAs so that a well-coordinated effort is made by all concerned to ensure proper security on Election Day.
3. More security personnel should be assigned to each polling station (especially sensitive ones). Rangers and the Army should also be deployed to bolster the police efforts to maintain law and order.
4. More female security personnel should be provided at female and combined polling stations.
5. A mechanism should be adopted to strengthen coordination between DROs/ROs and security agencies.

### **Electoral Roll**

1. Current electoral rolls are sorted on household number (ghrana number), which voters do not easily remember. Instead, electoral rolls should be sorted alphabetically by name as it appears on the CNIC.
2. The ECP should carry out annual revisions of the electoral roll to remove deceased registrants and register new voters at the locations of their choice, in accordance with the provisions of the Electoral Rolls Act, 1974.
3. A special initiative should be taken to secure CNIC registration for women, especially targeting women in rural and conservative areas, to increase the number of women on the electoral rolls.

### **Allocation of Funds to DROs/ROs for Conduct of Election**

1. Sufficient funds may be provided to DROs/ROs keeping in view their actual requirements such as traveling, staff meals during late sittings, stationary etc. They should be given at least 2 months' salary as remuneration for their work during the elections period.
2. Funds for hiring transport for polling personnel should be increased per polling station keeping in view the price of fuel and distances of the polling stations.
3. The remuneration provided to polling staff should be increased.
4. PrOs should be given honoraria for attending trainings, collecting election material and for polling day.

### **Election Material**

1. Responsibility of distribution and collection of election material should be assigned to district administrations.
2. The quality and quantity of election material should be checked at the time of delivery by the vendors.
3. The quality of the bag for election material should be improved, as the current cloth bags are not durable.
4. The various forms and envelopes used at polling stations should be reviewed, simplified and minimized.

5. Non-sensitive material can be supplied to ROs well before the Election Day and sensitive material should be handed over 2-3 days before polling. This will provide sufficient time to the RO for bulk breaking and to distribute material in an organized manner.
6. The ECP should arrange the delivery of all election material (especially bulky items such as the ballot boxes and screens) to the polling stations, particularly female polling stations.
7. Mobile units may be handy to provide extra election material, such as ballot boxes, result forms, stationery etc., quickly at the polling stations if required
8. Result forms and tamper evident bags should be provided in sufficient quantities.
9. Only two inks i.e., indelible and magnetized ink should be used on Election Day.
10. Some spare material may be provided to every PrO to cover unforeseen requirements.

### **Coordination with District Administration**

1. Periodic meetings with all the relevant departments should be arranged by DEC's to discuss arrangements for Election Day.

### **Polling Day Issues**

1. The ECP should also provide trainings for political parties, contesting candidates and polling agents.
2. Voter education should be enhanced so that voters behave in disciplined manner at the polling stations while casting their votes. This will also increase voter turnout.
3. Each PrO should be given a separate vehicle for submission of polling result and carrying election materials.
4. The services for polling personnel who perform well on polling day should be appreciated. The polling officials should be awarded certificates upon successful completion of election duties, and their names should be published in the newspaper to acknowledge their good work/efforts. This should also be recorded in their dossiers to offer an incentive perform their assigned duties with devotion and dedication.

### **Statement of Count and Ballot Paper Account**

1. The candidate names should be pre-printed on Form XIV.
2. Comprehensive hands-on training should be provided to the PrOs for filling out Forms XIV and XV.
3. The polling personnel should be drawn from different government departments and total reliance on the education department should be avoided.
4. APOs should accompany the PrOs while handing over results and election material to the RO so that they can rectify/reconcile it jointly if there is any discrepancy.

### **Counting at Polling station**

1. There should be continuous supply of electricity at the polling stations so that the polling staff may have sufficient light while counting the votes and filling out the result forms.
2. Form XIV should be available in sufficient quantities at the polling stations to meet any contingency.

### **Result Management System (RMS)**

1. The RMS should be upgraded to be more efficient, reliable, user-friendly and secure. This upgraded version should be pilot tested before use in any general election.
2. The data for Form XV should be extracted automatically from the information contained on Forms XIV; this will avoid duplication of work to some extent.
3. There should be secure and fast Internet connection and continuous power supply for fast and secure transmission of data to the ECP Secretariat.
4. Proper training should be arranged for the DEOs and it should commence well in advance of polling day.

### **Postal Ballot Papers**

1. The postal ballot process needs to be reviewed and simplified to facilitate voters.

2. An awareness campaign for utilization of this facility is essential and sufficient time should be given for requisition and submission of postal ballots.
3. There should be a mechanism in place so that results from postal ballots may be included in the preliminary unofficial results.

#### **Assistant Returning Officers**

1. An orientation (training) should also be arranged for AROs to strengthen their electoral administration capacity.
2. In larger constituencies, the number of AROs may be increased and an accountability mechanism on their utilization and performance should be evolved. Moreover, consideration should be given to the appointment of AROs in view of their service grade/appointment.

#### **Others Comments, observations and suggestions by the ROs**

1. Voter education and awareness information regarding democratic electoral processes should be included in the school, college and university syllabus.
2. The contesting candidates should also be engaged to solicit their input for the post-election review and electoral reforms process.

## Chapter 4: Workshops with RECs and DEC

### Background

Following the conclusion of the General Elections 2013 there was a need for the ECP to evaluate the administration of the elections. To this end, the ECP conducted a post-elections review exercise, assisted by IFES and the UNDP. Workshops with RECs and DEC comprised an important part of the review exercise. Five workshops were held across the country, one each in Lahore, Multan, Karachi, Peshawar and Quetta. This chapter of the report provides key findings and recommendations from these workshops.

### Methodology

A two day agenda was developed for the workshops, covering the primary responsibilities and the activities that DEC and REC are involved in (Table 1 below provides the agenda). Participants were divided into groups of 4-6 people and each group was assigned a topic to work on. The groups discussed the successes, challenges and recommendations for improvement within the theme assigned to them and then presented their work to the other participants. Each workshop was led by two facilitators and a note-taker was present to record the proceedings and findings.

**Table 1. Workshop Agenda**

Sr #	Session	Duration
<b>Day 1</b>		
1	Opening remarks, introduction, objectives and norm setting	40 minutes
2	Briefing on topics for group work and group formation	20 minutes
3	Group work Topics: voter registration; polling scheme; training delivery and quality; coordination; legal framework	2 hour and 15 minutes
4	Prayer break	40 minutes
5	Presentations and Q&A	1 hour and 20 minutes (40 minutes each)
6	Prayer break	20 minutes
7	Presentations and Q&A	2 hours (40 minutes each)
8	Summary of discussion	30 minutes
<b>Day 2</b>		
1	Group formation	15 minutes
2	Group work Topics: ECP internal administrative reform; poll day; district	2 hours and 15 minutes

	security committees, electoral campaigns and election expenses; election operations; voter education	
3	Presentation and Q&A	40 minutes
4	Prayer break	40 minutes
5	Presentations and Q&A	2 hours (40 minutes each)
6	Prayer break	20 minutes
7	Presentation and Q&A	40 minutes
8	Summary of discussion and closing	30 minutes

## Key Findings

### Voter Registration

Overall, the voter registration processes and the electoral rolls were much improved compared to 2008. In particular, the pictorial electoral rolls and 8300 SMS service to check voter registration details were widely appreciated. However, several problems were encountered in voter registration, door-to-door verification, finalization of the electoral rolls, the 8300 SMS service and coordination between NADRA and the ECP.

Many citizens still find the voter registration process quite difficult. Forms to add/change details on the electoral roll can only be submitted at the ECP's offices, which are not always easily accessible since there is usually only one office in each district. Furthermore, Form A (Addition) and Form C (Correction) allow the entry of only one voter per form. As a result, those who come to register or change the registration details of several family members at the same time must fill out multiple forms, which takes a considerable amount of time.

The finalization of the electoral rolls was delayed due to a number of reasons. Many officials assigned for registration/verification of details on the electoral roll were transferred to new postings while others, particularly teachers, were unwilling to get involved in the door-to-door verification process as the work was demanding and the honoraria provided was insignificant. It also took time to update the frequent changes in the addresses listed on the computerized national identity cards (CNICs) of voters on the electoral roll.

Moreover, the final electoral rolls (FER) contained several errors and omissions. It included people who had passed away and the census block code was often missing. The pictures of female voters, especially in Balochistan and FATA, were also often missing in the voter list since they had not had their photographs taken for their CNICs.

The 8300 SMS service was widely used but the system was found to be unable to cope with heavy traffic and choked, sending delayed or no responses during important occasions such as National Voter's Day and Election Day. Other issues also prevailed and the response sent to voters through the service was not always appropriate or accurate. If people were not registered to vote, the service told them that they were not registered and that they should contact their DEC to do so. However, in the period between the announcement of the election schedule and Election Day, DEC's could not make any further changes to the FER, but based on the 8300 response, people would still turn up at the DEC's office to ask for their details to be added or changed. The responses registered in the 8300 SMS service database were also not updated when changes were made to the polling schemes, so some voters were provided inaccurate information.

Coordination between NADRA and the ECP remained weak, with NADRA wanting to retain control of all processes related to the electoral rolls instead of letting the Commission take the lead. For example, NADRA has not shared the computerized electoral rolls system (CERS) with the ECP and DECAs have to go to NADRA's offices to get voter registration details entered into the database, instead of having remote access to do so from their own offices. The copy of the electoral roll with voters' pictures is also not provided to DECAs.

### **Polling Scheme**

The decision to set up a polling station every 2 kilometers where possible was welcomed by the public, but a number of problems persisted with identifying and finalizing both the lists of polling stations and polling staff.

ROs were legally responsible to identify and select polling stations. However, they did not conduct this task themselves. District Committees comprising of representatives from ECP offices, civil administration and the Education Department identified, selected and verified the list of polling stations. However, the satisfactory completion of the task was hampered as members of the committee from the civil administration were not very cooperative and adequate time and facilities, such as transport, fuel, etc., were not available for committee members to visit all the polling stations and check them in person. There was also a lack of government buildings with adequate facilities to be selected as polling stations, so in some areas, such as Balochistan, polling stations were much farther apart than the required 2 kilometers. In addition, ROs implemented changes to the polling scheme drawn up by the committee in the last few days before elections, causing confusion among polling staff, voters and other stakeholders.

Challenges were also encountered in the finalization of the lists of polling staff. There was too little time to identify, appoint and inform appropriate individuals as polling staff in a timely manner. The lists of personnel provided by line departments were not up-to-date and included details of persons who had retired, passed away, been transferred, etc. Many others on the lists were unsuitable to perform the role of polling staff. For example, government employees who had moved from lower grades (2-3) to higher grades (7 and above), were assigned as polling officers and assistant polling officers. However, many of them were not even functionally literate (they were drivers, plumbers, etc., who had moved into higher grades because of the number of years of their service). Furthermore, elderly persons were assigned as polling personnel but they were not capable of performing all the required tasks. In particular, elderly PROs found it very difficult to collect and deliver election material from and to the RO's office. Other individuals were assigned as PROs without any prior experience of election duty. On the other hand, many people who were appointed as polling staff and were capable of performing the required duties tried to get their appointments revoked. Moreover, ROs also changed the people assigned in the last few days before Election Day, replacing trained polling staff with untrained personnel, without consulting the ECP.

### **Training and Capacity Building**

The ECP initiated a number of trainings in preparation for the General Elections 2013 including trainings for polling staff, DROs and ROs, Monitoring Teams, Data Entry Operators (DEOs) and DECAs and Recess. Several of these trainings took place for the very first time and were welcomed initiatives, but there were many challenges in their implementation.

For the first time, polling staff trainings included not only PROs but also APOs and POs. PROs and APOs were given a one-day training, while POs were given a half day orientation. Over 600,000 polling staff was trained across the country. The material for these trainings was highly appreciated and polling staff were seen using them at polling stations on Election Day itself. One inaccuracy was noted in the manual and handbooks – they stated that one copy of the photographic electoral roll would be provided at each polling station, while, in fact, two copies of the photographic electoral rolls are provided at each polling station – one for the PO and a backup copy for the PRO.

Trainings of polling staff were carried out by a team of one technical and one professional master trainer (MT). There were a number of complaints about the quality of the professional MTs who

delivered these trainings. MTs, particularly the professional MTs, were found to be poorly trained themselves, and not capable of delivering quality trainings to polling staff. The module on 'Form Filling' was found to be conducted in a particularly poor manner. It is believed that the reason for the poor selection of MTs was that they were interviewed on the telephone instead of in person and that their hiring was outsourced to external agencies and it did not fully involve the ECP's officers in the field.

Moreover, many stakeholders, including polling staff, ROs and the ECP officers, complained that a one-day training was too short to adequately train the PrOs and APOs, as it provided insufficient time to cover all the required topics and conduct practical mock polling exercises. The quality of refreshments at many venues was also found to be poor, and as polling staff was not provided TA/DA, they lacked incentive to attend the training and stay for the entire duration of the workshop. Additionally, as all the staff from each polling station was not trained at the same venue on the same day, they were not provided an opportunity to meet, making it difficult for them to coordinate their activities.

Given the scale of these trainings, there were also many coordination and logistical problems. Complete, accurate lists of polling staff were not provided in time by line departments, so the trainings could not be planned and conducted in a timely, well-organized manner. Many polling staff did not receive invitation letters to the training, while many others received them late. There was also a lack of coordination between ROs, the ECP, training coordinators and implementing partners. Furthermore, it was found that the number of training coordinators was insufficient (there was one training coordinator per district and another at the level of the division) and that they needed support staff to manage the tasks assigned to them.

Problems also persisted in the training for DROs and ROs. Trainers were found to lack expertise in the field of law and prior experience as ROs and were unable to respond to participants' questions. As the trainees were judges, many of whom had performed the role of RO in the past, they often had greater knowledge of election laws than the trainers did. Furthermore, RECs/DECs and AROs were not involved in or invited to attend the orientation for DROs/ROs. There was a strong communication gap and lack of coordination amongst the ECP's officers and DROs/ROs/AROs, which may have been bridged if they had all been part of the orientation sessions, and if DROs and ROs had been told to cooperate with the ECP's officers during the orientation. Certain logistical issues also prevailed as the quality of refreshments was poor, orientation venues were inadequate and failed to provide conducive learning environments and invitation letters to attend the orientation were sent quite late to participants.

For the first time ever, the ECP also formed Monitoring Teams to check and report on violations of the Code of Conduct for Political Parties and Contesting Candidates. These teams were trained, but they reportedly found the trainings quite ineffectual, as they were a simple two-hour orientation, which did not provide much information.

The General Elections 2013 was also the first time that the ECP developed a Results Management System (RMS). DEOs were trained on how to use the RMS, but the training was conducted at a very late stage, after DEOs had already begun to use the system. Moreover, several technical problems in the software were not fixed before Election Day. The ECP's field officers were also not included in the training for DEOs, which posed a problem because ROs would call them up whenever they had a problem using the system, but the ECP's staff would be unable to help.

In another first, RECs and DECAs, as well as Election Officers, were trained on voter education and outreach. While they appreciated the training, they felt that a one-off training was insufficient as the subject area was new for them, and they recommended that follow up trainings were needed. They also suggested that representatives from other government departments and CSOs be invited to future trainings since DECAs/RECs are expected to work with them on reaching out to voters, but these potential partners have very little knowledge of voter education activities and methods.



## Coordination

Coordination, both within the ECP and between the ECP and its partners, remained quite weak. Within the ECP itself, field officers are expected to accommodate orders from headquarters, irrespective of the workload of other on-going activities. Directives are sent from the Secretariat to the offices of the PECs/RECs/DECs without any consultation with the latter, and there are often very sudden changes in directives from HQ to the field, leaving inadequate time for the preparation and conduct of activities. Effective and timely communication between REC/DEC offices and HQ/PEC offices is also impeded by the lack of adequate equipment at REC/DEC offices, such as laptops, Internet connection, paid mobile phones connections, etc. Furthermore, DEC's often feel uneasy while interacting with their seniors and are reluctant to openly discuss their issues and concerns.

Coordination among ROs, the civil bureaucracy, line departments and the ECP's field officers was also challenging. There was a general perception that as DROs and ROs were from the judiciary, they did not consider the ECP's officers to be of an equivalent rank as themselves and thus were often unresponsive and uncooperative towards them. The response from line departments and civil administration to requests for assistance from the ECP was also often delayed. For example, the lists of polling staff from government departments, lists of sensitive and most sensitive polling stations from the district police officers (DPO), provision of vehicles to transport election material from the civil administration, etc., were often not arranged in time. Furthermore, senior officials from the judiciary and the civil administration often did not get along with each other, so some elections related activities and decisions (such as the finalization of the polling scheme, security plans, etc.) were delayed. There were also complaints that some officers from the line departments, police, civil administration, etc., were politically influenced and did not conduct their election duties in a transparent and neutral manner.

Furthermore, entities such as political parties, election observers and media personnel were often found to violate the codes of conduct issued by the ECP. Election observers and media personnel in particular were not adequately trained on election operations and procedures and they often sent out inaccurate reports before verifying the facts with the ECP.

## Legal Framework

Implementing Articles 62 and 63 of the Constitution, which deal with candidate eligibility and disqualification, is difficult for several reasons. It is recommended that these Articles be revised to include a procedure for ROs to check the eligibility of candidate. A large number of potential candidates submit nomination papers, perhaps encouraged by the very low nomination fee, and many eventually withdraw perhaps having never had a serious intention to campaign. The large number of candidates and the short period for scrutiny means that sufficient proper scrutiny of papers is often not done.

The sixty-day period for conducting elections is too short considering the number of activities that the Election Commission has to do. The practice of contesting multiple seats by a single candidate is also a waste of public funds, as well as a waste of voters' time since this practice requires the conduct of by-elections. The late decision to extend polling time in the final minutes of the general election was ineffective, as this decision could not be conveyed to the polling officials before the close of polling.

The idea of establishing a Scrutiny Committee to scrutinize nomination papers, though a good idea for checking and verifying the worth and real assets of the candidates did not function effectively and the ROs had to ultimately finalize the scrutiny process while still waiting for a response. There is no legal support for the implementation of codes of conduct, so DROs and other responsible authority could not take punitive action against the violators. The idea of introducing a nomination paper booklet is good and informative for the prospective candidates, but still some information (family description, opening of an account at the Bank for depositing approved funds to be incurred during election campaign, visit to foreign countries, and payment to party and payment from party) are missing in the nomination paper.

The relevant departments, due to the ineffective authority of the Election Commission, do not properly implement directives/instructions issued by the Commission. In pursuance of Section 107 of the ROPA, the Election Commission has to get approval of the President as and when amendments are to be made. The ECP must have the power to make amendments in the rules on an as-needed basis without approval of the President. The limit of election expenses is very low, whereas the prospective candidates spend much more money during the election campaign and submit incorrect statements. To avoid submission of incorrect expenditure statements by the candidates, the election expense limit should be increased.

### **Poll Day**

It was noted that the PrOs were not aware of a shortage of material. While receiving the election material PrOs did not check the quantities according to the invoice, so they faced problems on poll day. Most of the polling staff was unaware of the magnetized ink and its purpose. Owing to this fact, normal inkpads were used in lieu of magnetized inkpads. Moreover, the quality of election material like voting screen, ballot paper, scissors, pens etc. was of low quality. The usual practice observed was that electoral block codes with serial numbers were not pasted on each polling booth, which created confusion among the voters when searching for their booths at the polling station. Polling agents were found engaging in brawls and scuffles with their opponents, violating the code of conduct. At some polling stations, male agents entered into female polling stations.

Inadequate drinking and washroom facilities were found at the polling stations. Most of the polling stations were very congested and two to three polling booths were set up in one small room. The efficiency of polling staff was lowered due to high numbers of voters, cramped space, extremely hot weather and load shedding. In some places in Balochistan, clear violations of code of conduct were observed, i.e. demonstration of weapons by political parties and candidates, intimidation to the polling staff and other tribal clashes.

The security plan was not implemented in letter and spirit. Non-responsive behavior by law enforcement agencies was observed. No proper complaint mechanism exists on polling day to address violations of codes of conducts. Trifling objections were raised by polling agents. Undue influence was shown by major political parties. Transport routes were considered as an element for late dispatch of material. Form-XIV filling was confusing and it was not commensurate with the number of candidates. Tamper evident bags TEBs were not always used at the polling stations and most PrOs did not seal the bags. The fact that there was only one counter for receiving results at the ROs' offices contributed to the late announcement of results. In addition, the RMS was not fully functional.

At the time of receiving, dispatching to the polling station and delivering election material from and to the ROs' offices, transport facilities are arranged by the ROs in coordination with the district administration. Only one or two buses were hired for many polling stations, which kept polling staff waiting for many hours. There was the same issue at the end of polling and staff had to wait for the bus, even after the completion of their polling day duty, until the staff at nearby polling stations completed their job. There was not enough space on the buses for both the polling staff and the material, so it was very congested and extremely uncomfortable.

Envelops for packing candidate's ballot papers were less in number and were of small size as compared with the size of the ballot paper. Moreover, there was also a shortage of tamper evident bags.

The "Statement of the Count" (Form XIV), Ballot Paper Account (Form XV) and other forms were in English. It was difficult for most of the PrOs to fully understand the instructions given in English language, thus they did not complete the forms properly. Some polling staff did not cooperate with the PrOs at the time of result preparation, which delayed the process. The transport routes also delayed results being communicated to the ROs. Most PrOs did not properly pack the tamper evident bags and other materials. DEC offices did not have adequate storage facility for the election material.

Retrieval of election material is a complicated process, and ROs do not take responsibility for the retrieval of election material and DROs/ROs do not take responsibility for missing material. Untrained staff was engaged for tabulation. Mistakes in the form XIV negatively influenced the results tabulation. ROs preferred the manual system and RMS to be used as a secondary mechanism. RMS was slow in terms of communication with HQ. RMS was revised and reinstalled twice, which created confusion for the DEOs and ROs.

### **District Election Security Committee and Electoral Campaign**

The idea of appointing District Election Security Committee/ Monitoring Teams was good for monitoring the implementation of the code of conduct and election expenses during the election campaign but their performance was not as good as it could have been since they lacked proper authority, and necessary equipment and resources. The Committees observed violations of the code of conduct and reported them to the ROs and the DROs, and complaints were resolved to some extent. However, there was no proper complaint resolution mechanism. DPOs in most of the districts provided security plan, but it was not implemented. Only one security official was provided to the Monitoring Teams. Members of the Committees were notified by names, but if they were transferred, no replacement was provided. There was no proper reporting mechanism for monitoring teams, and some Committees were reporting to DROs while others were reporting to ROs. There were no clear legal provisions available to take action against violators. The Committees have coordination problems. Committees were found ineffective in FATA. No proper security was provided to the Monitoring Teams and who were at risk while performing their duties.

### **Election Operations**

Various issues election operations issues were identified, such as late allocation of funds to DROs/ROs. Funds for POL, stationary, contingency and postage were insufficient. The allocation of funds for DROs was made against the DDO code of the DEC, which is the financial liability upon the DEC, while funds were utilized by the DROs. Some funds lapsed in June due to late allocation and non-punching by the concerned AGPR sub-offices. RECs/DECs do not have financial powers to either procure and/or repair equipment such as printers, scanners, generators, photocopiers and fax machines.

Ballot papers for the whole district were not provided at the same time in some districts, and for this reason, ROs faced problems with bulk breaking. The idea of establishing a scrutiny cell at ECP secretariat was good, but due to tight schedule, the objectives were not achieved. There were some cases where during the process of scrutiny an inaccurate defaulter list was released. The quality of election material was very poor, polling bags were insufficient and in some cases were too small in some constituencies where the ballot papers were larger due to the number of contesting candidates. Inadequate transportation facility was provided to the DROs, particularly in hilly areas, because of insufficient funds.

### **Voter Education**

In order to educate voters about their registration and polling stations, the ECP took various steps, which were appreciated by all stakeholders. One such step was the 8300 SMS service, which was considered by the participants as an unprecedented initiative. However, it was noted that complaints of an overburdened system were received from various districts. Change in polling stations at the nick of time could not be uploaded in the SMS service 8300.

The first ever National Voters Day was celebrated on 17 October 2012. Seminars, walks etc. held at district level helped enhance voter turnout. The CSOs also conducted various events that certainly helped enhance the participation of public in the electoral process. However, some CSOs did not coordinated with ECP field offices to conduct voter education activities. An increase in the number of female candidates and female voters are also attributed to the efforts of the ECP and other stakeholders. On the last day before the electoral roll was closed, a record number of voters were registered due to due to the media campaign. It was also noted that the role of media was positive at the national level. However, at the district and the local level, it was not as active. Voter education materials were not delivered to the designated places not on time. District Voter Education

Committees were not fully functional and were dependent on donors for resources. For instance, members of the committee were not paid for their work due to lack of funds.

### **ECP Internal Administrative Reforms**

In order to improve its efficiency, the ECP must consider a number of reforms pertaining to its organizational structure and the rules through which staff are inducted and promoted.

The organizational structure itself needs to be revised. Certain important wings are either missing or not functional. For example, there is no functional Research or Voter Education wing. At the regional and district levels, there are no IT sections and data processing cells to update and maintain records of different data (like voter registration, polling schemes, etc.). Other departments are very understaffed. This is especially true at the PEC level, where officers often have to fill in for multiple positions across different units. These deficiencies increase the ECP's dependency on other government departments, which often refuse to cooperate, to conduct the elections.

In addition, the ECP usually has only one office at the district level and no offices at the tehsil level, which restricts the access of the public. These field offices also tend to be set up on inappropriate rented properties that have to be vacated after every three to four years, leading to a waste of resources.

The service structure for the ECP's officers also needs to be clearly outlined. For example, the roles of Election Officers (EOs) have to be clearly defined. Now, DEC's are directly held accountable for most field activities and EOs are simply meant to assist them, with no individual responsibilities. Furthermore, there are no standard procedures in place for induction and promotions. Promotions are often made based on seniority, without consideration of a person's abilities, while senior vacancies are often filled by inducting people from other government departments outside the ECP. This practice lowers staff morale and acts as a disincentive to work hard.

There is also insufficient investment in the career development of staff. Election academies do not exist at the provincial level and officers are rarely nominated for NIPA/MCMC courses that are mandatory to be promoted to the level of Grade 19 and above. Other essential trainings, such as courses on time management, conflict management, communication techniques, exposure visits to Election Management Bodies of foreign countries, etc. are also very rare. Trainings on basic IT skills are particularly important, as staff IT skills are often quite weak, especially at the divisional level.

## **Recommendations**

### **Voter Registration**

1. Form A (Addition) and Form C (Correction) need to be modified to allow multiple voter entries from the same family. Voters should also be able to add/change their details on the voter list online through the Internet.
2. There should be a ban on the transfer of officials involved in the voter registration/verification process during the period of verification and the honoraria given to officials involved in the voter registration and door-to-door verification process needs to be increased.
3. The law pertaining to the annual verification of electoral rolls should be implemented strictly (as opposed to the electoral rolls being verified only before an election) and the FER should be finalized and printed at least one month before Election Day.
4. It should be mandatory for all citizens to provide their photograph for the CNIC, regardless of gender, so that the pictures can be included on the voter list. Citizens also need to be educated on the need to report deaths in the family to NADRA so that details of voters who have passed away can be removed from the voter list.
5. A copy of the electoral rolls with the pictures of voters should be provided to DEC's.
6. Service providers need to ensure that the 8300 SMS facility sends timely responses during periods when heavy traffic is expected, such as the week before Election Day, National Voters Day, etc. The database for the 8300 SMS facility also needs to be linked to the CERS so that

any changes in the electoral rolls are immediately updated in the 8300 database. Moreover, the response sent out under the facility should be in accordance with the electoral cycle/period. For example, in the period between the announcement of the election schedule and Election Day, the response should clearly state that voter registration details cannot be updated until after Election Day.

7. It should be clear that ECP is the lead authority on all election related matters. NADRA and other partners assisting in election related tasks should be instructed to strictly follow directions issued by the ECP and the ECP's provincial/regional/district offices should be provided a link to the electoral roll database so that they can directly make any required additions/changes, without having to go to NADRA's offices. NADRA should also hand over the CERS to the ECP to enable the ECP's district officers to continuously update the electoral roll.

### **Polling Scheme**

1. The identification and selection of polling stations needs to be a continuous process that is led by DEC's. DEC's should be held legally accountable for this task, and should be required to verify the list of polling stations at least twice a year so that the polling scheme is finalized well in advance of the elections.
2. Where there are no adequate government buildings available to set up as polling stations, budgets should be allocated to establish mobile and improvised polling stations, or to rent private buildings.
3. The lists of polling personnel should be verified by their respective head of departments to ensure that they are accurate before they are submitted to the DEC's/ROs. Moreover, polling staff should be selected keeping in view more than their grade alone; other factors such as literacy, age, etc., should also be considered. Additionally, only those who have prior experience working elections should be assigned to the role of PrO.
4. ROs should not be allowed to change the list of polling stations and list of polling personnel (unless there is a genuine emergency) after the allotted deadline (i.e., 15 days before Election Day). Moreover, if polling staff have to be replaced, the replacement, at least at the PrO level, should have also attended the training for PrOs/APOs.
5. The time allotted between the announcement of the election schedule and Election Day should be increased from 60 days to 90 days so that all activities (for example, finalizing the polling scheme, training of polling staff, etc.) can take place in an orderly, organized manner.

### **Training and Capacity Building**

1. The duration of the training of PrOs and APOs should be extended from one to two days, as a one day is insufficient to cover all the required topics and conduct practical mock polling exercises. Furthermore, special attention needs to be paid to 'form filling' (especially Form XIV and Form XV) during the training.
2. Polling staff assigned to the same polling station should be trained at the same venue on the same day so that they can exchange contact details and divide responsibilities.
3. MTs for polling staff trainings should be selected after an in-person interview. Furthermore, DEC's and REC's should be consulted while selecting MTs. A pool of trainers should be given comprehensive trainings and refresher courses through the Federal Election Academy (FEA) so that they can deliver quality trainings to polling staff in elections.
4. A pool of PrOs should be given comprehensive trainings and refresher courses year-round, and during elections strict instruction should be given to ROs that they must select the PrOs from the trained pool of PrOs. This measure will help to reduce the problems encountered in trying to select, appoint and train polling staff in the last few weeks before Election Day. If polling staff lists continue to be finalized at least one month before Election Day, then trainings of polling staff should be restricted to PrOs alone. This way, trainings can be of a longer duration and better-qualified MTs can be engaged for all trainings.
5. Coordination amongst ROs, ECP's officers and the training-implementing partners needs to be strengthened. Official instructions from the Election Commission should be given to the ROs for developing good coordination with the ECP and its partners at the field level.

6. Trainers for DRO/RO orientations should be selected very carefully. Technical trainers should come from the ECP or they should be senior retired judges who have served as ROs themselves in the past. Furthermore, during the orientation, it should be made clear to DROs/ROs that it is their responsibility to coordinate activities and cooperate with the ECP's officers.
7. Trainings for DEOs should be held well in time, as soon as the election schedule is announced and the RMS software should be revised further to remove technical flaws.
8. Voter education trainings need to be a regular, on-going activity so that the ECP's officers become more familiar with the subject and outreach methods, and so that they continue civic education activities throughout the electoral cycle and not just before the elections. Furthermore, future voter education trainings should also include representatives from other government departments and CSOs.
9. The ECP should ensure that relevant participants receive invitations to their trainings at least three days before the workshop. Moreover, where possible, travel and daily allowances should be provided to participants so that they have an incentive to attend trainings.
10. If feasible, DEC and REC should be involved in all future trainings, whether those trainings are for DEOs, polling staff or ROs. As the ECP's representatives on the field, they are the ones approached when there are any problems and thus they need to be involved in all trainings.

### **Coordination**

1. Directives should be sent from the Secretariat to field offices after consultation with relevant PECs/RECs/DECs, and HQ should take account of the workload of existing on-going activities at the field level. Communication from the Secretariat to PECs/RECs/DECs should also take place in a timely manner keeping in view the duration required to prepare and conduct activities.
2. To enable better communication, REC/DEC offices should be provided adequate equipment such as laptops, Internet connection, paid mobile phones connections, etc. Moreover, DECs should be encouraged by senior officers to communicate with them openly and senior officers should acknowledge and appreciate the work done by those in the field to motivate them to work harder in the future as well.
3. DROs/ROs should not be drawn from the judiciary and should be drawn from the ECP's own officers (as is the practice for bye-elections). If judges are appointed as DROs/ROs, they should be held accountable for non-cooperative behavior toward ECP's officers.
4. The ECP must play a strong role in promoting effective working relationships between the judiciary and local administration by clearly defining the roles and responsibilities of each partner.
5. There should be legally binding penalties for violations of the codes of conduct by political parties, election observers and the media. Furthermore, observers and the media need to receive proper training on election related processes and the codes of conduct and should verify facts from the ECP before sending out reports.

### **Legal Framework**

1. Clauses of Articles 62 and 63 of the Constitution that do not have a triggering effect should be eliminated or replaced with the clauses of clear objectives.
2. The time for the conduct of General Elections upon completion of terms of assemblies and for bye-election should be extended from 60 to 90 days, and increased to 120 days upon dissolution of Assemblies.
3. There should be proper standard procedures for scrutiny of nomination papers.
4. The period of scrutiny of nomination papers should be at least 15 days.
5. There should be a ban on candidates contesting elections on multiple seats. If it is not feasible, then the cost of bye-election of seat should be recovered from the returned candidate who vacates a seat or seats.
6. The nomination fee should be enhanced from Rs.4000 to Rs.50, 000 for the National Assembly and Rs.2000 to 30,000 for provincial assemblies to discourage candidates who are not serious about contesting.

7. The responsibility for preparing polling scheme should be entrusted to the DEC's by amending the relevant section of ROPA.
8. Issuance of codes of conduct and their implementation should be legalized with punishment or fine or both.
9. Section 107 of ROPA should be amended giving authority of amendments in the rules to the Election Commission.
10. The Scrutiny Committee must have legal cover for efficient performance.
11. The limit on election expenses should be enhanced.

### **Poll Day**

1. Sufficient vehicles should be deputed for the polling staff and transportation of polling materials on polling day.
2. An Urdu translation should be available for various forms: "Statement of the Count" (Form XIV), Ballot Paper Account (Form XV), etc.
3. There should be separate training days to impart training on filling of different forms (especially Form XIV and XV) and on use of different envelopes.
4. The ECP should plan and execute trainings of DEOs on the functions of RMS well ahead of elections.
5. New software version of RMS should be made to address the flaws in the current version.
6. Training of polling agents should be imparted and arranged by their respective political parties/candidates.
7. The electoral block codes with respective serial numbers should be pasted in a conspicuous place at the polling booths and at the entrance of the polling stations.
8. Phase wise elections should be introduced in the country on the pattern already applied in India. In Local Government Elections 2000-2001, the ECP managed such phase-wise activity.
9. The numbers of polling agents should be rationalized.
10. The Army should be deployed at sensitive polling stations. Hot cells should be constituted in the offices of DRO/DCO/DPO/DECs for quick response.
11. In tribal areas, the Army should be deployed at each polling station.
12. CCTV cameras should be installed in each booth.
13. Sufficient material should be supplied in one installment only according to requirements.
14. Forms should be simplified. Form-XIV should be revised and names of candidates should be pre-printed alphabetically on these forms. This form should be supplied in accordance with the number of candidates.
15. PrOs should be asked to disburse honoraria after finalization of results.
16. Tamper evident bags should be used by ROs and PrOs without fail.
17. One counter per 25 polling stations should be established in the office of RO for result receiving.
18. The manual results system should be used to announce preliminary result and RMS should be used for the consolidation of results.

### **District Election Security Committee, Electoral Campaign and Election Expenses**

1. The District Election Security Committee should continue its operation in future elections with clear roles and responsibilities.
2. Notification of Monitoring Teams members should be issued by designation instead of names so that if any member is transferred his/her successor can work.
3. Functions of the Committees must have legal cover.
4. Security agencies should be given representation in the Committee.
5. Monitoring Teams should be well equipped with necessary equipment for monitoring.
6. Monitoring Teams should be under the command of the ROs so that they could take necessary action in time.
7. District administration should be bound to provide transport and proper security to the Monitoring Teams.

### **Election Operations**

1. DROs should have their own spending code and the funds should be allocated against the DDO code of DROs so that audit objections are avoided.
2. ROs should be given a fixed amount to spend on transportation instead of official car, e.g. Rs.30,000/- per RO.
3. Funds should be allocated on time and it should be ensured by the PEC offices that the same are punched by concerned AGPR sub-offices.
4. The financial powers of RECs/DECs for repair of machines should be enhanced. More funds should be allocated to the stations where Election Tribunals are established as the photocopies made on a larger scale.
5. The ballot papers of the whole district should be provided in one installment only. The quality of bags and envelopes should be improved. The size of the bags is also required to be increased. Double cabins or Shehzore vehicles should be provided to the field offices. DR along with motorcycle should be provided to each DEC office.
6. The ECP should have its own field offices and go downs instead of rented buildings.

### **Voter Education**

1. It was recommended that to further improve the 8300 service, its capacity should be enhanced.
2. The National Voters Day should be celebrated each year with same zeal. Seminars, rallies and walks should also be arranged in the future.
3. The role and interest of CSOs can enhance the participation of the public in the electoral process.
4. Sufficient time should be given to the District Voter Education Committees for a positive result.
5. The ECP should formulate media friendly policies to seek assistance from the media to help disseminate the electoral awareness to the masses.
6. Voter education material should be delivered in a planned and timely manner.

### **ECP Internal Administrative Reforms**

1. The ECP should hire more staff at the level of HQ/PEC and in the field offices keeping in view the day-by-day increasing need for voter registration and other associated tasks. Moreover, RECs should have their staff officers (EOs) and likewise EOs should have clerical staff to perform duties in a well-organized manner.
2. ECP capacity should be built to work independently for the conduct of elections by taking responsibility and ownership for their actions.
3. The ECP should procure or construct its own PEC/REC/DEC official buildings, as the ECP is a permanent government organization.
4. EOs should have a clear scope of work under the supervision of DECs.
5. To facilitate the public regarding voter registration and other allied matters, the ECP should consider establishing its offices at tehsil levels as well.
6. Promotion should be on the basis of competitiveness/ability/aptitude to perform the said duties instead of seniority of the officers and staff. In-service training should be the basis of promotion. It should be regular practice to send officers and staff for training in the training institutes.
7. There should be written examinations for clerical in-service staff for promotion to higher posts instead of seniority only. There should be a panel of officers for each post and the best of the best formula should be adopted.
8. The extension of retiring ECP officers should not be considered as it hampers the upgrade empty space for the succeeding ECP staff.
9. IT sections should be established at the REC/DEC levels for processing and analyzing the data.
10. FEA may be reactivated especially at the PEC level and research analytical work should be started. Retired and experienced ECP officials may be utilized in these academies.
11. A political finance wing and voter education wing should be established at the ECP Secretariat.



12. Induction of officials at the ECP from other departments should not discourage.
13. There should be a FPSC exam along with set criteria for qualification and successful completion of pre-service training. Senior assistants and stenographers may be inducted through proper exams.
14. Promotion exams for all ECP staff must also be introduced.



## Chapter 5: Workshops with Presiding Officers

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### Background

Following the General Elections 2013, the ECP decided to conduct a post-election review to identify successes, challenges and solutions. IFES and the UNDP assisted the ECP in the conduct of this review. Different tools used, one of which was workshops with PrOs. 8 workshops were conducted all over the country in parallel from 24 to 29 July 2013. PrOs are the backbone of electoral process that supervise the polling activities at polling station level and are responsible for ensuring smooth polling process, the safety of material, preparation of results and submission of results to the ROs. This segment of the report covers the key findings and recommendations from the workshops with PrOs.

### Methodology

Each workshop was led by two facilitators and a note-taker was present to record the proceedings and findings. The teams had equal representation from ECP, IFES and UNDP. An agenda for the workshops, mapping all the topics to be discussed, was prepared and followed.

PrOs workshops were conducted in the following cities:

1. Peshawar, Khyber Pakhtunkhwa (KPK) on 24 July 2013
2. Abbottabad, KPK on 25 July 2013
3. Islamabad on 29 July 2013
4. Lahore, Punjab on 28 July 2013
5. Multan, Punjab on 28 July 2013
6. Karachi, Sindh on 28 July 2013
7. Hyderabad, Sindh on 29 July 2013
8. Quetta, Balochistan on 28 July 2013

Every workshop was attended by 20-30 male/female PrOs.

### Key Findings

#### Appointment and training of polling staff

Generally, appointment letters were received by the staff properly well in time, but a reasonable number of incidents were reported where officials were issued more than one appointment letter from the RO office. Due to such haphazard deployment, appointed official were left at their own discretion to perform duty at the polling station of their choice. As a result, PrOs faced a shortage of staff and un-skilled and un-trained staff was deployed in emergency. In some cases, it was observed that female polling staff was appointed in far-flung areas, making it difficult for them to reach the duty station. Almost all PrOs reported that being Government servants it is their obligation to perform in elections, but a good number of them desired for to not be involved in the election process in view of heavy responsibility, hardships and the life threatening nature of duties against a meager amount of financial benefit. Their unwillingness to participate caused some polling staff to try to cancel their election duties, which caused the deployment of inappropriate, un-skilled and un-trained staff. The majority of the polling staff did not vote due to election duty and lack of knowledge about postal ballot and the postal ballot schedule. The majority reported when they got their appointment the requisition date was already closed.

Invitations to attend trainings were conveyed to the majority of the staff one way or the other, however in some places the invitations were not sent in written form; only text messages using mobile phones were sent instead of postal mail to invite the PrO and polling staff. In some areas, participants were called indiscriminately and those who participated in training were not appointed while those who did not participate were appointed. In some areas, PrOs were told to come along with their entire school staff, which was not required.

Training of polling staff was generally satisfactory as trainings were designed keeping in views the practical and participatory approach and mock polling exercises which were quite helpful in accelerating visual learning through practical demos. However, some PrOs reported that the trainers were young and unskilled, and were not capable enough to deliver the content effectively. The stress of MTs remained on theoretical knowledge rather than practical. The methodology was good, but most of MTs lacked technical knowledge. The timing of the training was not properly observed by the participants, everyone arrived at his/her own convenience.

Content and training materials were highly appreciated due to their comprehensiveness and practicality. Pictorial depiction and practical mock poll exercises greatly facilitated the learning process. However, training material for the mock poll exercises was found to be insufficient and the training lacked instructions on handling old age and persons with disabilities (PWDs). Use of magisterial powers was also not given full coverage, so the majority of PrOs were reluctant to exercise these powers. Group discussions and experience sharing sessions were missing in the training design.

Regarding effectiveness of trainings, it was observed that they remained effective in general, but MTs needs to be more thorough on technical knowledge and delivery methodology.

Partner organizations were successful in arranging venues for training but polling staff reported that they were inappropriate because they were congested lacked basic facilities like hygienic washrooms, safe drinking water, electricity, a peaceful environment, furniture and in some cases, they were difficult to access. Unhygienic and poor quality foodstuff was provided in mix gatherings at some venues, which results in health problems of participants and inconvenience to female staff.

### **Election Material**

Collection of material remained a big problem for the PrOs in view of mismanagement, humiliation, lack of necessary arrangements, non-availability of helpers, shared transport, poor security arrangements and long waiting times. One PrO termed it as “a day of judgment.” PrOs had to meet their staff at the material collection venue, which was not possible in all cases due to time constraints. The retrieval phase was even more miserable as the PrOs had to carry all the material on their own, in absence of any helper/support staff, across the long security perimeter at the ROs offices. Entry of vehicles across the security perimeter was not allowed, and shared vehicles resulted in long waiting times at polling stations. PrOs had to wait in long, mixed queues comprising of both males and females, and felt that they were humiliated by ROs’ staff of. Senior female PrOs suffered in particular. A PrO at Peshawar reported that in order to submit the result, a police constable standing at the gate had to sign the hand of the PrOs and, upon entry, the PrOs have to show his/her signed hand to the RO, only after which would he accepted the result.

Efforts were made to provide good quality polling material, but in general, PrOs complained about the quality of election material. Ballots were printed on low quality paper, printing was faded, serial numbers were missing and papers were oversized, which caused a shortage of ballot boxes. In some polling stations, material and stationery was in short supply. Indelible ink ports created a lot of problems; in some cases, these were dry, while in other cases the bottles were not sealed tightly so ink was leaked and spread on the stationary.

Coordination between PrOs and ROs was poor and unidirectional. ROs were practically inaccessible and did not try to resolve the problems PrOs were having. The PrOs were generally not comfortable coordinating with ROs due to certain barriers, most significantly the conduct of ROs towards PrOs.

### **Polling Day Management**

Polling day activities were improved to some extent as compared to previous elections, but problems were still reported by PrOs, including the small size of polling booths that have only a single entry and exit, non-availability of basic facilities like drinking water, washrooms, electricity and furniture. Large numbers of voters were assigned to polling stations, which caused difficulty in their management. Female voters lacked knowledge about voting procedure and were asking people in the booth for guidance, which resulted in debates, wasting of time and rejection of their votes. PWDs and elderly

voters were not given proper facilitation by the polling/security staff and the other voters helped them out on their own.

The photographic electoral roll was greatly appreciated; however, in some cases, voters' serial numbers were not listed sequentially and people with unsound mind were listed on the roles. The roles were reported to have very little space for thumb impressions.

Although the General Elections 2013 remained peaceful as a whole, considering the present law and order situation in the country, and turnout was higher as compared to previous elections, still security remained an issue in the majority of the areas, which restricted voters to their homes on Election Day. In some cases, security staff was not familiar with the area and polling station that they had to cover, there were no female security personnel at some female polling stations and at some stations female security staff left earlier, leaving the polling staff behind.

Incidents of polling day violence seemed to be reduced as compared to past, still some incidents of violence were observed. However, not a single PrO was reported to have used his/her magisterial powers. This is partially due to the fact that majority of them do not know the procedure of exercising this power and they fear a lengthy follow-up procedure and threats from influential candidates.

### **Counting and Result Preparation**

The segregation and counting process was completed on time and was satisfactory, but PrOs complained about several issues, including the shortage of polling staff, load shading, the large number of contesting candidates and their polling agents, undue influence of polling agents, identical election symbols, faded stamp marks, inappropriate stamping of ballot papers, limited space on form XIV and complicated English language forms with technical terminologies. Some PrOs complained about the role of media and yellow journalism. In many polling stations, ROs did not communicate instructions on the extension in polling time, which resulted in mismanagement during the counting and segregation process.

Confusion about completing the forms and mistakes in filling were reported in a good number of polling stations. PrOs also reported insufficient numbers of forms and envelopes, particularly in those constituencies where the numbers of contesting candidates were high. The sizes of envelopes were inappropriate, particularly the ECP I, II and III. It was difficult for most PrOs to understand the language and instructions of the ECP forms and envelopes since they were in English. The quality of the forms was also substandard.

Packing and delivery of election material was a demanding task for all the PrOs, especially due to the joint election of NA and PA seats, late night results preparation, load shedding, shortage of polling staff and security personnel, the bulk of election material, poor quality packing bags, unplanned and separate receiving points for NA and PA material and non-availability of separate vehicles. The female PrOs were in the most difficult situation. This mismanagement resulted in hassle, humiliation, improper packing and retrieval, long queues and inconveniences.

## **Recommendations**

### **Appointment and Training of Polling Staff**

1. The concerned department may provide ROs with updated lists of staff to be deployed on Election Day.
2. ROs may thoroughly monitor the appointment of staff to avoid duplication and any appointment of inappropriate staff.
3. Appointment orders may be dispatched to the work place at least 15 days before the polls.
4. Any correspondence related to polling staff may be directed to PrOs instead of the Assistant Education Officer, although he may be kept in copy.
5. Last-minute cancellations of appointment orders and changes in duty of staff should be controlled effectively.

6. A provincial database of trained polling staff may be created and regularly updated from which polling staff may be deployed.
7. PrOs may be given authority to appoint replacement staff by their own.
8. Female staff may be appointed close to their residential addresses.
9. Honorarium of polling staff may be increased to a reasonable level and may be awarded upon successful completion of their assignment proven by a certificate issued by the RO.
10. To encourage polling staff appreciation, letters/advance increments may be awarded to outstanding performers on a merit basis. These types of awards may also be recorded in the service dossier of polling staff.
11. A section regarding participation in election duties may be incorporated in the promotion criteria for polling staff/Government servants.
12. Polling staff may be allowed to cast their vote at their duty station and the postal ballot schedule may be notified well in advance in consultation with the staff appointment schedule.
13. Partner organizations may coordinate the training schedule with ROs and ROs may ensure attendance of polling staff at the training venue through his office.
14. Merit criteria may be framed and strictly followed for identification and selection of Lead Trainers/MTs.
15. Training may be conducted by a pair of trainers out of which, one may be an experienced professional trainer while the other may be a technical individual having rich technical knowledge and sufficient electoral experience.
16. A central panel of retired election experts may be constituted during the training period to help MTs on technical questions that are beyond their knowledge via telephone.
17. In addition to scheduled events, mobile training units may be deployed during the training period and special sessions may be arranged for those appointed at a later stage.
18. Work that is more practical may be included in the design of the training.
19. A detailed chapter covering all the technical aspects of exercising magisterial powers and special facilitation of elders and PWDs may be included in the training manuals.
20. Material packing may be given due consideration in the training/manuals to ensure proper packing of material for retrieval.
21. Group discussions and experience sharing sessions may be incorporated in the training design.
22. Training may be conducted strictly according to agenda, and independent monitoring teams may be deployed to report on proceedings.
23. The ECP website may be utilized for displaying training schedules.
24. Knowledge about polling day responsibilities may be included in C.T and B.Ed curriculums.
25. A sufficient number of temper evident bags may be provided in the polling staff training to ensure proper orientation on its use and importance.
26. Training may be conducted on working days instead of holidays and its duration may be extended to 2 days.
27. Training venues may be selected according to socio cultural environment keeping in view adequate access to and provision of basic facilities. Timely supply of hygienic and quality food may be ensured and may be provided separately to males and females.
28. Training may be an on-going activity and may be arranged periodically for the newly inducted Government servants.

### **Election Material**

1. Material distribution and retrieval may be carried out in a systematic way by establishing separate and multiple counters for male and females.
2. Proper arrangements like provision of safe drinking water, sheds, security, separate vehicles and helpers may be provided to PrOs/staff.
3. To facilitate the PrOs, bulky material may be handed over to the concerned SHO for delivery to and retrieval from polling stations, and sensitive material like ballot papers, stamps etc. may be handed over to PrOs. Alternatively, the dispatch mechanism for examination material may be considered for the delivery of election material.
4. The ECP may establish a quality control cell to examine all the election material.

5. Printed ballot papers need to be thoroughly checked before dispatch, along with quality of other accessories.
6. The indelible inkpots may be replaced with indelible ink markers.
7. Calculators and emergency lights may also be included in the material package.
8. To ensure sufficient quantity, every package needs to be double checked and a mobile unit with all the required accessories and stationary should to be provided in every constituency, so that the missing/short items can be delivered quickly.
9. There may be clear communication channels between the RO and PrOs to ensure smooth polling activities. ROs may be requested to deal the PrOs politely as they are senior officers.
10. During the elections, a proper coordination cell may be established in the ROs' offices where staff with good reputations may be deployed.
11. In the orientation of ROs, a section may be included highlighting the importance of their conduct in view of their role as a public office holders, instead of a judiciary officer/judge.
12. Female ROs/AROs may be appointed for female polling stations.
13. For material packing, plastic seals may be replaced with traditional red seals.
14. The quality of packing material may be improved.
15. The packing bag must carry the printed list of items to put into that particular bag in order to avoid confusion.
16. A Proper mechanism for retrieval of election material may be devised by establishing separate and multiple counters for males and females, along with clear signboards indicating constituencies and volunteer guides in judicial complexes where multiple ROs are sitting.
17. Female and elderly PrOs may be given priority in submission of results/ materials to ROs.
18. A separate and small vehicle may be provided to carry material to the PrO.
19. ROs may issue a proper acknowledgement after receipt of material from PrOs.

### **Polling Day Management**

1. Facilities to be designated as polling stations may thoroughly be examined for the availability of basic amenities before the polling scheme is finalized.
2. A joint team comprising the RO/ARO, an ECP official and a member from the monitoring team may be constituted to physically verify the facilities.
3. Special arrangements and instructions may be kept in place for the PWDs and elderly voters.
4. Voter education needs to be intensified in general and for females of rural areas in particular.
5. Separate polling stations may be established for male and female voters.
6. To reduce the rush in the polling booths, the number of polling agents may be reduced to one instead of two.
7. 250-300 voters may be assigned to a polling booth keeping in view the turnaround time.
8. EVMs may be introduced on an experimental basis.
9. CSO and youth organizations may be involved to facilitate voters in casting their vote.
10. Electoral rolls may thoroughly be checked before they are handed over to polling staff.
11. As per practice, multiple electoral blocks are assigned to one polling station and each electoral block has its own serial number. The serial number of all assigned voters at a polling station may be in continuous order.
12. Space for the thumb impression may be increased on the voter lists and PWDs may be indicated on the rolls.
13. A female polling station may have at least one female security official. She may be bound to accompany the PrOs to the RO's office.
14. On polling day, security officials may be properly monitored by their seniors. The cell numbers of senior security person in charge/focal person may be provided to the PrOs.
15. Security personnel may be given proper training related to electoral security. Police may be supplemented by army/rangers/levies.
16. Strict rules may be observed for the entry of males into female polling stations.
17. The number of security personnel may be increased and they shall actively participate in the affairs of the polling station.
18. Those who exercised magisterial powers may be properly protected from any type of threat/violence exerted in any form by anybody.

19. Penalties on the violation of the code of conduct by polling agents and candidates may be ensued to avoid any undue influence of agents or candidates and to maintain the law order situation at polling stations.
20. The criteria for selection of polling agents by the candidates may be developed and they may be given a brief orientation by the PrOs just before the opening of polls.
21. The voting stamp pad may be in bright and prominent ink colors, like red, green etc.
22. Communication and coordination between ROs and PrOs may be improved.

### **Counting and Result Preparation**

1. The criteria for contesting candidates may be further tightened, and the fee may be non - refundable and increased to a reasonable level to eliminate unserious candidates from the contest.
2. Sufficient numbers of trained polling staff and security personnel may be appointed in each polling station.
3. The number of ECP forms and envelopes may be reduced and translated into Urdu to make it more comprehensive and user-friendly. Furthermore, the envelop numbers may be written in natural numbers instead of Roman numerals.
4. The size of envelopes may be enlarged according to the contents.
5. Names of contesting candidates and their allotted symbols may be pre-printed on Form XIV so that the alphabetical placement issue could be solved and all forms have a standard format.
6. Either the forms may be carbonized or sufficient copies of forms or carbon paper may be provided keeping in view the number of candidates.
7. Continuous supply of power may be ensured.



## Chapter 6: Focus Group Discussions (FGDs)

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### Background

Following the General Elections 2013, the ECP decided to conduct a post-election review to identify successes, challenges and solutions. IFES and the UNDP assisted the ECP in the conduct of this review. Different tools were used, one of which was FGDs conducted with different stakeholders, including polling/security staff, male/female voters and youth. The groups' compositions included male/female polling staff, security personnel, and people from minority communities, PWDs, the elderly, media people and students. Prior to the start of the review, a two-day pre-review workshop was conducted in Islamabad during which representatives from the ECP, IFES and UNDP discussed each tool, the methodology, plan and schedule.

This chapter of the report covers the key findings and recommendations from the 32 one-day FGDs conducted in eight districts around the country.

### Methodology

FGDs started on 31 July 2013 and continued until 13 September 2013. Two person teams with a facilitator and note taker conducted the FGDs. The discussions were recorded and the note takers drafted the final report for every event. Four different questionnaires were developed for each group, mapping all necessary questions to be discussed during the sessions.

FGDs were conducted in the following districts:

1. Kohat, KPK
2. Mansehra, KPK
3. Lahore, Punjab
4. Bahawalpur, Punjab
5. Karachi, Sindh
6. Thatta, Sindh
7. Quetta, Balochistan
8. Pashin, Balochistan

Participants were identified and invited by the concerned DECs. To ensure feedback from different categories of stakeholders, group composition was given due consideration so that a balanced output could be obtained from every group. The group composition for the four categories of FGDs was as follows:

1. Polling staff (12 participants):
  - Staff from 1 combined polling station, which included 1 PrO (male), 1 APO (male), 1 APO (female), 1 security person (male/female)
  - Staff from 1 male polling station, which included 1 PrO, 1 APO, 1 PO, and 1 security person
  - Staff from 1 female polling station, which included 1 PrO, 1 APO, 1 PO, 1 security person
2. Male voters (12 participants):
  - At least 4 participants from the following age groups: 26-40 years, 41-60 years and 61+ years
  - At least 2 participants from minority populations
  - At least 2 PWD participants
3. Female voters (12 female participants)

- At least 4 participants from the following age groups: 26-40 years, 41-60 years and 61+ years
  - At least 3 working professional women
  - At least 2 participants from minority communities
  - Preferably 2 PWD participants
4. Youth voters (12 participants, 18-25 years of age)
- 6 students (3 male and 3 female)
  - 6 non-students (3 male and 3 female)

## Key Findings

The majority of the participants reported that the arrangements were improved as compared to previous elections. The introduction of 8300 SMS service facilitated voters in knowing their registration details, proper training and development of user manuals results in improved skills on the part of the polling staff, photographic rolls helped with quick recognition of voters and reduced impersonation cases, voting screens improved the secrecy of the vote, transparent ballot boxes facilitated transparency and transportation, tamper evident bags solved the problem of sealing envelopes, and improved documentation tools facilitated the polling process. However, there is room for further improvement. The participants identified certain problems and offered their recommendations, which are summarized below:

### Voter Registration and 8300 SMS Service

The majority of FGD participants were registered voters. Generally, they were registered through the door-to-door registration process, but they lacked knowledge of the registration procedure or how to correct their registration details if needed. Some male voters reported that they were registered at their permanent addresses instead of their present addresses, which prevented them from casting their votes. The SMS service was appreciated by the participants, and the majority of voters used the service to obtain their registration details. However, it was choked on the polling day. Furthermore, the voters desired that it might be a toll-free service.

### Polling Staff Appointment Letter

Appointment letters were received well in time through the proper channels, but there were cases where an individual received multiple letters indicating his deployment to two or more stations. The majority of the staff tried to cancel their duties due to expected hardships on polling day. In some cases, juniors having no election experience were appointed as PrOs and staff that was more senior was placed under their command as APOs and POs. A PrO in Lahore reported, “two of his polling officers were plumbers by profession and totally illiterate.”

### Training of Polling Staff

Participants reported that trainings were attended by the majority of the polling staff who were deployed. They appreciated the trainings in general and the user manuals in particular. However, they pointed out issues, such as deployment of un-skilled trainers, problems with food and logistic arrangements, as well as the timing of and coordination for trainings. The security staff was not provided any electoral security related training.

### Collection of Polling Material and Meeting with Staff

Regarding election material collection, all the polling staff passed through great hardships due to mismanagement, security concerns, lack of basic facilities at the venues and long waiting times. Female staff suffered in particular. Most of the PrOs were not able to locate their staff at the time of material collection due to the rush and mismanagement. Shared and inappropriate transport was provided to PrOs, which caused delays and inconveniences at the time of material collection and submission of results. Those who could afford it preferred to travel with private transport.

### **Quality and Quantity of Polling Material**

In general, the polling material supply was satisfactory; however, in some cases, there was a shortage of material and some items were found to be of inferior quality. The indelible ink and stamped pads were problematic since the stamp pads and inkpots were dry. In addition to routine accessories, Form-XIV and ballot boxes were also in short supply in some places. In some locations, the material was packed in floor sacks.

### **Distance of Polling Station and Accommodation for Polling Staff for Prior to Election Day**

In the majority of cases, the polling stations were in close proximity to the staffs' residences, but in some cases the duty station was far away from their residences and there were no arrangements for staying at the polling station. The majority of staff did not know about the sensitivity of their polling stations in advance. Almost all the polling staff preferred to reach the polling station the morning of Election Day due to non-availability of suitable accommodation and security concerns.

### **Availability of Basic Facilities in Polling Stations**

The majority of the staff and voters found the polling station inadequate in terms of basic facilities, furniture, public utilities and security.

### **Attendance of Polling Staff for their Election Day Duty**

While most staff performed their duty on Election Day, in some constituencies the staff were successful in getting their duties canceled, which resulted in deployment of un-trained staff.

### **Polling Day Management**

In general, the polling day activities were reasonable. However, in sensitive areas, security arrangements were not sufficient and voter management in female polling stations was a problem, which resulted in reluctance among voters. In poor, rural areas, people were forced to vote by influential local leaders. In Thatta district, it was reported that alcohol was provided by the candidate to the polling staff and they were drinking during their duty. The majority of polling booths in urban areas were found to be insufficient for the assigned number of voters. In some areas, the size of booths was small to accommodate the polling staff and polling agents, who were in larger number since there were many contesting candidates. Male voters reported that the size of the ballot paper was very large and had too many symbols, some of which looked similar, making identification difficult. The polling staff had no lunch/prayer break. Most of the female voters from rural areas have very little knowledge about voting procedures. Some youth reported incidents of violence due to visits by contesting candidates to the polling station, but not a single incident was noted where a PrO exercised his/her magisterial powers. The reason for this was the lack of procedural knowledge and fear of follow-up proceedings. In general, polling started at the scheduled time, except in a few locations where some materials were missing. Nobody received the announcement of polling time extension from an official source; they had to rely on the polling agents and other un-authenticated sources. In some areas, the announcement was received after the PrOs already stopped polling.

### **Facilitation to the Elderly and PWDs**

No special arrangements or treatment by polling or security staff to facilitate the elderly or PWDs was observed, nor were they trained on the matter. However, locals managed to facilitate them on their own. A few PWDs reported harsh treatment and humiliation by the security personnel when they arrived at the polling station.

### **Attitude of Security and Polling Staff**

The attitude of polling staff as a whole was satisfactory. However, in some areas of Balochistan, voters reported their inclination towards particular candidates, and polling staff's lethargic attitude resulted in long queues of voters in the hot weather. Some youth were of the opinion that local staff should not be assigned to the polling stations due to their affiliations with different candidates; they suggested that staff from other areas and provinces might be brought in so favoritism could be avoided. The security

staff's attitude toward polling staff was good. Female PrOs appreciated their cooperation, particularly during the collection and submission of material.

### **Coordination with Security Staff**

Security coordination as a whole was very poor since the PrOs did not have contact numbers for the security staff deployed at the polling station, nor did they have the information for a security focal point or senior officer in case of any emergency. The Quick Response Force was deployed in the most sensitive constituencies, but their presence was not visible due to their very low numbers. Lack of security was also reported by different categories of voters. The young voters preferred deployment of army personnel in all polling stations. Security staff was not given any financial benefit.

### **Counting Process**

The counting process was satisfactory with the exception of power failure in some constituencies and mistakes in completing the required forms by the polling staff. Copies of Form-XIV were delivered to all stakeholders, but at some polling stations, there were not enough. A few incidents were reported where counting was carried out in the presence of influential candidates and results were changed at gunpoint.

### **Forms & Envelopes**

Forms were improved compared to previous elections, but polling staff observed that forms were more in number, they were complicated and there was not sufficient space for the data in some forms. Similarly, the envelopes were under-sized and it was difficult to place forms in them.

### **Submission of Results and Return of Material**

All the polling staff was in consensus on the hardships in submission of result and material to ROs at the end of Election Day. They considered it a major challenge. The process was completely mismanaged. PrOs had to carry the material, including ballot boxes, screen and stationary bags by themselves since the polling staff left the polling station after the results were announced. The security arrangements at the judicial complexes and ROs' offices further aggravated the situation since they have a long security perimeter that vehicles could not enter. PrOs were humiliated and they waited in queues for a long time. Female PrOs suffered a lot, and some were relieved close to midnight.

### **Postal Ballots**

The majority of the polling/security staff were not aware of the procedure for postal ballots, nor did they use the facility. An official in Pashin reported that he never filed a request for a postal ballot, but his vote was cast through postal ballot by the concerned officer in charge, and the same happened with his other colleagues.

### **Voter Education**

Polling staff reported that the majority of the women in rural areas lacked knowledge about the voting procedure. They relied on instructions given by males or polling staff. This problem is also identified by male and female voters.

### **Female Voters**

Female voters were eager to participate in polling and considered it a national responsibility. They wanted a change in the system and were committed to participate in subsequent elections, but not all participants were able to cast their votes due to rush and mismanagement, poor security, combined polling stations and shifting of their registration to remote areas. Due to lack of knowledge about the voting procedure, a reasonable number of female votes were rejected. In some areas, the polling process was slow due to appointment of unskilled and lazy staff.

### **Youth Voters**

Young voters participated in large numbers in the General Election 2013; they were inspired by the slogans of change and considered it their national responsibility to vote. They were successful in casting their votes, but were disturbed by the mismanagement, non-availability of facilities and the poor security situation at polling stations. They had a good polling experience and were committed to

participate in the next election and play their role in educating society about the electoral process. They were found to be independent while casting their vote. A few reported an inclination of polling staff toward particular candidates and pointed out their lethargic attitude.

## **Recommendations**

### **Voter Registration and 8300 SMS Service**

1. The registration phase may be given more media coverage, along with the procedure for correcting registration details.
2. During the registration phase, awareness events may be conducted at colleges and universities.
3. Efforts may be intensified to register eligible females.
4. Issuance of CNIC and registering to vote may be a single process.
5. NADRA may prepare voter lists based of voters' present addresses instead of permanent addresses.
6. The 8300 SMS service needs to be improved in terms of bandwidth, and may be made toll free to encourage more voters to get their details.

### **Polling staff Appointment Letter**

1. The education department has to provide updated and thoroughly checked lists of staff to be deployed for election duty.
2. ROs may thoroughly monitor the appointment process to reduce chances of duplication.
3. Appointment letters may be sent to the school or office address.
4. Staff may be appointed after proper scrutiny, and once appointed they should not be replaced. In addition, a reserve pool of trained staff may be maintained to cope with force majeure.
5. In order to control duty cancelation practices, the process of material collection/return may be simplified, proper transport may be provided and honorarium of polling staff needs to be enhanced to a level commensurate with their responsibilities.
6. While making staff appointment, previous election experience, seniority and grades may also be considered so that seniors are not placed under juniors.
7. Election duties may be assigned in a way that everybody gets an appointment instead of some staff appointed repeatedly, while others are relieved from duty.

### **Training of Polling Staff**

1. Skilled and seasoned individuals with sufficient facilitation experience and electoral knowledge may be deployed as trainers for training of polling staff.
2. More time may be allocated for practical work, like mock exercises and filling of forms.
3. A section on the use of postal ballots may be included in the training manual.
4. Trainings may be conducted well in time and with the coordination of ROs.
5. Venues, food and logistic arrangements may be improved.
6. It may be an on-going activity throughout the year with compulsory participation, and may be conducted during vacations.
7. In addition to manuals, DVDs containing relevant videos may also be provided.
8. Security personnel may be given training on electoral security.

### **Collection of Polling Material and Meeting with Staff**

1. Separate and multiple counters may be established for males and females.
2. PrOs may be called in different time slots of the day by ROs and early slots may be given to PrOs from remote areas.
3. Collection venues may be equipped with basic facilities and proper security.
4. Separate vehicles may be provided to every PrO, or they may be given cash to arrange vehicles for themselves.

5. Every PrO may be given the staff working under his command in routine to ensure better coordination and discipline.

### **Quality and Quantity of Material**

1. The ECP may establish a quality control cell to check the election material ahead of time.
2. The indelible ink may be replaced with indelible markers.
3. A sufficient quantity of material should be provided according to the number of voters, and the quantities of forms may be provided keeping in view of number of contesting candidates.

### **Distance of Polling Station and Accommodation for Polling Staff before Election Day**

1. Polling staff may be deployed to the nearest polling stations. In other cases, proper accommodation arrangements may be made for their stay at the polling station one night before the elections.
2. Suitable arrangements, including security, for an overnight stay may be ensured.

### **Availability of Basic Facilities in Polling Stations**

1. Before finalization of polling schemes, physical verification of facilities that are to be designated as polling station may be ensured.
2. Polling stations may be properly equipped with basic facilities.
3. The facility in charge may designate an official responsible for facilitating the polling staff and should be held responsible for any deficiency.

### **Attendance of Polling Staff for Election Duty**

1. Staff may be appointed after proper scrutiny.
2. Practices of duty cancelation may be controlled effectively.

### **Polling Day Management**

1. Management skills of PrOs may be given due consideration, particularly for female stations where more skilled staff needs to be deployed.
2. Deployment of female security personnel at female polling stations may be ensured.
3. Unserious candidates may be eliminated from the contest.
4. The number of polling agents may be reduced to one per booth to avoid congestion.
5. PrOs may be thoroughly trained on use of magisterial powers and follow up procedures.
6. Visits by contesting candidates to the polling stations may be banned.
7. A 30-minute lunch/prayer break may be given on the polling day.
8. Voter education may be intensified, targeting the rural areas in particular with a focus on women and youth.
9. Any decision regarding extension of polling time should be made sufficiently in advance, and timely communication of the decision to the polling staff may be ensured. For this purpose, the mobile operators broadcast facility may be utilized.

### **Facilitation of Elderly and PWDs**

1. Polling and security staff may be given training to facilitate the elderly and PWD voters and a section of the training manual may be dedicated to it.
2. Facilities like ramps and wheel chairs may be provided at polling stations, if possible.

### **Attitude of Security and Polling Staff**

1. Impartial polling staff may be deployed and they should have received proper training.
2. Since they are low paid employees, security staff may be given honorarium for performing election duty.
3. Senior security officers may make surprise visits to polling stations.
4. An accountability mechanism for PrOs may be evolved and appreciation certificates and prizes may be announced for best performers.

### **Coordination with Security Staff**

1. Security focal persons may be appointed in each constituency and the phone numbers of security personnel and Quick Response Forces may be communicated to PrOs.

### **Counting Process**

1. Continuous power supply may be ensured.
2. Staff may be thoroughly trained on the filling of forms.
3. Sufficient extra copies of Form-XIV may be provided at the polling station.
4. Security may be tightened during the counting process and entry of unauthorized people to the polling stations may strictly be controlled.

### **Forms & Envelopes**

1. Forms may be simplified and reduced in number.
2. For better understanding, the forms may be translated in Urdu.
3. Form-XIV may have pre-printed contestant names to facilitate PrOs in preparation of results and to standardizing it.
4. The size of envelopes may be determined according to the content.

### **Submission of Results and Return of Material**

1. The results submission and material supply process may be streamlined.
2. Separate and multiple counters for male/female PrOs may be established.
3. PrOs may be treated with dignity, being academics and senior officers.

### **Postal Ballots**

1. Government servants may be educated on how to use the postal ballot and its requisition schedule.
2. The procedure of postal ballots may be reviewed to control for exploitation.
3. An accountability mechanism and follow-up procedure may be developed to stop misuse of this facility.
4. The requisition schedule may be reconciled with the appointment schedule since most of the staff reported that when they received their appointment letter the requisition period was already over.

### **Voter Education**

1. Voter education may be an on-going activity continued throughout the year.
2. Voter education outreach may be intensified in general and for rural areas in particular, with more focus on females.
3. Electoral knowledge may be included in the academic curriculum grade wise from basic to advanced level. In addition, competitive exams may have questions regarding electoral knowledge. Similarly, for comprehensive publicity, utility bills may have voting procedures and instructions on the back some months prior to elections.

### **Female Voters**

1. Voter education campaigns may target rural women.
2. Voting procedure may be given more media coverage.
3. More skilled polling staff may be deployed to control mismanagement, and security may be increased.
4. Females may be allocated separate polling stations, and corrections in the voter list may be ensured.

### **Youth Voters**

1. Voter education may be intensified and may be included in academic curriculum.
2. Deployment of impartial polling staff may be ensured.
3. EVMs may be used on an experimental basis in upcoming elections.





## **Chapter 7: Observer Findings and Recommendations**

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### **Background**

The Post-Election Review Committee reviewed the following reports of national and international election observers and international non-governmental organizations:

1. Report of the Commonwealth Observer Mission, Pakistan General Elections
2. European Union Election Observation Mission Final Report Pakistan 2013
3. Free & Fair Election Network (FAFEN)'s Observation of General Elections 2013: Key Findings and Recommendations, May 2013
4. National Democratic Institute / The Asian Network for Free Elections 2013: National and Provincial Assembly Elections in Pakistan Final Report
5. National Commission on the Status of Women Election Monitoring and Recommendations
6. Report on The Asia Foundation's Supporting Transparency, Accountability and Electoral Processes in Pakistan (STAEP) Mega Mela Convention
7. Policy Brief Agenda for Electoral Reforms in Pakistan after 2013 General Election July 2013: Pakistan Institute of Legislative Development and Transparency (PILDAT)

### **Recommendations**

Extracts from the reports pertaining to assessment and recommendations have been reproduced verbatim in Annexure-I for reference purposes. The views expressed in the extracts do not necessarily represent the views of the ECP or the Post-Election Review Committee. However, the Post-election Review Committee has appropriately incorporated the key recommendations of these reports in Chapter 10: "Consolidated Recommendations."



## Chapter 8: Recommendations of the Senate Special Committee

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### Background

In pursuance of motion moved by Senator Syeda Sughra Imam and adopted by the House on 1st August, 2012, the Chairman Senate constituted a Special Committee of the Senate to examine election issues with the following Terms of Reference:

"To review existing legislation pertaining to election matters and suggest ways and means to improve the system in order to facilitate the electoral process".

The committee held deliberations and discussions on a host of key election issues. These issues included the following:

- voter registration and the maintenance and correction of the electoral roll;
- electronic voting;
- overseas voting;
- the Code of Conduct for Political Parties issued by the ECP;
- participation of women in elections
- transparency of election results and polling scheme; and
- the legal reform package prepared by the Election Commission of Pakistan.

The committee also reviewed and discussed the reform proposals put forward by the stakeholders during the public hearings.

### Recommendations

The Post-Election Review Committee reviewed the "Report of the Senate Special Committee on Election Issues." The extracts from the report pertaining to the recommendations have been reproduced verbatim in Annexure-II for reference purposes. The views expressed in the report do not necessarily represent the views of the ECP or the Post-Election Review Committee. The Post-election Review Committee has appropriately incorporated the key recommendations of the Senate Committee report in Chapter 10: "Consolidated Recommendations."



## Chapter 9: Bye-Elections Reports from ROs

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### Background

Following the conduct of bye-elections, the ECP requested feedback from each of the returning officers to report on four areas of the electoral process as detailed in the headings below. The post-election review committee compiled each of these reports and each recommendation.

### Key findings

#### The reason for low turnout

Voter turnout was generally lower in the bye-elections than it had been in the general elections. ROs attributed this difference to a number of factors including:

- One of the major factors reported by several ROs was voter mobilization by political parties. Voter mobilization may have been more difficult because of there was generally less interest in the bye-elections, particularly by the media.
- A second potential factor was related to weather condition in some areas. In some districts, there was hot weather, flooding in kacha areas that may have suppressed voter turnout.
- The timing of the Ramadan holiday that may have hampered campaigning.
- A potential reason for lack of interest by voters could have been that the Federal and Provincial Governments had already been formed and the bye-elections results were unlikely to impact formation of Governments.
- In one case, low turnout was perhaps due to perception of a non-competitive seat.
- In some of the bye-election that took place in sensitive areas, security concerns may have kept some voters away from the polls.
- In some rural areas, polling stations were far from the voters residences.

The RO's were asked to describe the shortcomings, if there were any, in the whole electoral process, starting from the schedule until the announcement of results. Respondents provided detailed feedback on the conduct of the electoral process including the following points compiled from a number of reports:

#### Nomination

In the election schedule, normally no time is being fixed for filing of objections to nomination papers and usually objections are filed after completion of scrutiny process.

#### Election Materials

One of the major disincentives for PrOs to serving is the arduous task of transporting election material from the distribution center (ROs office) to the polling station and back again. This may lower the caliber of people serving in this critical role on the front lines of the electoral process.

#### Changes to Election Schedule

When timelines set by the commission were subsequently changed (i.e. filing of nomination papers, withdrawal of nomination papers, polling time etc.) this sometimes caused confusion and complications in electoral management. The ROs recommended that after fixing time for each activity, these should not be changed.

#### Lack of Support from District Administration

The district administration did not support the ROs to the extent that they are obligated to do. ROs faced difficulties in visiting polling stations due to unavailability of transport on the part because it was not provided by district administration. There were many cases when required transport was not provided to ROs. AROs, and ECP monitoring teams; sometimes when it was provided it was not in

working condition. The district administrations did not flatly decline requests for support; rather they used excuses based in technicalities.

The budget provided by the ECP for stationery and transportation expenditure was too meager considering the amount of organization required and the area covered by a single RO.

### **Lack of support from DEC's**

In some cases, DEC's did not have the capacity or were unwilling to support the ROs. DEC's at times failed to implement the decisions of the ECP in a timely manner.

### **Communication between ECP and ROs**

Clear directives from the ECP were often not communicated to the ROs, such as the permission to media persons and journalist to enter into the polling stations for the coverage of polling process. Similarly, the arrival of PrO handbooks to ROs at a belated stage (i.e. four to five days before conduct of poll day) undermined the ability of the PrOs to be properly informed. The delay meant that PrOs were not educated in the procedures and duties. This may have compromised their performance on Election Day, particularly the filling of forms, and use of sensitive material such as taper evident bags.

The issue concerning preparation of list of polling stations, selection of polling personnel and the polling station's location

One of the most critical challenges faced by the ROs, and one with the greatest impact on the polling quality was selecting high caliber polling staff. Schoolteachers are vulnerable to political influence while more senior staff such as Professors sometimes refuse to serve.

The process of selecting polling station locations and polling staff is a significant process which may require more time and resources than have been allocated.

ROs were concerned about the quality of the training provided to the polling personnel by the ECP and its partners. Some requested that the funds be given directly to the ROs to arrange trainings for the polling staff. One complained that ECP has not provided training to the polling personnel during bye-elections. In this case, ROs trained polling staff directly.

There was some confusion regarding census block codes that did not correspond with the actual residences of the voters.

It was a general problem that the government buildings available for use as polling stations were too small to accommodate the assigned number of voters and did not have the necessary facilities such as electricity, water and toilets. ROs struggled to find appropriate buildings but were often not able to do so; some requested that the rules be changed to allow use of non-government buildings in future elections.

There were concerns that the RMS system was difficult to use. Data entry into RMS system can be time consuming, and does not allow the observers/agents to easily observe the process.

### **Deployment of Army to reinforce the security provided by the provincial governments**

ROs unanimously reported that the deployment of Army personal was essential and that this practice should continue. The Army personnel played a vital role in establishing peace and security inside the polling stations and helped to promote peaceful, fair and transparent bye-elections. The deployment of army inside the polling stations was very good experience and was appreciated by all the concerned and the voters, especially the polling staff felt themselves safe while rendering their respective duties.

In some cases (particularly Karachi) materials and polling personnel were transported by army convoy to minimize chances of tampering with results forms, but the RO was concerned that this arrangement was not sufficient to eliminate tampering. Although it is the duty of the police department to provide security at the polling stations, they alone cannot maintain law and order on polling day at each polling station. This is primarily due to the weak organizational capacity of the police department, shortages

of staff and general lack of resources. In some bye-elections, there was a significant deployment of security forces including 4 Army soldiers, 2 Rangers, and 10 Police officers for each polling station.

## Recommendations

1. Voter turnout could be improved through voter education via print and electronic media. In this way, voters may become more aware of their right to franchise.
2. If elections were held on weekends then voters might be more likely to be in their hometowns, where they are often registered.
3. In rural areas, a minimum distance should be maintained between polling stations and voters residences.
4. In some cases, ROs believed that the deployment of security personnel helped to increase turnout by providing a secure environment for voters and should be continued in future elections.
5. It is also recommended that after last date of filing nomination papers there should be some time fixed for filing objections prior to starting the scrutiny process.
6. It is suggested that some sort of arrangement be made for transportation of election material (non-sensitive) from the RO office (without involving PrO) and its return whereas only sensitive material be delivered to the PrO. This arrangement might increase the quantity and quality of persons willing to serve PrO.
7. A further recommendation is that electoral calendars should not be changed during the process. After fixing the time for all election related activity i.e. filing of nomination paper, polling time etc., the time limits should not be changed as it creates complications in the smooth election proceedings.
8. To establish the polling scheme, ROs and AROs need to travel extensively to visit potential polling stations across the constituencies; having quality transport and the necessary funds to undertake this activity before the polling scheme is finalized. This is such a critical part of the RO's work that it should be ensured in the future that they have the full cooperation of the DA to provide transport or the necessary funds to undertake this.
9. It is recommended that significant thought be given to the issue of recruitment of high caliber polling staff.
10. It is recommended that ECP evaluate whether the DEC's should have sole responsibility for the development of the polling scheme.
11. It is recommended that the capacity of DEC's be increased to assist ROs throughout the electoral process particularly in problem solving technical areas such as RMS, development of polling schemes, etc.
12. The ECP should provide PrO handbooks to the ROs with the objective of distributing these to the PrOs at least before 15 days of poll day. This will ensure that PrOs have sufficient time to prepare themselves to perform well on the poll day as per instructions given in the handbook. It is suggested that PrO handbooks should be distributed before conduct of training and then organized training programs should be developed.
13. Restriction on use of government buildings limits the quality of facilities available for polling, rules should be more flexible so that ROs have the option to use private buildings
14. Polling staff training should be improved for the next election, whether delivered by the ECP and its partners or by the ROs.
15. The RMS system should be made easier to use and adequate training should be provided to data entry operators.
16. There is a dire need for the deployment of army to maintain security in the country on poll day. Deployment of army inside and outside the polling stations was recommended by most of the ROs because it is perceived that army is capable of maintaining law and order situation under control. There was some concern that relying on the army at the expense of civilian powers sets a negative precedent. It could be evaluated whether the security personnel should be under the disposal of DRO.





## Chapter 10: Consolidated Recommendations

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Hundreds of recommendations were collected from the focus groups, key informant interviews, reports, and workshops. The committee also reviewed each recommendation from each of the main election observation missions, both national and international. Recommendations were also included from PEC reports on General Elections. In addition, we included recommendations from RO reports on Bye Elections. This body of recommendations was presented to the full committee for a review on 2 October 2013<sup>7</sup> and a subcommittee was formed to finalize the classification of recommendations and the report. The subcommittee carefully removed duplicate recommendations, clarified those that were unclear, and consolidated them into this chapter.

In addition to the thematic areas, the committee classified each recommendation according to the following categories for follow up actions:

1. Recommendations that require amendment in the Constitution or Election Laws (Legislation required);
2. Recommendations to be included in the goals and objectives for the ECP's Second Strategic Plan 2014-2019 (ECP Strategic Plan);
3. Recommendations to be implement through ECP directives, instructions and SOPs (ECP SOPs);
4. Recommendations to be considered by the Election Commission for decision (Election Commission Decision Required); and
5. Recommendations on which the committee does not suggest any further action (Not Recommended).

Sr #	Recommendations	Suggested Action
<b>Legal Framework</b>		
1	The scrutiny mechanism related to Articles 62 & 63 of the Constitution should be elaborated by secondary legislation and ECP directives (Refer to Lahore High Court Judgment on this matter)	Legislation Required
2	During electoral period, all officials including returning officers and polling official, performing electoral duties should be placed under the management of ECP - particularly in the case of disciplinary action. ECP should be able to take such action directly without going through other departments.	Legislation Required
3	Changes needed to be made in the relevant law that provides for the independent returned candidates to join any political party within three days of the notification of the returned candidates.	Legislation Required
4	Allotment of reserved seats to political parties may be made only on the total general seats won by a political party and the independent returned candidates may not be counted for the purpose.	Legislation Required
5	Excluding the independent returned candidates from the count would discourage the trend of contesting elections independently which is being considered as the main bargaining chip in the hands of the independent returned candidate	Legislation Required
6	Political parties, lawmakers, and election authorities should continue to collaborate on legislative and administrative measures to bring FATA into the mainstream of the nation's political life	Legislation Required
7	The number of candidates should be reduced to streamline the ballot, reduce the number of agents and speed the tabulation process. The nomination fee should be increased from Rs. 4,000 to Rs. 50,000 for National Assembly and Rs. 2,000 to Rs. 30,000 for Provincial Assembly.	Legislation Required
8	There should be a ban on contesting elections for multiple seats. If it is not feasible, then the cost of holding a bye-election for the seat should be recovered from the returned candidate who vacates a seat or seats.	Legislation Required
9	Section 107 of ROPA should be amended to give authority of making rules to the ECP.	Legislation Required

Sr #	Recommendations	Suggested Action
<b>Legal Framework</b>		
10	The primary legislation regulating the electoral process should be consolidated into one unified electoral law so that repetitions and inconsistencies are avoided and translated.	Legislation Required
11	The time allotted between the announcement of the election schedule and Election Day after completion of an assembly's full term should be increased from 60 days to 90 days, and to 120 days after dissolution of an assembly. This is necessary because the number of voters has increased from 30 million in 1976 to nearly 90 million today, likewise ballot printing is more complex as greater security features must be used and the size of the ballot has increased significantly. This would also ensure that all activities (for example, finalizing the polling scheme, training of polling staff, completion of postal and overseas voting, etc.) can take place in an orderly, organized manner.	Legislation Required
12	Criteria for contesting candidates may be made more stringent and the fee should be non-refundable and increased to a reasonable level to eliminate non-serious candidates from the contest.	Legislation Required
13	The role of law enforcement agencies in elections may be defined in the law, rules and regulations.	Legislation Required
14	Period for scrutiny of nomination papers should be at least 15 days.	Legislation Required
15	All penalties provided in the Representation of People Act, 1976 should be revised.	Legislation Required
16	Instead of providing only moral cover, complete legal cover may be provided to the Codes of Conduct, so a non-compliance becomes an actionable offence. These should be included in "The Representation of the People Act, 1976" with punishment, fine or both.	Legislation Required
17	The Legal Reform Package, sent by the ECP in 2009, discussed in the Standing Committees of the National Assembly and the Senate for more than 3 years and even finalized to be enacted as a piece of legislation before the commencement of General Elections 2013 needs to be revived. Parliament should form a special Parliamentary Committee on elections/electoral reforms for the timely review of this critical legislation, based on the post-election review process as well as international legal commitments (such as the ICCPR).	Legislation Required
18	Legislation for delimitation should be reviewed to explicitly provide for nation-wide delimitation possibly using voter registration figures in the absence of updated census data. Timely de-limitation should be undertaken, allowing for consultation and complaints.	Legislation Required

Sr #	Recommendations	Suggested Action
<b>Legal Framework</b>		
19	The legal framework should also be made more accessible to stakeholders through the ECP website. The unified electoral law should be translated into local languages (especially Urdu and Sindhi) so it is easily accessible to and understood by parties and candidates.	ECP Strategic Plan
20	Legal reform and appropriate mechanism and process should be developed to enable overseas Pakistanis to cast their votes.	Legislation Required
21	The President or the Governor should not attend any public meeting, rally or congregation organized by or organized for the benefit of a political party. The restrictions applicable to the Prime Minister and Chief Ministers during a bye-election or to a caretaker prime minister or chief minister during a general election should be equally applicable to the President and Provincial Governors. The President or the Governors should not promise or announce any special or preferential package or program from public funds for any constituency or areas at least six months preceding the scheduled expiry of the term of the national assembly/ provincial assembly or with effect from the dissolution of the National Assembly/Provincial Assembly whichever occurs earlier.	Legislation Required
22	The mechanism of appointing caretaker governments should be reviewed in the light of the experiences gained during the recent appointment of caretaker governments.	Legislation Required
23	Arrangements should be made to stop the misuse of public funds on early electioneering during the final year of the governments before the general election and to check the possible diversion of public funds for the partisan election publicity.	Legislation Required
<b>Electoral Rolls</b>		
24	Annual Revision of Electoral Rolls should be conducted through door-to-door verification process, so the entries enrolled at irrelevant places / census blocks could be corrected.	Legislation Required
25	Form A (Addition) and Form C (Correction) need to be modified to allow multiple voter entries from the same family.	Legislation Required
26	Special initiative should be taken to secure CNIC registration for women, targeting especially women in rural and conservative areas, to increase the number of women on the electoral rolls.	ECP Strategic Plan

Sr #	Recommendations	Suggested Action
<b>Electoral Rolls</b>		
27	The law pertaining to the annual verification of electoral rolls should be implemented strictly (as opposed to the electoral rolls being verified only before an election), and the FER should be finalized and printed at least one month before Election Day.	ECP Strategic Plan
28	It should be clear that the ECP is the lead authority on all election related matters. NADRA and other partners assisting in election related tasks should be instructed to strictly follow directions issued by the ECP and the Commission's provincial/regional/ district offices should be provided a link to the electoral roll database so that they can directly make any required additions/changes, without having to go to NADRA's offices. NADRA should also hand over the CERS to the ECP to enable the ECP's district officers to continuously update the electoral rolls.	ECP Strategic Plan
29	Serial number of all assigned voters at a polling station should be listed in continuous order on the ER.	ECP SOPs
30	There should be more space for thumb impressions on the ERs.	ECP SOPs
31	Each REC office should possess one set of Electoral Roll of its concerned area for record and further procedures.	ECP SOPs
32	Electoral Rolls shall be based on the Revenue set up / structure instead of Census Blocks as the later phenomenon is not being comprehended by common voters / residents of an area.	ECP SOPs
33	The ECP field offices (RECs/DECs/AECs) being registration officers shall have free and un-interrupted access to the voter's data base (CERS) for the purpose of enrolment, correction and deletion of voters particulars and for applicants CNIC verification instead of NADRA. ECP should have complete control and possession over CERS database.	ECP SOPs
34	Fresh census (which was due in 2008) should be conducted and delimitation reviewed as soon as possible.	ECP SOPs
35	Currently, electoral rolls are sorted by household number ( <i>ghrana</i> number), which is not often remembered by the voters. These rolls should be sorted alphabetically by name/CNIC as it appears on the CNIC.	ECP SOPs
36	There should be a ban on the transfer of officials involved in the voter registration/verification process during the period of verification, and the honoraria given to officials involved in the voter registration and door-to-door verification process needs to be increased.	ECP SOPs
37	A single combined electoral role should be provided for each electoral booth instead of basing them on census block codes.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Electoral Rolls</b>		
38	The 8300 service should be enhanced. Service providers should ensure that the SMS facility sends timely responses during periods when heavy traffic is expected (i.e. the week before Election Day, National Voters Day, etc.) The database for the 8300 SMS facility should also be linked to the CERS so that any changes in the electoral rolls are immediately updated in the 8300 database. Likewise, the response sent out under the facility should be in accordance with the electoral cycle/period. For example, in the period between the announcement of the election schedule and Election Day, the response should clearly state that voter registration details cannot be updated until after Election Day.	ECP SOPs
39	The separate list for Ahmadi voters should be abolished, so that all voters are on one unified electoral roll, according to requirements for age and Pakistani citizenship.	ECP SOPs
40	The ECP should carry out annual revisions of electoral rolls to remove the deceased registrants and register new voters at the locations of their choice in accordance with the provisions of the Electoral Rolls Act, 1974.	EC Decision Required
41	It should be explored whether voters should also be able to add/change/delete their details on the voter list online through the Internet, particularly in the case of overseas Pakistanis.	EC Decision Required
42	It should be mandatory for all citizens to provide their photograph for their CNIC, regardless of gender, so that the pictures can be included on the voter list. Citizens also need to be educated on the need to report deaths in the family to NADRA so that details of voters who have passed away can be removed from the voter list.	EC Decision Required
43	A copy of electoral rolls with the pictures of voters should be provided to DEC's	Not Recommended
44	Service providers need to ensure that the 8300 SMS facility sends timely responses during periods when heavy traffic is expected, such as the week before Election Day, National Voters Day, etc. The database for the 8300 SMS facility also needs to be linked to the CERS so that any changes in the electoral rolls are immediately updated in the 8300 database. Moreover, the response sent out under the facility should be in accordance with the electoral cycle/period. For example, in the period between the announcement of the election schedule and Election Day, the response should clearly state that voter registration details cannot be updated until after Election Day.	ECP Strategic Plan

Sr #	Recommendations	Suggested Action
<b>Voter Education</b>		
45	Voter education trainings need to be a regular, on-going activity so that ECP officers become more familiar with the subject and outreach methods, and so that they continue civic education activities throughout the electoral cycle and not just before the elections. Furthermore, future voter education trainings should also include representatives from other government departments and CSOs.	ECP Strategic Plan
46	Voter education outreach may be intensified in general and for rural areas in particular, with more focus on females.	ECP Strategic Plan
47	The role and interest of CSOs can enhance the participation of the public in the electoral process.	ECP Strategic Plan
48	Electoral knowledge may be included in the academic curriculum grade wise from basic to advance levels and competitive exams could have questions regarding electoral knowledge.	ECP SOPs
49	Partnerships could be established for voter education, in example, utility bills could have voter information on the back in the months prior to elections.	ECP SOPs
50	Regular observation of National Voter Day	ECP SOPs
51	Sufficient time should be given to the District Voter Education Committee for a positive result.	ECP SOPs
52	The ECP should formulate media-friendly policies to seek assistance from media to help disseminate electoral awareness to the masses.	ECP SOPs
53	Voter education material should be delivered in a planned and timely manner.	ECP SOPs
54	Voter education and awareness information regarding democratic electoral processes should be included in the school, college and university syllabus.	ECP SOPs
55	ECP Newsletter should be continued.	ECP SOPs
56	Voter education efforts should be expanded to include key rights and responsibilities of electoral participants, as well as include more information on the process of voting and the electoral system. Voter education should include clear descriptions of the role and responsibilities of law enforcement and the armed forces in the electoral process.	ECP SOPs
<b>Codes of Conduct</b>		
57	There should be legal penalties for violations of the codes of conduct.	Legislation Required
58	The codes of conducts should be reviewed through a consultative process to make them more relevant and effective.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Codes of Conduct</b>		
59	Parties and Candidates should be provided with orientations on the Codes of Conduct and trainings on the electoral process.	ECP SOPs
60	Observers and the media should receive training on electoral processes and should be encouraged to avoid erroneous reporting by verifying facts from the ECP whenever possible.	ECP SOPs
61	The Code of Conduct for observers should include provisions for the rights of observers, accreditation should be issued for the entire process (not one day), and the ECP should develop its own capacity for timely and convenient issuing of accreditation rather than outsourcing the process.	ECP SOPs
62	Party agents should be trained by ECP, their respective parties, or by the PrOs before start of polling.	ECP SOPs
<b>Nomination of Candidates and Scrutiny</b>		
63	ECP should issue clear instructions on how to scrutinize the nomination applications, and Candidacy requirements should be amended to remove vague moral conditions open to subjective interpretation, and so that the right to stand is not contingent on another person's financial standing or behavior.	Legislation Required
64	The Scrutiny Committee should be established in law.	Legislation Required
65	The scrutiny period should be extended and cooperation improved between ECP and SBP, the FBR, the NAB and NADRA.	Legislation Required
66	The Scrutiny process should be open to witnessed by candidates (or their agents) and observers.	ECP SOPs
67	Procedures for and management checks on RO's assessment of candidate nominations should be developed, so that all candidates are treated equally and fairly and there is no assumption of guilt prior to a conviction.	Legislation Required
68	It is also recommended that after last date of filing nomination papers there should be some time fixed for filing objections prior to starting the scrutiny process.	ECP SOPs
69	For effective implementation of codes of conduct, bold and effective officers, who are not local, from the district administration should be engaged. The ECP should issue a comprehensive directive in this regard.	ECP SOPs



Sr #	Recommendations	Suggested Action
<b>Nomination of Candidates and Scrutiny</b>		
70	The nomination form should be simplified and made more user-friendly. Many aspiring candidates sought help in completing this form.	ECP SOPs
71	The scrutiny cell was a good initiative, which should be strengthened so that it may perform effectively.	ECP SOPs
<b>Returning Officers</b>		
72	Orientation (training) should also be arranged for AROs to strengthen their electoral administration capacity.	ECP Strategic Plan
73	In bigger constituencies, the number of AROs may be increased and an accountability mechanism on their utilization and performance should be developed. Moreover, consideration should be given to the appointment of AROs in view of their service grade/appointment.	ECP SOPs
74	Handbook for DROs and ROs should be provided well in time.	ECP SOPs
75	The DRO and RO handbooks should have a step-by-step checklist with the responsibilities of DROs/ROs/AROs.	ECP SOPs
76	Trainers used in RO/ARO training should be well versed with the electoral processes and possess related domain knowledge. Preferably retired session judges/ECP officials should be selected as trainers. Moreover, a cascade training methodology should be adopted whereby ROs may be trained as master trainers so that they may conduct the orientation for AROs.	ECP SOPs
77	Training for RO/ARO should be more hands-on/practical particularly on filling the required forms, packing the bags and distributing election material.	ECP SOPs
78	DROs/ROs should be facilitated with boarding, lodging and transportation for training/orientation session, or else they should be given TA/DA.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Allocation of Funds and Remuneration</b>		
79	Sufficient funds may be provided to DROs/ROs keeping in view their actual requirements such as traveling, staff meals during late sittings, stationary etc.	ECP SOPs
80	Funds for hiring transport for polling personnel should be increased per polling station keeping in view the price of fuel and distances of the polling stations.	ECP SOPs
81	The remuneration provided to polling staff should be increased.	ECP SOPs
82	Funds should be allocated on time and it should be ensured by the PEC offices that the same are punched by the concerned AGPR sub-offices.	ECP SOPs
83	PrOs should be given honoraria to attend training, collect election material and for polling day.	EC Decision Required
84	DROs should have their own spending code and the funds should be allocated against the DDO code of DROs so that audit objections are avoided.	EC Decision Required
85	ROs should be given a fixed amount for transportation instead of an official car, e.g. Rs. 30,000 per RO.	EC Decision Required
86	DROs/ROs should be given at least two months' salary as remuneration for their work during the elections period.	Not Recommended
<b>Polling Scheme</b>		
87	The identification and selection of polling stations should be a continuous process that is led by the DEC's, instead of assigning this duty to DROs/ROs. DEC's should be held legally accountable for this task, and should be required to verify the list of polling stations at least twice a year so that the polling scheme is finalized well in advance of the elections.	Legislation Required
88	Once published, the polling scheme should not be modified as it causes chaos and confusion among polling personnel and voters. Polling schemes should be made public at least one month before polling day and should be placed on the ECP's website. Thus, there will be sufficient time for candidates and public to raise objections and for ROs to review the list.	Legislation Required
89	Restriction on use of government buildings limits the quality of facilities available for polling. Where there are no adequate government buildings available to set up as polling stations, budgets should be allocated to establish mobile and improvised polling stations, use post offices or to rent registered private schools. (Legal reforms may be required to permit the use of private buildings)	Legislation Required

Sr #	Recommendations	Suggested Action
<b>Polling Scheme</b>		
90	In rural areas, a minimum distance (2KM) should be maintained between polling stations and voters residences whenever feasible.	ECP SOPs
91	Formal consultation of the political parties and interested candidates should be conducted in the development of the polling scheme (as per other recommendations, this should be finalized well before elections and not be changed after finalization without the approval of the ECP).	ECP SOPs
92	A further recommendation is that electoral calendars should not be changed during the process. After fixing the time for all election related activity i.e. filing of nomination paper, polling time etc., the time limits should not be changed as it creates complications in the smooth election proceedings.	ECP SOPs
93	To establish the polling scheme, ROs and AROs need to travel extensively to visit potential polling stations across the constituencies; having quality transport and the necessary funds to undertake this activity before the polling scheme is finalized. This is such a critical part of the RO's work that it should be ensured in the future that they have the full cooperation of the DA to provide transport or the necessary funds to undertake this. Duplicate	ECP SOPs
94	The lists of polling personnel should be verified by their respective head of departments to ensure that they are accurate before the lists are submitted to the DEC/ROs. Moreover, polling staff should be selected keeping in view more than their grade alone. Other factors such as literacy, age, etc., should also be considered. Additionally, only those who have prior experience with elections should be assigned to the role of PrO.	ECP SOPs
95	ROs should not be allowed to change the list of polling stations and list of polling personnel (unless there is a genuine emergency) after the allotted deadline (i.e., 15 days before Election Day). Moreover, if polling staff has to be replaced they should only be replaced by trained staff.	ECP SOPs
96	The ECP should consider the establishment of permanent polling scheme maintained and updated by the ECP field offices in the computerized system.	EC Decision Required
<b>Polling Personnel (Appointment and Training)</b>		
97	The polling staff should not deprived the right to cast their vote; ROs should issue them a postal ballot.	ECP Strategic Plan
98	Merit criteria may be framed and strictly followed for identification and selection of Lead Trainers/MTs.	ECP Strategic Plan

Sr #	Recommendations	Suggested Action
<b>Polling Personnel (Appointment and Training)</b>		
99	Training may be conducted by a pair of trainers out of which, one may be an experienced professional trainer while the other may be a technical individual with a rich technical knowledge and sufficient electoral experience.	ECP Strategic Plan
100	Training may be conducted strictly according to the agenda and independent monitoring teams may be deployed to report on the proceedings.	ECP Strategic Plan
101	Knowledge about polling day responsibilities may be included in teachers' professional courses such as CT, B Ed, etc.	ECP Strategic Plan
102	Training may be an on-going activity and may be arranged periodically for the newly inducted Government servants.	ECP Strategic Plan
103	Staff may be appointed after proper scrutiny and once appointed should not be replaced. In addition, a pool of trained reserve staff may be maintained to cope with force majeure.	ECP Strategic Plan
104	Polling staff trainings commenced before list of polling staff could be finalized. More people had to be trained later as some people who were trained earlier did not serve/had their duties cancelled on the Election Day. There was no coordination between ROs and partner organizations. Some POs attended trainings for PROs and APOs and it was hard to ensure the attendance of all polling staff. Since staff was not invited by polling station, personnel assigned to each polling station did not have an opportunity to meet each other and develop rapport during the training.	ECP Strategic Plan
105	MTs for polling staff trainings should be selected after an in-person interview. Furthermore, DEC's and REC's should be consulted while selecting MTs. A pool of trainers should be given comprehensive trainings and refresher courses through the FEA so they can deliver quality trainings to polling staff on elections.	ECP Strategic Plan
106	The staff should be given proper training at least 3 months prior to the General Elections and completed within 30 days then the staff should be recommended by the DEC for their appointment to various positions. The RO should give due consideration to the recommendations of the DEC. However, in case the RO intend to take anyone from outside the list of trained polling staff, he should do it with the prior approval of the Election Commission. The committee believes that this mechanism should be worked out in detail and were approved from the Election Commission for use in the next General Elections.	ECP Strategic Plan
107	Trainings for DEOs should be held well in time, as soon as the election schedule is announced, and the RMS software should be revised further to remove technical flaws.	ECP Strategic Plan
108	Coordination amongst ROs, ECP's officers and the training-implementing partners needs to be strengthened. Official instructions from the Commission should be given to the ROs for developing good coordination with the ECP and its partners at the field level for training of polling personnel.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Polling Personnel (Appointment and Training)</b>		
109	The concerned departments should only nominate those officials who would be actually available on the polling day and ensure their presence for the training and polling day. Strict disciplinary action should be taken under Efficiency and Discipline Rules (1973) against those polling personnel who do not turn up for election duty without a solid reason.	ECP SOPs
110	It should be explored if polling staff can be shifted from union council to another to prevent biases and increase integrity.	ECP SOPs
111	All Grade 17-19 officers of the government should be training as presiding officers, and their details kept by the election commission.	ECP SOPs
112	District account officer should be given access to the data of the officers that have been trained and she/he will coordinate with ECP in the appointment of staff to ensure that all available staff are considered as potential PrOs.	ECP SOPs
113	Appointment orders for polling staff may be dispatched to their work place at least 15 days before the polls.	ECP SOPs
114	Last-minute cancellation of appointment orders and change in duty of polling staff should be limited to emergencies.	ECP SOPs
115	The polling personnel should be drawn from different government departments and total reliance on education department should be avoided.	ECP SOPs
116	Female staff may be appointed close to their residential addresses.	ECP SOPs
117	Honorarium of polling staff may be increased to a reasonable level and may be awarded upon successful completion of assignment proven by a certificate from the RO.	ECP SOPs
118	To encourage polling staff, appreciation letters/advance increments may be awarded to outstanding performers on a merit basis. These types of awards may also be recorded in the service dossier of the polling staff.	ECP SOPs
119	The RO should place comments in the dossier of the polling staff that have performed poorly or created problems.	ECP SOPs
120	Partner organizations may coordinate the training schedule with ROs and ROs may ensure attendance of polling staff at the training venue through his office.	ECP SOPs
121	Management skills of PrOs may be given due consideration, particularly for female stations where more skilled staff need to be deployed	ECP SOPs
122	A central panel of retired election experts may be constituted during the training period to help MTs with technical questions beyond their knowledge via phone.	ECP SOPs
123	In addition to scheduled events, mobile training units may be deployed during the training period and special sessions may be arranged for those appointed at a later stage.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Polling Personnel (Appointment and Training)</b>		
124	More work that is practical may be included in the design of training.	ECP SOPs
125	A Detailed chapter covering all the technical aspects of exercising magisterial powers and special facilitation to elderly voters and PWDs may be included in the content of the training manuals.	ECP SOPs
126	Group discussions and experience sharing sessions may be incorporated in the training design.	ECP SOPs
127	Training may be conducted strictly according to the agenda and independent monitoring teams may be deployed to report on the proceedings.	ECP SOPs
128	The ECP website may be utilized to display training schedules and training material.	ECP SOPs
129	A sufficient number of tamper evident bags may be provided during the polling staff training to ensure proper orientation on their use and importance.	ECP SOPs
130	Training of polling staff may be conducted on working days instead of holidays and its duration may be extended to 2 days.	ECP SOPs
131	Training venues may be selected according to the socio cultural environment and keeping in view the access and provision of basic facilities. Timely supply of hygienic and quality food may be ensured and may be provided separately to males and females.	ECP SOPs
132	While making staff appointments, their previous election experience, seniority and grades may also be considered so that seniors are not placed under juniors.	ECP SOPs
133	Election duties may be assigned in a way that everybody gets an appointment instead of some staff being appointed repeatedly while others are relieved from their duty.	ECP SOPs
134	Skilled and seasoned individuals with sufficient facilitation experience and electoral knowledge may be deployed as trainers for training of polling staff.	ECP SOPs
135	More time may be allocated for practical work, like mock exercises and filling of forms.	ECP SOPs
136	A section on the use of postal ballots may be included in the training manual.	ECP SOPs
137	In addition to the manuals, DVDs containing relevant videos may also be provided.	ECP SOPs
138	PrOs should be properly trained on filling Forms XIV and XV (Statement of Count and Ballot Paper Account), particularly the gender disaggregated data.	ECP SOPs
139	PrOs should be appointed from a pool of 100,000 who have been nominated by their selected departments in advance. Any appointments outside of this pool should be approved by the election commission.	ECP SOPs
140	List of polling officials should be maintained in a computerized database, and should be verified before elections.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Polling Personnel (Appointment and Training)</b>		
141	The duration of the training of PrOs and APOs should be extended from one to two days, as a one day is insufficient to cover all the required topics and to conduct practical mock polling exercises. Furthermore, special attention should be paid to 'Form Filling' (especially Form XIV and Form XV) during the training.	ECP SOPs
142	Training coordinators should be hired at the district level under the DEC.	ECP SOPs
143	Trainers for DRO/RO orientations should be selected very carefully. Technical trainers should come from the ECP or they should be senior, retired judges who have served as ROs themselves. Furthermore, during the orientation, it should be made clear to DROs/ROs that it is their responsibility to coordinate activities and cooperate with the ECP's officers.	ECP SOPs
144	The ECP should ensure that the relevant participants receive invitations to their trainings at least three days before the workshop. Moreover, where possible, travel and daily allowances should be provided to participants so that they have an incentive to attend trainings.	ECP SOPs
145	If feasible, DECs and RECs should be involved in all future trainings, whether those trainings are for DEOs, polling staff or ROs. As ECP's representatives in the field, they are the ones approached when there are any problems and thus they need to be involved in all trainings.	ECP SOPs
146	The Election Commission should exercise direct and complete control, superintendence and discipline on the staff assigned for the election duty including writing their Performance Reports and taking disciplinary action for violation of rules. Furthermore, mechanisms should be put in place to make PrOs more accountable to the ECP and to increase incentives for good performance. Incentives could include appreciation certificates, prizes for the best performers, names published in the newspaper to acknowledge their good work/efforts, and a record made in their dossiers.	ECP SOPs
147	If PrOs violate ECP instructions, or allow any other person to do so, they should be prosecuted under the law.	ECP SOPs
148	The ECP should provide PrO handbooks to the ROs with the objective of distributing these to the PrOs at least before 15 days of poll day. This will ensure that PrOs have sufficient time to prepare themselves to perform well on the poll day as per instructions given in the handbook. It is suggested that PrO handbooks should be distributed before the conduct of training and then organized training programs should be developed.	ECP SOPs
149	Polling staff training should be improved for the next election, whether delivered by the ECP and its partners or by the ROs. Particular focus should be given to the correct filling of forms.	ECP SOPs
150	ECP should evaluate the issue of female polling staff finding it difficult to find accommodation in some rural areas.	ECP SOPs
151	It is recommended that significant thought be given to the issue of recruitment of high caliber polling staff.	EC Decision Required
152	Polling staff assigned to the same polling station should be trained at the same venue on the same day so that they can exchange contact details and divide responsibilities.	Not Recommended

Sr #	Recommendations	Suggested Action
<b>Election Material</b>		
153	A committee should be formed to evaluate whether the number of ECP forms and envelopes may be reduced and made more user friendly - this includes both the polling forms and the nomination forms. They may also consider eliminating the use of roman numerals, using simple Urdu and English language. Pilot testing of new forms is encouraged to evaluate error rates and usability.	ECP Strategic Plan
154	If a list of items to put into each materials bag could be printed on the bag itself, this would help to avoid confusion and streamline the process.	ECP SOPs
155	The various forms and envelopes used at polling stations should be reviewed, simplified and minimized.	ECP SOPs
156	Election material should be of a higher quality, specifically the ballot papers, forms, bags (larger), packing materials, screen of compartments, and seals.	ECP SOPs
157	There may be clear communication channels between the RO and PrOs to ensure smooth polling activities. ROs may be requested to deal the PrOs politely.	ECP SOPs
158	During the elections, a proper coordination cell may be established in the RO office where staff with good reputations may be deployed.	ECP SOPs
159	The timeline for material delivery should be revised. Non-sensitive material should be supplied to ROs well before the Election Day, and sensitive material should be handed over 2-3 days before the poll. This will provide sufficient time to the RO for <i>bulk breaking</i> and for distribution of material in an organized manner.	ECP SOPs
160	There should be sufficient quantities of election materials for each polling station, particularly copies of forms - which were often too few to distribute to all of the candidates.	ECP SOPs
161	Ballot should be printed with enhanced security features and watermarked paper.	ECP SOPs
162	Printing companies should be responsible for distributing materials directly to the DECS.	ECP SOPs
163	There should be more rigorous checking of election material quality. GS Section of ECP Secretariat should be named as Quality Control Unit.	ECP SOPs
164	The indelible inkpots may be replaced with indelible ink markers.	ECP SOPs
165	A mobile unit with all the required accessories and stationary should be provided in every constituency so that the missing/short items can be delivered quickly.	ECP SOPs
166	ECP field staff should impart training for government printing staff that are involved in materials production.	ECP SOPs
167	Female and elderly PrOs should be given priority in submission of results/ material to ROs.	ECP SOPs
168	ROs should provide a written receipt for material received from PrOs.	ECP SOPs
169	Mobile units could be used to provide extra election material (if required) quickly at the polling stations, such as ballot boxes, result	ECP SOPs



Sr #	Recommendations	Suggested Action
	forms, stationery etc.	
<b>Election Material</b>		
170	ECP should verify the thumb impressions by selecting some polling stations as a test case. The existing legal framework should be amended to make it mandatory to randomly select a certain number of counterfoils of ballot papers from each constituency after the election and match the thumb impression with the thumb impression available in the NADRA databank to ascertain any mismatch indicating bogus voting.	ECP SOPs
171	Only magnetized inkpads should be used on Election Day to eliminate possibility of confusion.	ECP SOPs
172	Some spare material may be provided to every PrO to cover any unforeseen requirements.	ECP SOPs
173	The voting stamp pad could be in a prominent ink color (such as red, green etc.) to make it easier to see on the ballot. (May conflict with recommendation to use single ink - needs to be consulted with NADRA PCCIR)	ECP SOPs
174	Tamper evident bags should always be used by ROs and PrOs.	ECP SOPs
175	The ballot papers of the whole district should be provided in one installment, rather than multiple installments.	ECP SOPs
176	DEC offices should be provided with drivers and transport such as double cabins and <i>Shehzores</i> to move bulky materials, and motorcycles.	ECP SOPs
177	There should be an arrangement be made for the transportation of election material (non-sensitive) to and from the polling station. Recommendations included: <ul style="list-style-type: none"> <li>ECP take responsibility for delivery of material to polling station</li> <li>Give this responsibility to the District administration, Army, or Police</li> <li>Provide vehicles for each PrO or give them cash to arrange for vehicle hire themselves</li> </ul>	ECP SOPs
178	The practice of sending a ballot paper proof/specimen to the RO should be continued for future elections.	ECP SOPs
179	Election material should be tracked using a computerized tracking system integrated with existing computer systems.	ECP SOPs
180	Special instructions should be issued in relation to use of magnetic ink.	ECP SOPs
181	The sizes of envelopes should be appropriately sized to the amount of material to be put in them; in the general elections, they were often found to be too small.	ECP SOPs
182	Polling staff should be deployed to the nearest polling stations; in other cases, proper accommodation arrangements may be made for their stay at the polling station one night before the elections.	Not Recommended

Sr #	Recommendations	Suggested Action
<b>Election Material</b>		
183	Suitable arrangements for security and polling staff to stay at the polling station may be ensured.	Not Recommended
184	Calculators and emergency lights may also be included in the material package.	Not Recommended
<b>Security</b>		
185	Security staff should be given honorarium for performing election duty to increase their commitment to this critical duty.	ECP SOPs
186	Senior security officers should make surprise visits/checks to polling stations.	ECP SOPs
187	More female security staff should be provided at the female and combined polling stations.	ECP SOPs
188	The role of District Election Security Committees should be formalized in law with representation from security agencies and district administration. The formation of such committees should be notified by ECP. The development of a security control room may also be considered.	ECP SOPs
189	A female polling station should have at least one female security personnel. She should be required to accompany the PrOs to the RO office. (Where possible)	ECP SOPs
190	On polling day, security officials may be properly monitored by their seniors.	ECP SOPs
191	The cell numbers of the senior security in charge/focal person should be provided to PrOs.	ECP SOPs
192	PrOs who have exercised magisterial powers should be properly protected from any type of threat/violence exerted in any form by anybody.	ECP SOPs
193	Security staff should be deployed to ECP field offices where the law and order situation demands it.	ECP SOPs
194	During election time, ECP staff have late sittings at office due to load of work. Therefore, transport facility may be provided to the staff considering their safety and to avoid any mishaps as well.	ECP SOPs
195	Training on Electoral Security should be provided to staff of security agencies in advance of polling.	ECP SOPs
196	Security focal persons may be appointed in each constituency and the phone numbers of security personnel and Quick Response Forces may be communicated to PrOs.	ECP SOPs
197	A comprehensive security plan should be prepared by district administrations in consultation with DPOs, DROs, ROs and DEC's so that a well-coordinated effort is made by all concerned to ensure proper security on Election Day. Security training should be part of the plan.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Election Material</b>		
198	More security personnel should be assigned to each polling station (especially sensitive ones). The Rangers and the Army should also be deployed to strengthen the police in maintaining the law and order situation. Strict action should be taken on display of weapons, especially on poll-day.	ECP SOPs
199	Security may be tightened during the counting process and entry of unauthorized people into the polling stations may be strictly be controlled	ECP SOPs
<b>Election Expenses</b>		
200	Election Commission should develop and implement a mechanism to monitor and regulate spending by the political parties during election campaigns. There is a need to enact a law to regulate the election campaign through the commercial media and to place a ceiling on such spending by political parties.	Legislation Required
201	Instead of providing only moral cover, complete legal cover may be provided to the Codes of Conduct, so a non-compliance becomes an actionable offence. These should be included in “The Representation of the People Act, 1976.”	Legislation Required
202	The practice of engaging monitoring teams should continue in future elections, but they should not be limited to covering only a certain area/percentage of the constituency and they should report to DRO/ROs, ideally on a daily basis.	ECP SOPs
203	For better and effective monitoring, the number of Monitoring Teams per constituency may be increased and representatives from CSO can become a part of these teams. Retired government servants can also be a part of monitoring teams.	ECP SOPs
204	The composition of monitoring teams should be given due consideration and should work in a systemic manner. They should also be monitored so that DRO/ECP can ensure that their work is carried out impartially and fairly.	ECP SOPs
205	Notification of Monitoring Team members should be issued by designation instead of names so that upon transfer of any member, his/her successor can work.	ECP SOPs
206	Monitoring Teams should be under the command of the ROs so that they can take necessary action in time.	ECP SOPs
207	Monitoring Team should be well equipped with necessary equipment for monitoring. The district administrations should be bound to provide transport and proper security to the Monitoring Team.	ECP SOPs
208	A comprehensive mechanism for monitoring election expenses should be developed both through legislation and by detailed directive from the ECP.	ECP SOPs
209	For effective monitoring of election campaign expenses, courageous, honest and upright officials from district administrations who are not local should be detailed, and stern actions should be taken against defaulters.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Election Material</b>		
210	Election expenditure can only be restricted to the legal limits if monitored and reported daily. Therefore, the monitoring mechanism should be strengthened.	ECP SOPs
211	The maximum limit for campaign expenditure may be raised, keeping in view inflation and other relevant ground realities	ECP SOPs
212	Arrangements be made to stop the misuse of public funds on early electioneering during the final year of the governments before the election and to check the possible diversion of public funds for the partisan election publicity.	ECP SOPs
<b>Polling Day Management</b>		
213	The Election Commission should exercise direct and complete control, superintendence and discipline on the staff assigned for the election duty including writing their performance reports and taking disciplinary action for violation of rules.	ECP SOPs
214	The procedures for retrieval of election material should be streamlined, and made more comfortable for the PrOs: <ul style="list-style-type: none"> <li>• Establish separate and multiple counters for males and females along with clear signboards indicating constituencies.</li> <li>• Establish one counter for no more than 25 polling stations</li> <li>• Provide guides (possibly volunteers) in judicial complexes where multiple ROs are sitting</li> <li>• Provide safe drinking water, sheds, security and helpers. (See also recommendation regarding transport.)</li> </ul>	ECP SOPs
215	A joint team comprising RO/ARO, an ECP official and a member from the monitoring team may be constituted to physically verify possible polling station facilities.	ECP SOPs
216	The polling time should be reviewed, to prevent any last minute extensions. It may be that polling time could be extended.	ECP SOPs
217	Polling station materials and forms should be bilingual Urdu/English particularly "Statement of the Count" (Form XIV), and the Ballot Paper Account (Form XV).	ECP SOPs
218	The electoral block codes with respective serial numbers should be pasted in a conspicuous place at the polling booth and at the entrance of polling station.	ECP SOPs
219	RECs/DECs should be given funds for repair of machines, particularly those stations where election tribunals are established since the photocopies will be made on larger scale.	ECP SOPs
220	Ban media from broadcasting results before close of polling.	ECP SOPs
221	Phase-wise elections should be considered.	EC Decision Required

Sr #	Recommendations	Suggested Action
<b>Polling Day Management</b>		
222	Use of new technologies like EVMs, voters' biometric identification and authentication, CCTVs etc., should be extensively tested first in lab environments, and then piloted before use in any general election.	EC Decision Required
223	If bye-elections were held on weekends then voters might be more likely to be in their hometowns, where they are often registered.	EC Decision Required
224	Separate polling stations may be established for male and female voters.	Not Recommended
225	250-300 voters may be assigned to a polling booth, keeping in view the turnaround time.	Not Recommended
226	CSO and youth organizations may be involved to facilitate voters in casting their votes.	Not Recommended
227	A 30 minutes lunch/prayer break may be given on polling day.	Not Recommended
228	ECP, in conjunction with political parties, should organize training of polling agents and political parties should be able to mobilize sufficient number of polling agents for the constituencies contested by their candidates.	ECP SOPs
229	The numbers of party agents should be limited to a single representative per polling booth.	Not Recommended
230	Section 78(5) of the ROPA on use any vehicle to transport to or from the polling station by any elector except himself members of his immediate family, should be strictly implemented.	ECP SOPs
<b>Counting and Results Preparation</b>		
231	RMS should be used in 100% of polling stations in the future.	ECP Strategic Plan
232	The RMS should be further developed so that all polling station and constituency forms are swiftly transmitted to the ECP and are promptly displayed on the ECP website. RMS should be in a distributed environment whereby the PECs and ECP Secretariat could access election results.	ECP Strategic Plan
233	The RMS should be upgraded to be more efficient, reliable, user-friendly and secure. This upgraded version should be pilot tested before use in any general election.	ECP Strategic Plan
234	ROs should send copies of Form 14 to DEC.	ECP SOPs
235	Statement of the Count (Form XIV) should be pre-printed to include contesting candidates and their allotted symbols (produced automatically from RMS). This could solve the alphabetical placement issue, and could speed filling of the forms and compiling the results on election night.	ECP SOPs
236	Forms that will be distributed to the agents on election night (Form XIV) should be carbonized or sufficient copies of the forms or carbon paper should be provided.	ECP SOPs
237	Polling staff should be required to count the number of voters who've voted according to the marked ER and record this number on Form 14.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Counting and Results Preparation</b>		
238	Form 16 should include the number of registered voters per polling station.	ECP SOPs
239	There should be a procedure in place for RO actions in case of inconsistencies and arithmetic errors in forms 14 and 15.	ECP SOPs
240	The consolidation of the result by ROs should be witnessed by candidates (or their agents) and observers	ECP SOPs
241	CCTV cameras should be installed at the RO office and used at the time of consolidation of the result.	ECP SOPs
242	The ECP should put in place an automated process to flag any polling station with unusual turnout or results and a process for investigating suspicious stations.	ECP SOPs
243	There should be a procedure whereby any Female and combined polling station where the female voter turnout is zero or near zero, this should be investigated by ECP and actions taken to rectify the situation or take disciplinary action.	ECP SOPs
244	The process of handover of results forms from PrO to RO should be revised so that arithmetic discrepancies can be sorted out while the PrO and the RO are both present.	ECP SOPs
<b>Coordination</b>		
245	The collection of gender-disaggregated data should continue.	ECP SOPs
246	ECP should not certify results until suspicious polling stations have been investigated, or if any instances of zero or near-zero female voter turnouts are present.	ECP SOPs
247	In order to promote transparency and thus enhance the credibility the counting process, the statement of count prepared at each polling station be posted at the ECP website as soon as it is received at the ECP.	ECP SOPs
248	Party Name should be on form 16.	ECP SOPs
249	The data for Form XV should be extracted automatically from the information contained on Forms XIV; this will avoid duplication of work.	ECP SOPs
250	There should be secure and fast Internet connection and continuous power supply for fast and secure transmission of data to the ECP Secretariat.	ECP SOPs
251	Proper training should be arranged for the ROs, AROs and DEOs on the RMS system and it should commence well in advance before the polling day.	ECP SOPs
252	Official copies of Statement of Count and Ballot Account Form should be given to observers in addition to polling agents. It should be ensured that a copy is always posted at the polling station - as this practice was often not followed.	ECP SOPs
253	The procedures related to RMS should be reviewed to make the process more straightforward so that results can be tabulated more quickly.	EC Decision Required
254	Continuous power supply (electricity) may be ensured at least on poll day.	Not Recommended

Sr #	Recommendations	Suggested Action
<b>Coordination</b>		
255	Mechanisms should be put in place to ensure effective coordination between all organizations as well as functioning of various departments and governments through suitable coordination mechanism.	ECP Strategic Plan
256	Coordination with other departments should be improved perhaps by increasing the capacity and mandate of the coordination section at ECP headquarters.	ECP SOPs
257	Resources and practical measures, such as providing the option of using postal ballots, should be considered to support the disabled in exercising their right to vote.	Legislation Required
258	The postal ballot process needs to be reviewed and simplified to facilitate voters.	ECP SOPs
259	District Election Coordination Committees should be formed headed by DRO which should hold meetings regarding Security, Training and all other issues related to elections in that District. The Committee should consist of the following: <ul style="list-style-type: none"> <li>• Returning Officer</li> <li>• District Election Commissioner</li> <li>• District Coordination Officer/ Deputy Commissioner</li> <li>• District Police Officer/ SSP</li> </ul>	ECP SOPs
260	Electoral reforms should be consulted with the appropriate partners particularly, NADRA, Printing Corporation of Pakistan Press, Security Printing Press, Federal Board of Revenue, State Bank of Pakistan, National Accountability Bureau, Pakistan Bureau of Statistics, etc.	ECP SOPs
261	The ECP must play a strong role in promoting effective working relationships between the judiciary and local administration by clearly defining the roles and responsibilities of each partner.	ECP SOPs
262	A combined training program for DROs/ ROs/DECs/AECs may be arranged for the sake of securing a better working relationship and effective coordination between them resultantly for a smooth conduct of elections.	EC Decision Required
<b>Postal Ballot Papers</b>		
263	There should be a mechanism in place so that results from postal ballots may be included in the preliminary unofficial results.	ECP SOPs
264	Government servants may be educated on the use of the postal ballot and its requisition schedule.	ECP SOPs
265	An accountability mechanism and follow-up procedure may be developed to stop misuse of this facility.	ECP SOPs
266	The requisition schedule may be reconciled with the polling staff appointment schedule, since most of the staff reported that when they received their appointment letter the requisition period was already over.	ECP SOPs
267	Prisoners should be facilitated in use of postal ballot.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>Postal Ballot Papers</b>		
268	Postal ballot form should be on ECP website.	ECP SOPs
269	An awareness campaign for utilization of postal ballots facility is essential, and sufficient time should be given for requisition and submission of postal ballots.	ECP SOPs
<b>Out of Country Voting</b>		
270	The ECP should develop an appropriate mechanism in the light of the proposed legislation so that overseas Pakistanis are in a position to vote in the next General Election.	ECP SOPs
<b>Complaints</b>		
271	Expand the group of those that can file petitions to Election Tribunals, to include political parties, civil society organizations and voters.	Legislation Required
272	The legislative framework for electoral offences and penalties be reviewed to remove any unwarranted clauses, such as boycotting, and sanctions made reasonable and proportionate to the offences. Alleged offences be subject to investigation and due process.	Legislation Required
273	A clear system should be established in law for filing administrative complaints to the ECP and petitions to Tribunals, to avoid overlapping jurisdiction and improve clarity, timeliness and predictability of access to remedy. A system be established for administrative complaints to ECP bodies, with information given on how, where and when to complain, and also on how and when decisions are reached, and complaints tracking.	ECP Strategic Plan
274	The ECP should set up a central Control Room at the district level and concerned officers e.g., DRO, DC/DCO, DPO, DEC, RO/AROs (if possible) should be present in the Control Room to address complaints and problems.	ECP SOPs
275	For full transparency, media and observers must be permitted to witness adjudication processes, including all Election Tribunal proceedings.	ECP SOPs
276	In addition, lawyers' adjournments should be strictly limited, and other procedural adjustments can be introduced to expedite election-related cases. Election Tribunals should be empowered to enter summary judgments against litigants who violate the expedited procedures.	ECP SOPs
277	The independence of Appellate and Election Tribunals be strengthened, through judicial appointment and orientation/training of judges and staff working on Tribunals. Resourcing and training of Tribunal staff be increased to speed the process and provide for consistent implementation of due process.	ECP SOPs



Sr #	Recommendations	Suggested Action
<b>Complaints</b>		
278	The Election Commission should develop an efficient and effective mechanism to monitor and review the progress of election tribunals so that the election petitions can be adjudicated within stipulated period of four months.	ECP SOPs
279	The Election Commission should appoint sufficient number of tribunals by assigning sufficient number of judges for speedy adjudication of election petitions.	ECP SOPs
<b>Facilitation to Elders and PWDs</b>		
280	Training of polling and security staff should include a focus on facilitating elderly and PWD voters, this topic should be included in the training manual.	ECP SOPs
281	Facilities like ramps and wheel chair may be provided at polling station, if possible.	ECP SOPs
282	Special measures be taken to provide for effective electoral participation by persons with disabilities, such as facilitating CNIC registration, making postal voting possible if needed, specialized voter education activities, and sensitization of the polling staff.	ECP SOPs
<b>Women</b>		
283	The political parties, contesting candidates and their supporters or other persons shall not encourage or enter into formal or informal agreement, arrangement and understanding debarring WOMEN from becoming candidate for an election or exercising their right of vote in an election. The Political Parties shall encourage the women to participate in election process.	ECP SOPs
284	Resolute actions must be taken against agreements that prohibit women from voting. ROPA be amended to explicitly provide for the ECP and Tribunals to disqualify a returned candidate if there is evidence that the candidate, or their election agent or any other person with their connivance, participated in an agreement banning women from voting or standing as candidates. Results from constituencies where women have been barred from any polling station should not be certified.	ECP Strategic Plan
285	Polling stations be established in accessible locations with adequate conditions for women, including suitable facilities and female staff.	ECP SOPs
286	The process of collecting gender disaggregated data should be strengthened both by revising the form, making it mandatory, and clarifying the process of counting the booths separately in training and procedures manuals.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>ECP Internal Administrative Reforms</b>		
287	To enable better communication, REC/DEC offices should be provided adequate equipment such as laptops, Internet connection, paid mobile phone connections, etc. Moreover, DEC's should be encouraged by senior officers to communicate with them openly and senior officers should acknowledge and appreciate the work done by those in the field to motivate them to work harder in the future.	ECP Strategic Plan
288	To improve transparency, ECP should place scanned copies of result forms as well as detailed election results on the ECP website.	ECP Strategic Plan
289	<p>Perhaps the most common recommendation received from stakeholders was that ROs/AROs should not be drawn from the judiciary and should instead be drawn from federal and provincial government or ECP officers where appropriate. The committee considered several possibilities</p> <ul style="list-style-type: none"> <li>• DRO &amp; RO/ARO from judiciary (as is current practice)</li> <li>• DRO &amp; RO/ARO from ECP (as used in bye-elections)</li> <li>• The committee recommends a third model:</li> <li>• DRO from judiciary and RO/ARO from Federal or Provincial government.</li> </ul>	ECP Strategic Plan
290	Directives should be sent from the Secretariat to field offices after consultation with relevant PECs/RECs/DECs, and HQ should take into account the workload of existing, on-going activities at the field level. Communication from the Secretariat to PECs/RECs/DECs should also take place in a timely manner, keeping in view the duration required to prepare and conduct activities.	ECP SOPs
291	FEA may be reactivated, especially at the PEC level, and research analytical work should be started. Retired experienced ECP officials may be utilized in these academies.	ECP SOPs
292	ECP should have its own field offices and warehouse/go downs rather than renting buildings.	ECP SOPs
293	The ECP should hire more staff at the HQ/PEC levels and field offices, keeping in view the day-by-day increasing need for voter registration and other associated tasks. Moreover, RECs should have their staff officers (EO), and likewise, EO should have clerical staff to perform duties in a well-organized manner.	ECP SOPs
294	The ECP's capacity should be built to work independently to conduct elections by taking responsibility and ownership for their actions.	ECP SOPs
295	EOs should get specified scopes of work under the supervision of DEC's.	ECP SOPs
296	Promotion should be based on competitiveness/ability/aptitude to perform the said duties, instead of seniority. In-service training should be the basis of promotion. It should be a regular practice to send officers and staff for training in the training institutes.	ECP SOPs
297	There should be a written examination for clerical in-service staff for promotion to higher post, instead of promotion based on seniority. There should be panel of officers for each post, and best of the best formula should be adopted.	ECP SOPs
298	The extension of retiring ECP officers should not be considered as it hampers the upgrade empty space for the succeeding ECP staff.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>ECP Internal Administrative Reforms</b>		
299	IT sections should be established at REC/DEC levels for processing and analyzing data.	ECP SOPs
300	Induction of officials at the ECP from other departments should not be discouraged.	ECP SOPs
301	There should be a FPSC exam along with set criteria for qualification and successful completion of pre service training. Senior assistants and stenographers may be inducted through proper exams.	ECP SOPs
302	Promotion exams for each ECP staff should also be introduced.	ECP SOPs
303	Election Dispute Resolution should be made essential and important segment of the training program in future.	ECP SOPs
304	A central control room in each PEC office with more telephone and fax facilities would be required to be established to receive complaints and pass on over fax / phone to the concerned authorities for taking quick and appropriate action on the spot.	ECP SOPs
305	ECP should appointment a formal spokesperson for media (electronic/print) to address all queries and criticism in an effective manner and to maintain a positive image of the ECP.	ECP SOPs
306	There is dire need to devise code of conduct for media to access the ECP offices. It has been observed that the media reporters freely entered (sometimes forcefully) inside ECP offices to get information, hence disturbing the office decorum and secrecy of election work.	ECP SOPs
307	The role/tasks of election officers should be well defined and he/she should be made assistant registration officers.	ECP SOPs
308	A Monitoring Committee should be established at HQ level that should pursue the directives of the ECP. The Committee should be headed by Additional Secretary and all DGs should be members of that committee. The Secretariat of this committee should be the Coordination Branch in the ECP Secretariat. This Committee shall pursue all the directives and their implementation by the PECs and all concerned in letter and spirit.	ECP SOPs
309	It is recommended that the capacity of DEC be increased to assist ROs throughout the electoral process particularly in problem solving technical areas such as RMS, development of polling schemes, etc.	ECP SOPs
310	During elections, it has been observed that there is a lot of information, a part from the regular press release that was shared by ECP with its provincial and regional offices. However, due to lack of any such policy, there existed confusion regarding the nature of document, whether it is to share with public / media or not. Hence, a policy should be formed to clarify or label a document / information as for public or official perusal.	ECP SOPs
311	As compared to the past years, ECP has become quite open towards media. However, it has been observed that there is still more reliance on Press Release and Print Ads. ECP should use social media more. A proper media campaign should be planned prior to the elections that shall cover all the aspects and utilize all the forms of media and advertising effectively.	ECP SOPs

Sr #	Recommendations	Suggested Action
<b>ECP Internal Administrative Reforms</b>		
312	The ECP promote voter engagement, including by publically demonstrating measures it is taking to mitigate against malpractices so that there can be increased stakeholder trust and confidence in the electoral processes.	ECP SOPs
313	The ECP regulate for key aspects of the process so far unaddressed, including provisions for administrative complaints, transparency and observers.	ECP SOPs
314	The ECP should work in a consultative manner through with regular meetings with political parties and civil society organizations.	ECP SOPs
315	A political finance wing and voter education wing should be established at the ECP Secretariat.	EC Decision Required
316	To facilitate the public regarding voter registration and other allied matters, the ECP should consider establishing offices at tehsil levels.	Not Recommended

## **Annexure–I: Observer Findings and Recommendations**

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### **Disclaimer**

The extracts from the following reports pertaining to their assessment and recommendations have been reproduced in Annexure-I for information and reference purposes, without changes to the original contents. The views expressed in the extracts do not necessarily represent the views of the ECP or the Post-Election Review Committee.

- 1) Report of the Commonwealth Observer Mission, Pakistan General Elections
- 2) European Union Election Observation Mission Final Report Pakistan 2013
- 3) Free & Fair Election Network (FAFEN)'s Observation of General Elections 2013: Key Findings and Recommendations, May 2013
- 4) National Democratic Institute / The Asian Network for Free Elections 2013: National and Provincial Assembly Elections in Pakistan Final Report
- 5) National Commission on the Status of Women Election Monitoring and Recommendations
- 6) Report on The Asia Foundation's Supporting Transparency, Accountability and Electoral Processes in Pakistan (STAEP) Mega Mela Convention
- 7) Policy Brief Agenda for Electoral Reforms in Pakistan after 2013 General Election July 2013: Pakistan Institute of Legislative Development and Transparency (PILDAT)

## Commonwealth Observer Mission

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### Key Issues / Findings / Concerns

#### Legal Framework for the Election Commission of Pakistan

The legal framework relating to the nomination, appointment and work of the ECP was significantly improved by the 18<sup>th</sup> Amendment to the Constitution. This resulted in increased confidence in the ECP at the national level.

The requirement in the 18<sup>th</sup> Amendment for the CEC and other Commissioners to be nominated through a cross-party process makes for a far more inclusive and transparent process, which results in an increased level of confidence in the overall electoral arrangements. Previously, the appointment of the CEC and Commissioners was the sole prerogative of the President.

The same amendment provides for a five-year as opposed to three-year term for ECP members, which is a more balanced term of tenure. Furthermore, the ECP also has more control over its finances, which increases its independence.

However, there are concerns regarding the election management body's structure and management process. For instance, the ECP did not have authority over ROs in electoral matters and District and Provincial-level election officials did not adequately enforce the Codes of Conduct.

#### Voter Registration

The Electoral Roll was heavily criticized by stakeholders and observers in past elections. The 2002 roll was only partially computerized and as a consequence there was no way of accurately checking for duplicate entries or to search for unverified entries. The 2007 roll saw some improvements but was still criticized due to some one-third of the electorate being listed on a supplementary list rather than the main list and with many of the entries lacking unique ID numbers.

The Electoral Roll for the 2013 elections represents a major improvement and enjoys widespread confidence. It is now fully computerized and reliant upon the unique CNIC numbers as issued by NADRA in its national database of citizens. This means it can be easily updated as new citizens turn 18 and also that it can be easily used for crosschecking and verifying entries to maintain accuracy and reliability. On the day of the election it proved an accurate and a reliable document.

During the finalization of the rolls it was found that many people were registered for the election according to their address at the time of registration for their CNIC, but their actual residence now was different. This seems to have been a particular issue in Karachi with over 100,000 people apparently affected. The ECP made efforts to resolve the matter and no major complaints were made after the election in this regard.

A further concern is the manner in which the Ahmadi community is treated with regard to their right to vote. Many persons from this community do not register to vote in the first place because they do not agree that they should be identified as Non-Muslim. However, some do register and NADRA identified over one hundred thousand Ahmadis from the list of issued CNIC cardholders and rather than placing them on the Electoral Roll they were placed on a supplementary list.

The ECP's use of an SMS system to facilitate voter verification of their registration, polling place, block number and serial number of the Electoral Roll was a commendable initiative and served the process extremely well. It was estimated that some 40 million people took advantage of this facility. On Election Day the system was so heavily accessed it ran into some technical problems.

The number of women on the electoral roll remains substantially lower than the number of men. Based on ECP figures there are some 10 million fewer women than men. The trajectory for registering women is positive, as the gap is lessening and the ECP undertook a series of positive initiatives for these polls to increase women's registration levels. However, there remains work to be done in this regard. Given the new system, whereby it is registration for a CNIC that triggers one's registration as a voter the issue is broader than just an electoral one and therefore requires the involvement of more state institutions than just the ECP.

The Electoral Roll lists people by household number, which is not a commonly understood reference in the Pakistani context. The ECP SMS system included a voter's serial number as part of the information offered but political parties continue to play an active role in informing voters of their serial number, notably through the camps they establish near to polling stations. However, this involvement of the parties has the potential for enabling them to influence voters on the day of polling. Given that all voters now have a CNIC with a unique number it would be possible to have a list ordered by CNIC number, which would be clear and easy to follow for voters and poll officials alike, and would enable the prohibiting of party camps outside of polling stations and would also lessen the proactive role of polling agents inside polling stations.

### **Nomination of Candidates**

While the total number of candidates registered for these elections represents a significant increase compared to the previous polls, and the elections were certainly competitive in this regard, there is a concern at some aspects of the candidate nomination process in terms of both the criteria and the implementation of the process.

The current criteria for candidate eligibility include a series of "moral" requirements that are subjective in nature and inconsistent with the ICCPR's requirement for participation to be based on reasonable and objective criteria. Article 62 of the Constitution has three such moral and subjective stipulations, whereby candidates are required to:

- "Be of good character and is not commonly known as one who violates Islamic injunctions"
- Have "adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins"
- Be "sagacious, righteous and non-profligate"

The candidate nomination process is administered by the respective constituency Returning Officer (RO). For the purpose of this election ROs were drawn from among the judiciary but are not under the direct control and authority of the ECP. In electoral management terms this is not ideal. In practice this led to inconsistencies in implementation, for instance with a prospective candidate who applied to be a candidate in more than one constituency being rejected in one constituency but accepted in another.

Further, there were reports of some ROs going beyond the remit of administering the process and starting to interpret the application of the Constitution, for instance with regard to the elements of Article 62 mentioned above. There were reports of women being asked if they were married and others being asked to recite verses of the Koran to prove their knowledge of Islam. The High Court in Lahore was petitioned and ordered ROs to cease such practices in the Province. It should also be noted that in the more traditional area of KP Province such practices were not reported.

These reports highlight the problem of having such moral and subjective criteria and also of the ECP not having control over the ROs to ensure consistent and objective implementation of the rules and regulations.

It should also be noted that the requirement for candidates to have a university degree, which was heavily criticized in previous polls, was struck down by the Supreme Court in 2008.

## **Women's Participation and Representation**

The ECP undertook a number of initiatives with regard to women's participation for these elections. The total number of registered women voters has increased compared to the previous election and a strong turnout of women voters was observed on Election Day. There were also some advances in terms of women's participation as candidates, notably a woman contested a General Seat in the FATA for the first time.

However, while some improvements are noted there clearly remains work to be done in this regard as the total number of registered women voters, according to ECP figures, is some 10 million less than registered males. In addition, the number of women candidates contesting the open general seats for the National assembly was just 3.4% of the total number of seats.

Women represent just 1.8% of the ECP's 2,288 full time employees and there are no women in senior management positions. The ECP recognizes this shortcoming and in its five-year Strategic Plan (2010-2014) it states that it aims to increase the representation of eligible women within the ECP to at least 10%.

## **Overseas Voting**

In response to requests from political parties the ECP decided in February 2012 to allow overseas-resident Pakistanis to vote in national elections, although the required arrangements had not yet been put in place. Subsequently, the Supreme Court, in the course of hearing a long-running petition by a political party on the matter, ordered the ECP to ensure that all overseas-resident Pakistanis would be able to vote in the May General Elections. During hearings in April 2013, the ECP argued that it did not have sufficient time to set in place a secure online system for the estimated 4.5 million Pakistanis resident abroad. Overseas Pakistani citizens are primarily residing in the Gulf States, United Kingdom, and United States and in Asia.

After several statements to the Court by the ECP and Caretaker Government reiterating their inability to institute the necessary arrangements, the Court accepted that overseas voting would be instituted for subsequent elections. On 9 May 2013, President Zardari signed the Election Laws (Amendment) Ordinance, providing for the right to vote for overseas Pakistanis.

## **Conclusions and Recommendations**

### **Conclusions**

Pakistani voters turned out in very large numbers on 11 May 2013 to cast their ballots and express their will to elect their Provincial and National representatives. The elections were credible and represent notable progress for Pakistan towards holding fully democratic elections.

The positive features of the 2013 elections included: an improved legal framework; a higher level of confidence in the ECP at the national level; a significantly improved voter registration process; election day procedures which in most instances were well managed, with the notable exception of parts of Karachi; and a very high turnout of the electorate to cast their votes.

Of particular concern were: the level of violence in some parts of the country, which impacted on the democratic process; the handling of candidate nominations; the low level of women's participation as voters and candidates, despite some improvements in this regard; and, the need to further improve mechanisms to ensure compliance with the Codes of Conduct.

This is not the first Pakistan election to be marred by violence; nor is Pakistan the only country where there is election-related violence. However, this election was affected by a significant level of violence, which impacted most dramatically in the city of Karachi and Balochistan and Khyber Pakhtunkhwa (KP) Provinces. While the violence in Karachi included inter-party violence, the bulk of the violence during the elections emanated from militant groups external to the elections. According to



reports three candidates were killed in targeted attacks, with well over a hundred party supporters killed and several hundreds injured.

The violence was largely, though not exclusively, targeted against three political parties, seriously impeding their ability to campaign openly in many parts of the country and limiting their freedoms of movement and assembly. Affected parties were critical that more was not done to improve their security for the campaign and the integrity of the process in affected areas was compromised. What was remarkable, though, was that despite the level of violence against the process by militants, there was a determination by political parties to remain engaged in the process and ensure it was not derailed. In addition, the high turnout of voters was in spite of threats of violence and reports of actual violence. These two factors bode well for the further consolidation of democracy in the country.

The legal framework provides the basic conditions for credible, competitive elections and the 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> Constitutional Amendments and various electoral reforms have strengthened the framework for the elections. Significantly the 18<sup>th</sup> Amendment provides for increased independence of the ECP and a more inclusive process in the nomination of ECP members. This has increased the level of confidence in the election management body at the national level. It is significant that these are the first elections held under the full treaty obligations of the ICCPR, following Pakistan's removal of its reservations in 2010. This has further helped to improve the overall legal framework for the polls and the democratic process in the country.

There was a significant increase in the number of candidates and political parties contesting these elections compared to the previous General Elections. This is in spite of the short time period for candidate nominations and inconsistencies among Returning Officers (RO) in applying legal criteria in the confirmation of candidacies. It also appears that some ROs reportedly went beyond their remit of simply administering the process. The process for the nomination of candidates caused some controversy and is an area where the ECP struggled to assert administrative control and coherence. The existing regulations on candidate eligibility, as detailed in Articles 62 and 63 of the Constitution, contain a number of clauses which are highly subjective and in practice were interpreted and implemented differently by various Returning Officers. Further, as Returning Officers were drawn from the judiciary they were apparently not under the control of the election management body.

One of the ECP's main successes was the much-improved Electoral Rolls and universal suffrage is better provided for than previously, though the shortfall of registered women voters remains to be addressed. The use of NADRA's database to create the Electoral Roll and the use of CNIC's for the purpose of voter identification has created a far more reliable list of voters compared to previous elections. The ECP's use of SMS to enable voters to verify their registration and identify their polling station was also an excellent innovation.

The level of representation of women as candidates remains relatively low. For instance, while there are 60 reserved seats for women in the 342-seat National Assembly, women represented just over 3% of the total number of candidates contesting the general seats for the Assembly. The level of women as registered voters also remains relatively low and despite some improvements in the number of women on the voter register and some positive initiatives by the ECP there remains, according to ECP data, a shortfall of over 10 million women compared to men on the Electoral Rolls. In its Strategic Plan the ECP is committed to increasing the number of women employed in its full time staffing structure. Such an aspiration is to be commended but the current level of female employees is just 1.8%.

The ECP issued a series of Codes of Conduct to help regulate the election campaign, media coverage, election observers and behavior of election officials. Such an innovation is a helpful supplement to the Representation of the People Act. The ECP deployed monitoring teams to report on violations of the Code of Conduct during the campaign but there was some criticism that there was not adequate enforcement of campaign violations.

On Election Day Commonwealth observers reported that the ECP was generally well prepared for the polls in most areas and the process was well administered. However, delays and other problems were

experienced in some locations, with Karachi particularly affected. There was a very large security deployment in support of the process throughout, and this was generally effective and helpful. However, there were reports of some localized disturbances and a number of violent incidents, including a number of fatal attacks, which are deeply regretted.

Some polling stations struggled to deal with large numbers of assigned voters, particularly in places where the premises were too small for the task, but overall, faced with the high voter turnout, polling station officials worked diligently to administer the process and the new electoral roll proved to be reliable. In Karachi problems were also caused by the late delivery of materials, resulting in delays.

Towards the end of polling the ECP extended the hours of polling but this was not adequately communicated down to polling station level, leading some inconsistencies in managing this. The count at polling stations was conducted in a transparent manner and polling agents were able to get a copy of the result at the completion of the count and the result was announced and posted. Such measures helped to provide transparency and accountability.

## **Recommendations**

### **Electoral Framework and Election Administration**

- It is important for the ECP to have managerial control of all aspects of the electoral process they are responsible for, to ensure full compliance and consistency in application of rules and regulations. In this regard, Returning Officers should be more directly accountable to the ECP in exercising their electoral duties.
- The ECP has issued a series of Codes of Conduct to help regulate the electoral environment. However, in order to be effective these require suitable enforcement mechanisms to ensure compliance and accountability. Of particular note in this regard are the Codes of Conduct for the election campaign and media, which require the ECP to have the means to monitor violations and the will and capacity to enforce accountability measures.
- The moral criteria contained in Article 62 of the Constitution, as currently phrased, give scope for subjective interpretation and are contrary to Pakistan's obligation under the ICCPR.
- The relative advancements in increasing the levels of women's participation as voters, candidates and ECP staff/management need to continue. In particular, emphasis should be placed on ensuring women's access to a CNIC, which is vital for them as a citizen in general but critical for them as a voter in future elections.
- Further effort should be made to resolve the case of Ahmadi voters being excluded from the main electoral roll, bearing in mind the constitutional right and treaty obligations with regard to equal treatment of Pakistani citizens in this regard.
- The listing of voters on the electoral rolls by household number does not appear to be helpful, as it is not known in many instances. Further, the use of the household number in this regard means that voters still want to know their serial number on the roll and this opens the door to political parties establishing their camps around polling stations to fulfill this function. Such camps have the potential for undue influence on voters and represent campaigning on Election Day that is proscribed by the law. As voting is now on the basis of the unique CNIC number, this would appear to offer a solution, with lists able to be organized by CNIC number, facilitating the work of poll officials.

### **Election Campaign and Media**

- Review the effectiveness of measures to ensure security to candidates and parties, in light of the experiences of this election period, and in consultation with political parties.
- Review the limits on campaign spending in consultation with political parties so that limits are realistic.

### **Voting, Counting and Results**

- Where possible the ECP should ensure that adequately sized premises are provided for polling relative to the number of voters assigned to the station. Further, again as far as possible, the ECP needs to ensure a reasonable equalization of numbers between stations, so that one station does not have several hundred voters while a neighboring station has some thousands.
- In selecting the premises for polling stations more account should be taken of the ease of access for persons with disability, the elderly and other persons for whom access may be an issue.
- The ECP needs to ensure that on the day of the polls election officials at all levels are able to communicate with their respective colleagues. For instance, POs should be able to effectively communicate with ROs, possibly through an intermediary where necessary, in order to seek clarification on any matters of concern. Likewise, instructions from the ECP, such as an instruction to extend polling, should be able to be communicated from the ECP, through officials at other levels and to POs. This process needs to be timely and effective to prevent misunderstandings and inconsistencies.

## EU Election Observation Mission Pakistan

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### Key Issues

A strong democratic commitment was demonstrated in the 2013 elections, by the state authorities of Pakistan, civil society, political parties and voters. Despite escalating militant attacks, and procedural shortcomings, the electoral process progressed with high levels of competition, a marked increase in voter participation, and overall acceptance of the outcome. The electoral reform undertaken in the last few years, particularly in regards to the leadership of the Election Commission of Pakistan (ECP) and the electoral roll, provided for a significantly improved process. However fundamental problems remain with the legal framework and the implementation of certain provisions, leaving future processes vulnerable to malpractice and Pakistan not fully meeting its obligations to provide citizens the right and opportunity to stand as candidates and to vote.

Pakistan ratified the UN International Covenant on Civil and Political Rights (ICCPR) in 2010, making these the first national elections to be held under the legal obligations of the treaty. Pakistan's legislative framework largely provides for ICCPR election-related rights. However some aspects of the current legislation, such as the subjective candidacy requirements, are not consistent with the ICCPR. Furthermore there are some omissions, specifically in regards to access to administrative remedy in case of dispute, and a lack of provisions for transparency.

The legal framework has been improved through various amendments to the Constitution. These established a parliamentary process for the appointment of the Caretaker Prime Minister, Chief Ministers, and the ECP leadership, as well as collective decision-making by the ECP Members and Chief Election Commissioner (CEC). These improved mechanisms contributed to enhanced confidence in the institutions and reduced allegations of bias compared to 2008. However further legislative reform for elections was not significantly achieved.

The ECP has undertaken some consultation with political parties and civil society, which has contributed to increased confidence in and performance by the institution. However the ECP has not used its broad powers to establish a complete regulatory framework, leaving critical aspects of the election open to discretion. The ECP has also not taken full responsibility for all aspects of the election administration, instead deferring some key matters to temporarily appointed Returning Officers (ROs) without sufficient regulation or central oversight.

Requirements for transparency were not met. For example the legislation does not provide for observer access and for results information to be made publicly accessible. Furthermore the ECP did not always make information of public interest easily available and in a timely manner. For example notifications of ECP decisions, data on changes to the polling station scheme, and results records.

The National Database and Registration Authority (NADRA) has been instrumental in the formation of a markedly improved Electoral Roll (ER), which provided a strong safeguard in the electoral process. However the universality of the franchise continues to be undermined by the under-registration of women compared to men. In addition equality of the vote is compromised by the large variation in constituency sizes.

The elections were undertaken in a difficult security environment that affected voters, political parties, candidates, the election administration, observers and the media. Despite militant threats, a high number of citizens contested, with a total of 16,692 candidacies accepted, of which 5,000 were for the 342 National Assembly (NA) seats (272 general seats, 60 reserved for women and 10 for non-Muslims), and 11,692 for the 728 Provincial Assembly (PA) seats. There was an average of 17.2 candidates per NA constituency, a doubling from 8.3 in 2008. All those parties that boycotted the 2008 elections chose to participate in 2013, and only one party declared a boycott before Election Day.

The right to stand as a candidate was not evenly provided for. The process of candidate registration was made problematic and unnecessarily burdensome by the vague and moral candidacy requirements

that were unevenly applied, hence there were cases of the same candidate being accepted in one constituency and rejected in another. In some cases there was an assumption of guilt and consequent rejection of candidacy for people who had been charged but not tried.

During the last four weeks of the campaign, there were a reported 130 security incidents resulting in more than 150 people killed. Most of the attacks were directed against candidates and supporters of parties identified as secular, in particular the Awami National Party (ANP) in Khyber Pakhtunkwa (KPK) and the Muttahida Quami Movement (MQM) in Sindh, two of the three political parties the Tehreek-e Taleban Pakistan (TTP) had threatened, the third being the Pakistan Peoples Party (PPP). However, the last two weeks of the campaign saw an increasing number of attacks against other parties and independent candidates in all four provinces and the Federally Administered Tribal Areas (FATA). The federal and provincial caretaker Governments took, in varying degrees, security measures and made protection arrangements for candidates.

The high number of attacks affected campaigning and unbalanced the playing field, in particular in KPK, Balochistan and Karachi. In contrast, in vast parts of the country the pre-electoral environment was generally vibrant with a lively campaign period, notably in all Punjab and central and interior Sindh. While some parties were able to undertake large-scale campaign events, overall the campaign was largely characterized by small-to-medium sized rallies, corner meetings and door-to-door activities. EU Election Observation Mission (EOM) Long-Term Observers (LTOs) reported isolated cases of violent clashes between party supporters.

No grave violations of the ECP's Code of Conduct for Political Parties and Candidates were directly observed by EU EOM LTOs. Further analysis is hampered by the lack of a systematic mechanism for addressing violations, and a lack of information from the ECP on breaches and responses to breaches of the Code of Conduct.

The media provided a range of viewpoints, as well as scrutiny of the election process. Although the media generally enjoys freedom of speech, journalists and editors were targeted by militant or other groups in Karachi, some other parts of Sindh, Balochistan and FATA, and the state authorities took insufficient measures to protect.

In the absence of a transparent and efficient enforcement mechanism for the otherwise sound Code of Conduct for the Media, state and privately owned broadcasters did not provide the main contestants with equitable coverage. For example the six TV channels monitored by the EU EOM broadcasted numerous Pakistan Muslim League-Nawaz (PML-N) publicity events granting the party a total of nearly 16 hours of live coverage, while MQM, Pakistan Tehreek-e Insaf (PTI) and PPP had a total of 9, 5 and 4 hours respectively.

Election Day proceeded more smoothly than anticipated with a large-scale security effort in place, although still there were reportedly 62 violent incidents resulting in at least 64 election-related deaths and 225 people injured. Over 140 EU EOM observers scrutinized polling, counting and the compilation of results in 140 constituencies in 3 provinces. Security conditions precluded EU EOM observation in Balochistan and FATA. Most of the polling booths observed were rated as satisfactory or good. However 9% were rated as poor or inadequate. In some cases serious problems were seen, including in Karachi, where overall polling stations were more negatively rated.

Counting was more problematic, with 9 out of 64 stations rated as poor or inadequate. In 17 cases results forms were not correctly filled in, and in half of the observations the results forms were not displayed. Similar transparency problems were also found in consolidation at the constituency level, when only in 14 cases, out of 39 observed, did EU EOM observers see full results displayed with a polling station breakdown that allows for checking the veracity of the announced totals.

Post-election day there were a number of allegations of "rigging", and thus the electoral process was challenged, although the federal and provincial outcomes were clearly accepted, with strong margins of victory contributing to the recognition of overall mandates. The lack of availability of crucial data

from the ECP on polling stations, numbers of registered voters, and individual polling station results, reduced confidence in the process and opportunity for complaints to be lodged and addressed in a speedy manner. Furthermore it prevents full analysis of results and rigging allegations, thereby precluding full identification of issues arising. EU EOM observers noted shortcomings in the completion of results forms and some polling stations with questionably high levels of invalid ballots.

It appears that ROs made some last minute changes to the polling station scheme and polling staff, and that the ECP has no central record of the changes or final lists of actual stations and staff used on Election Day. This is problematic in regards to ballot accountability, implementation of procedures as untrained staff were used, and the organization of voters, agents and observers. Such unaccounted for changes can result in suspicions about possible motivations.

The ECP didn't regulate for the resolution of complaints, and instead its various offices and ROs used ad hoc procedures, resulting in some re-polling and recounting being undertaken in a number of stations and constituencies. The lack of a central record-keeping system and routine publication of decisions makes it difficult to assess the extent to which there was consistent opportunity for effective remedy.

The number of women elected to NA general seats dropped to only six (2%), although with the reserved seats there are a total of 66 (19.3%) women in the assembly. Despite a two-fold increase in the number of female candidates, the majority of parties awarded tickets to three or fewer women. In the media, women candidates were hardly visible. Despite a significant increase in the number of registered women, there were some 11 million fewer registered female than male voters. Women-only polling stations were more negatively assessed by EU EOM observers.

The Ahmadi community continues to be discriminated against as, unlike other minority groups, they are registered on a separate ER. Even though the Code of Conduct for the Media tasks broadcasters to air programmes targeting "groups traditionally excluded from the political process", voter education spots promoting non-Muslim participation in the elections were not aired on state-owned broadcasters.

At the time of finalization of this report, 19 June 2013, the election process remains incomplete. Some constituencies are still to hold polling, and some cases are outstanding at Election Tribunals and Superior Courts. Improvements to the overall election process could still be made through the publication of the polling station scheme used on election day and results data, as well as by consistent and efficient handling of petitions and investigation of alleged election offences.

## **EU EOM Recommendations**

The following 50 recommendations address various Pakistani institutions, but primarily Parliament and the ECP. All branches of the state (the Parliament, executive offices and the judiciary) need to work together each within their constitutional competencies to support election reform. Such reform, based on consensus, takes time for a consultation, deliberation and implementation, therefore prompt attention is warranted.

Of the 50 recommendations made, 7 are assessed to require a change in the Constitution, and 17 are considered to require changes in the primary legislation. For a further 13 recommendations it would be desirable to have the suggested changes secured in law. Priority recommendations crucial for reform are identified in the executive summary. The recommendations are stated once in a list format and repeated in a table format with some related information.

### **Develop a framework for electoral reform**

1. Formation of a special Parliamentary Committee on elections/electoral reforms for timely review of legislation, based on international law commitments and a consultative process. Also for undertaking scrutiny of election preparations and processes, thereby increasing accountability and showing parliament's commitment to improved democratic processes.

### **Strengthen the overall legal framework**

2. The electoral legislation be consolidated so that repetitions and inconsistencies are avoided, and the legal framework is made more accessible to stakeholders.
3. The Freedom of Information Ordinance be amended to require State parties to proactively put in the public domain state information of public interest. Reduction of the Federal Government's powers to decline disclosure, and provincial Governments and constitutionally independent bodies such as the ECP be explicitly placed under the Ordinance's jurisdiction.

### **Develop the independence and effectiveness of the election administration**

4. Removal of presidential powers in regards to approval of rules, removal of difficulty, and approval of Appellate Tribunals, in order to strengthen the independence of the election administration. Removal of the constitutional provision for a judge of the Supreme Court to act as Commissioner in the absence of the Chief Election Commissioner.
5. The ECP fully implement and review its Five Year Strategic Plan. The ECP use the opportunity of each upcoming by-election to demonstrate its commitment to implement improved practices. The ECP submit regular public reports to Parliament.
6. The ECP promote voter engagement, including by publically demonstrating measures it is taking to mitigate against malpractices so that there can be increased stakeholder confidence in the process. Also by undertaking further voter education at the appropriate time, with a particular focus on marginalized groups.
7. The ECP regulate for key aspects of the process so far unaddressed, including provisions for administrative complaints, transparency and observers.
8. The ECP take full management responsibility for the work of ROs. ROs be full-time dedicated to their task. ROs not be wholly drawn from the judiciary to avoid conflict of interest, and instead could be partially or totally from the ECP permanent staff base, other branches of the civil service, or be selected through an open recruitment process.
9. The ECP work with full transparency, making all information of public interest immediately and easily accessible, including ECP decisions, notifications, polling and results data.
10. The ECP work in a fully consultative manner through with regular meetings with political parties and civil society organisations.
11. The ECP develop codes of conduct through a consultative process, with focus on establishing realistic enforcement mechanisms.
12. The Code of Conduct for observers include provisions for the rights of observers, accreditation be issued for the entire process (not one day), and the ECP develop its own capacity for timely and convenient issuing of accreditation.

### **Maintain the electoral roll (ER)**

13. A strong system be established for updating the ER, to remove the deceased, register new voters, and provide for people to be registered at the location of their convenience.

### **Equalise constituencies**

14. Legislation for delimitation be reviewed to explicitly provide for nation-wide delimitation possibly using voter registration figures in the absence of updated census data. Timely delimitation be undertaken, allowing for consultation and complaints.

### **Strengthen candidate nomination provisions and processes**

15. Candidacy requirements be amended to remove vague moral conditions open to subjective interpretation, and so that the right to stand is not contingent on another person's financial standing or behavior.
16. Candidates be limited to running in only one constituency in any election, for clarity to voters and to remove the need for subsequent by-elections.
17. Procedures for and management checks on RO's assessment of candidate nominations be developed, so that all candidates are treated equally and fairly and there is no assumption of guilt prior to a conviction.

### **Develop campaign finance provisions**

18. The financial limitation on election expenses of candidates be reviewed, together with the financing provisions for political parties, in order to enhance transparency and accountability. The financial monitoring and enforcement capacity of the ECP be developed.

### **Strengthen the freedom and range of the media**

19. Freedom of expression be subject to "necessary" rather than "any reasonable restrictions imposed by law" through amendment of article 19 of the Constitution.
20. The legal framework for media be revised so that it supports editorial independence and eliminates opportunities for censorship. The Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance 2007; Press, Newspapers, News Agencies and Books Registration Ordinance 2007; Defamation Ordinance and number of PEMRA regulations be amended in line with Pakistan's international commitments and best practice in journalism.
21. State authorities take strong measures to promote a safe and enabling environment for journalists to perform their work independently and without undue interference. The measures taken be narrowly tailored to avoid compromising editorial independence and autonomy or journalists' ability to work.
22. In close cooperation with the ECP, PEMRA establish efficient media monitoring units in all provinces and introduce a quantitative media monitoring methodology that meets international standards, and provides the regulatory bodies with legitimate and accurate information, in order to monitor broadcasters' compliance with legal and regulatory provisions.
23. Jurisdiction and supervision over the state-owned media be transferred from Ministry of Information and Broadcasting to PEMRA. State-owned broadcasters' financial autonomy be sustained and editorial independence further fostered by amending relevant legislation.
24. To increase the range of information and campaign and debate platforms available to voters and candidates, undertake further liberalization of the broadcasting sector, in particular in regards to terrestrial and radio services. Also by facilitating the licensing of community radio stations in rural areas and tasking such stations with some public service duties like provision of free air time to local candidates and voter education programmes in vernacular languages.
25. Conduct professional capacity building training at various levels, from editorial board members to reporters, on pre-election programme planning, investigative journalism, conducting political debates, reporting and use of various journalistic techniques.

### **Develop safeguards in the polling and counting process**

26. The ECP review and develop its procedures to increase checks in the polling process, such as requiring staff to count and record the number of voters who've voted according to the marked ER, and requiring form 16 to record the number of registered voters per polling station. The ECP to develop procedures for RO actions in case of inconsistencies in forms 14 and 15.
27. The polling scheme to be finalised as per the law, with any subsequent alterations such as may be necessary due to court decisions, being made immediately publicly available locally and on the ECP website.
28. All polling staff be trained. Any last minute changes in polling staff be minimal, the ECP be fully informed, and new staff be drawn from trained reserve staff and/or given training. More extensive training be undertaken by all personnel involved, including ROs and polling staff, for consistent and correct implementation of procedures. Emphasis to include counting, completion of forms and the results process.
29. A results management system be further developed so that all polling station and constituency forms are swiftly transmitted to the ECP and are promptly displayed on the ECP website, as well as being displayed locally at the constituency level.
30. Political parties train and organise party agents more effectively so they can play a stronger scrutiny and safeguard role in the electoral process.



### **Establish stronger systems for electoral dispute resolution**

31. Establishment in law of a clear system for filing administrative complaints to the ECP and petitions to Tribunals, to avoid overlapping jurisdictions and improve clarity and predictability of access to remedy.
32. In order to improve access to timely remedy and reduce the need for judicial proceedings, a system be established for administrative complaints to ECP bodies, with information given on how, where and when to complain, and also on how and when decisions are reached, and complaints tracking.
33. The independence of Appellate and Election Tribunals be strengthened, through judicial appointment and orientation/training of judges and staff working on Tribunals. Resourcing and training of Tribunal staff be increased to speed the process and provide for consistent implementation of due process.
34. Expand the group of those that can file petitions to Election Tribunals, to include political parties, civil society organizations and voters.
35. The legislative framework for electoral offences and penalties be reviewed to remove any unwarranted clauses, such as boycotting, and sanctions made reasonable and proportionate to the offences. Alleged offences be subject to investigation and due process.

### **Further develop citizen observation**

36. Citizen observer groups, including FAFEN, continue to develop in organizational capacity, advocate for electoral reform, and undertake scrutiny of by-elections and local elections.

### **Promote the participation of women**

37. Special efforts be undertaken to secure CNIC registration for women, targeting especially women in rural and conservative areas and young women, to increase the number of women on the electoral roll. Photographs be included on all CNICs as an anti-fraud measure. Awareness raising on the usefulness of having photographs on CNIC.
38. Polling stations be established in accessible locations with adequate conditions for women, including suitable facilities and female staff. Sufficient number of female polling stations be established in areas where separate polling stations are appropriate to the local cultural norm.
39. Resolute actions to be taken against agreements that prohibit women from voting. ROPA be amended to explicitly provide for the ECP and Tribunals to disqualify a returned candidate if there is evidence that the candidate, or their election agent or any other person with their connivance, participated in an agreement banning women from voting or standing as candidates.
40. Election-related gender-disaggregated data be maintained, with information published regularly and promptly on the websites of the ECP and NADRA.
41. Political parties be required to have policies and provide information on women's participation within the party, and to take additional measures to promote women's participation. Political parties be encouraged to nominate an increased number of women candidates for general seats.
42. A review be undertaken of the system of reserved seats for women, in line with UN General Assembly resolution 66/130 which calls on countries to review the differential impact on their electoral systems on the political participation of women.
43. State media take actions to promote women's participation in the electoral process, such as including women candidates in their election programming, asking parties about their policies related to women's participation and undertaking debates on gender issues.

### **Promote the participation of minorities**

44. The separate list for Ahmadi voters be abolished, so that all voters are on one unified electoral roll, according to requirements for age and Pakistani citizenship.
45. Consideration to be given to reviewing the system for allocating the reserved seats, for example so that they are directly elected and such representatives have a constituency to respond to.
46. Special measures be taken to provide for effective electoral participation by persons with disabilities, such as facilitating CNIC registration, making postal voting possible if needed, specialized voter education activities, and sensitization of the polling staff.

47. State media take actions to increase substantially the visibility of candidates from minority and vulnerable groups. ECP and state media provide free voter education spots for minority and vulnerable groups.

**Undertake political reform**

48. The mandate, functioning and neutrality of future caretaker governments be more clearly defined in law.
49. Further internal party democratisation processes be required and enforcement mechanisms developed, to enhance participation and accountability, including in regards to candidate nomination.
50. Further constitutional reforms be undertaken to enable FATA residents to enjoy fundamental political freedoms and civil rights as other citizens of Pakistan do. The 12 National Assembly representatives of FATA be able to legislate for FATA.

## Recommendations Table Containing Additional Related Information

No	Key specific principle	Recommendation	Change in legislation required <i>C = constitutional change required</i> <i>PL = primary legislation change required</i> <i>D = desirable to be secured in law</i>	Related international obligations and commitments	Primary responsibility for implementation	Context
<b>DEVELOP A FRAMEWORK FOR ELECTORAL REFORM</b>						
1	Guaranteeing the free expression of the will of the electors	Formation of a special Parliamentary Committee on elections/electoral reforms for timely review of legislation, based on international law commitments and a consultative process. Also for undertaking scrutiny of election preparations and processes, thereby increasing accountability and showing parliament's commitment to improved democratic processes.		ICCPR article 25 "Every citizen shall have the right and the opportunity... To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors". ICCPR GC 25, paragraph 20 "The allocation of powers and the means by which individual citizens exercise the right to participate in the conduct of public affairs protected by article 25 should be established by the constitution and other laws." ICCPR GC 34, paragraph 3 "the principles of transparency and accountability... are... essential for the promotion and protection of human rights."	Parliament	The Senate Special Committee on Election Issues began a consultative process for election law reform. Timely legislative reform is required and therefore a strong inclusive parliamentary mechanism would be advantageous.

STRENGTHEN THE OVERALL LEGAL FRAMEWORK						
2	Right to information	The electoral legislation be consolidated so that repetitions and inconsistencies are avoided, and the legal framework is made more accessible to stakeholders.	PL	ICCPR GC34 paragraph 19 “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”	Parliament	Currently there are inconsistencies and repetitions across different legal acts, making the law hard to understand.
3	Right to information	The Freedom of Information Ordinance be amended to require State parties to proactively put in the public domain state information of public interest. Reduction of the Federal Government's powers to decline disclosure, and provincial Governments and constitutionally independent bodies such as the ECP be explicitly placed under the Ordinance's jurisdiction.	PL	ICCPR article 19 "freedom to seek, receive and impart information". ICCPR GC 34, article 19 "State parties should proactively put in the public domain Government information on public interest... States parties should also enact the necessary procedures, whereby one may gain access to information, such as by means of freedom of information legislation."	Parliament	The right of access to information is not fully provided for under the current legislation.

**DEVELOP THE INDEPENDENCE AND EFFECTIVENESS OF THE ELECTION ADMINISTRATION**

4	Independent electoral authority	Removal of presidential powers in regards to approval of rules, removal of difficulty, and approval of Appellate Tribunals, in order to strengthen the independence of the election administration. Removal of the constitutional provision for a judge of the Supreme Court to act as Commissioner in the absence of the Chief Election Commissioner.	C	ICCPR GC 25, paragraph 20: "An independent electoral authority should be established... there should be...access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes."	Parliament	Currently there is a risk of actual or perceived presidential involvement in the election administration and petitions process. The Constitution stipulates that in the CEC's absence, a judge of the Supreme Court acts as the Commissioner, rather than ECP Members taking on this role.
5	Independent electoral authority	The ECP fully implement and review its Five Year Strategic Plan. The ECP use the opportunity of each upcoming by-election to demonstrate its commitment to implement improved practices. The ECP submit regular public reports to Parliament.		ICCPR article 25 "Every citizen shall have the right and the opportunity... To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors". ICCPR GC 34, paragraph 3 "the principles of transparency and accountability... are... essential for the promotion and protection of human rights."	ECP	Currently much of the reform-orientated ECP Five Year Strategic Plan remains to be implemented. The ECP is currently missing capacity for certain key functions of an election management body. The ECP develop its accountability in line with its independence.

6	Universal suffrage	The ECP promote voter engagement, including by publically demonstrating measures it is taking to mitigate against malpractices so that there can be increased stakeholder confidence in the process. Also by undertaking further voter education at the appropriate time, with a particular focus on marginalised groups.		ICCPR article 25 "Every citizen shall have the right and the opportunity... To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors". ICCPR GC 25, paragraph 11 "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."	ECP	Post election day there were many allegations of malpractice ("rigging") and loss of confidence in the work of the election administration at this stage of the process. The ECP carried out a sparse voter education campaign in the audio-visual media and placed only a limited number of public service announcements in the newspapers.
7	Rule of law	The ECP regulate for key aspects of the process so far unaddressed, including provisions for administrative complaints, transparency and observers.		ICCPR GC 25, paragraph 20 "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."	ECP	Currently ad hoc arrangements are undertaken, with discretion resulting in inconsistent implementation.

8	Independent electoral authority	The ECP take full management responsibility for the work of ROs. ROs be full-time dedicated to their task. ROs not be wholly drawn from the judiciary to avoid conflict of interest, and instead could be partially or totally from the ECP permanent staff base, other branches of the civil service, or be selected through an open recruitment process.	D	ICCPR GC 25, paragraph 20: "An independent electoral authority should be established"	ECP	Despite the 2009 decision of the National Judicial Policy Committee's not to again have its ranks serve as ROs, the ECP made a specific request which was agreed to, citing mistrust amongst the political parties of the alternative of ROs coming from civil administration. The ECP admits to a lack of control over ROs. ROs implemented their responsibilities inconsistently and some undertook actions that the ECP was not aware of, for example making changes to the polling scheme and polling staff.
9	Transparency	The ECP work with full transparency, making all information of public interest immediately and easily accessible, including ECP decisions, notifications, polling and results data.	D	CAC article 7.4 "Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency". CAC article 10 "Taking into account the need to combat corruption, each State Party shall... take such measures as may be necessary to enhance transparency in its public administration". ICCPR GC34 paragraph 19 "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest."	ECP	Currently there are transparency gaps including in regards to ECP decisions, polling scheme data, and results information.
10	Contribution of the public	The ECP work in a fully consultative manner through with regular meetings with political parties and civil society organisations.	D	CAC article 13A "Enhancing the transparency of and promoting the contribution of the public to decision-making processes".	ECP	Some consultation with political parties and civil society has been undertaken but this could be could be further enhanced and systematised.

11	Rule of law	The ECP develop codes of conduct through a consultative process, with focus on establishing realistic enforcement mechanisms.	D	ICCPR GC 25, paragraph 20 "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."	ECP	Codes of conduct were developed based on varying levels of consultation. The codes of conduct have lacked established mechanisms for enforcement, with resolution of complaints largely being ad hoc.
12	Transparency	The Code of Conduct for observers include provisions for the rights of observers, accreditation be issued for the entire process (not one day), and the ECP develop its own capacity for timely and convenient issuing of accreditation.	D	ICCPR GC 25, paragraph 20 "There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes." CAC article 13 "Each State Party shall take appropriate measures... to promote the active participation of individuals and groups outside the public sector, such as civil society, non- governmental organizations and community-based organizations, in the prevention of and the fight against corruption".	ECP	Accreditation was just for one day. The code of conduct for observers had weak provision for the rights of observers. The ECP lacked a system for issuing accreditation to observers and media representatives.



MAINTAIN THE ELECTORAL ROLL (ER)						
13	Universal suffrage	A strong system be established for updating the ER, to remove the deceased, register new voters, and provide for people to be registered at the location of their convenience.	PL	ICCPR article 25 "elections which shall be by universal and equal suffrage". ICCPR GC25 paragraph 11 "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed... Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."	ECP, NADRA	The current legal framework and implementation practices do not provide for a robust consistent mechanism for maintaining and updating the ER.
EQUALISE CONSTITUENCIES						
14	Equal suffrage	Legislation for delimitation be reviewed to explicitly provide for nation-wide delimitation possibly using voter registration figures in the absence of updated census data. Timely de-limitation be undertaken, allowing for consultation and complaints.		ICCPR article 25(b) "elections which shall be by universal and equal suffrage". GC 25, paragraph 21 "The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another."	Parliament, ECP	Currently there are constituencies of very different sizes, compromising the equality of the vote. The last census was in 1998. It is not clear when the next census will be. Constituencies in Karachi have been very contentious. ER data could be considered as a basis for delimitation.
STRENGTHEN CANDIDATE NOMINATION PROVISIONS AND PROCESSES						
15	Right to stand	Candidacy requirements be amended to remove vague moral conditions open to subjective interpretation, and so that the right to stand is not contingent on another person's financial standing or behaviour.	C	ICCPR article 25: "Every citizen shall have the right and the opportunity... without unreasonable restriction... to be elected". ICCPR GC 25, paragraph 4: "Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria."	Parliament	Articles 62 and 63 of the Constitution contain vague moral criteria which left candidacy nomination open to arbitrary interpretation. Article 63 contains candidacy conditions related to a spouse and dependents.

16	Will of the electors	Candidates be limited to running in only one constituency in any election, for clarity to voters and to remove the need for subsequent by- elections.	PL	ICCPR GC 25, paragraph 19 "The results of genuine elections should be respected and implemented."	Parliament	Citizens are voting for candidates in good faith, and then find out that they will not take up their seat, and by- elections are called. This places an unnecessary burden on the electorate, other candidates and the state. It also delays the formation of a full parliament.
17	Right to stand	Procedures for and management checks on RO's assessment of candidate nominations be developed, so that all candidates are treated equally and fairly and there is no assumption of guilt prior to a conviction.	D	ICCPR article 25 "Every citizen shall have the right and the opportunity... to be elected". ICCPR article 14.2 "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."	ECP	Different ROs had different means for assessing nominations, resulting in the same candidate being rejected in one constituency and accepted in another. In some constituencies there was an assumption of guilt and consequently candidacy applications were rejected.

DEVELOP CAMPAIGN FINANCE PROVISIONS						
18	Will of the electors	The financial limitation on election expenses of candidates be reviewed, together with the financing provisions for political parties, in order to enhance transparency and accountability. The financial monitoring and enforcement capacity of the ECP be developed.	PL	ICCPR GC25 paragraph 19 "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party." CAC article 7.3 "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."	Parliament, ECP	The expense ceiling was considered by many political parties as out-dated and unrealistically low. Also there is neither an enforcement nor a sanction mechanism, and a lack of transparency. Furthermore, political parties are not subject to adherence to a campaign finance ceiling.
STRENGTHEN THE FREEDOM AND RANGE OF THE MEDIA						
19	Freedom of expression	Freedom of expression be subject to "necessary" rather than "any reasonable restrictions imposed by law" through amendment of article 19 of the Constitution.	C	ICCPR, article 19 "Everyone shall have the right to freedom of expression... The exercise of the rights... may... be subject to certain restrictions, but these shall only be such as are provided by law and are necessary". ICCPR GC 34, paragraph 22 "Restrictions may be imposed: the restrictions must be 'provided by law'; they may only be imposed for one of the grounds set out in subparagraphs (a) and (b) of paragraph 3; and they must confirm to the strict tests of necessity and proportionality".	Parliament	Currently freedom of expression is unnecessarily restricted in the Constitution.

20	Freedom of expression	The legal framework for media be revised so that it supports editorial independence and eliminates opportunities for censorship. The Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance 2007; Press, Newspapers, News Agencies and Books Registration Ordinance 2007; Defamation Ordinance and number of PEMRA regulations be amended in line with Pakistan's international commitments and best practice in journalism.	PL	ICCPR article 19 "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." ICCPR GC 25, paragraph 25 "In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion."	Parliament, PEMRA	The legal framework for the media is out-dated and does not provide for a satisfactory level of editorial independence and does not eliminate censorship.
21	Freedom of expression	State authorities take strong measures to promote a safe and enabling environment for journalists to perform their work independently and without undue interference. The measures taken be narrowly tailored to avoid compromising editorial independence and autonomy or journalists' ability to work.	D	ICCPR, article 19. ICCPR GC 34, paragraph 23 "States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression." ICCPR GC 34, paragraph 13 "A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society."	Law enforcement agencies, PEMRA, Ministry of Information and Broadcasting	Pakistan is listed among the world's deadliest countries for journalists. Repressive methods were used against the media houses that were under direct threat from the TTP during the elections.

22	Will of the electors	In close cooperation with the ECP, PEMRA establish efficient media monitoring units in all provinces and introduce a quantitative media monitoring methodology that meets international standards, and provides the regulatory bodies with legitimate and accurate information, in order to monitor broadcasters' compliance with legal and regulatory provisions.	D	ICCPR GC 25, paragraph 25 "In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential."	ECP, PEMRA, PCP	Provision for a level playing field in the media was compromised by the ECP not establishing an efficient and transparent enforcement mechanism. PEMRA and the PCP only responded to complaints, rather than monitoring if and how media outlets abided by the code.
23	Right to information	Jurisdiction and supervision over the state-owned media be transferred from Ministry of Information and Broadcasting to PEMRA. State-owned broadcasters' financial autonomy be sustained and editorial independence further fostered by amending relevant legislation.	PL	ICCPR, article 19. ICCPR GC 34, paragraph 16 "State parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom. They should provide funding in the manner that does not undermine their independence."	Parliament, Ministry of Information and Broadcasting	State-owned media houses are not fulfilling their specific obligations as publicly owned broadcasters.

24	Right to information	To increase the range of information and campaign and debate platforms available to voters and candidates, undertake further liberalization of the broadcasting sector, in particular in regards to terrestrial and radio services. Also by facilitating the licensing of community radio stations in rural areas and tasking such stations with some public service duties like provision of free air time to local candidates and voter education programmes in vernacular languages.	PL	ICCPR article 19 "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." ICCPR GC 25, paragraph 25 "In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion."	Ministry of Information and Broadcasting, PEMRA	The terrestrial service is closed to competition. Radios are restricted to local proximities.
25	Right to information	Conduct professional capacity building training at various levels, from editorial board members to reporters, on pre-election programme planning, investigative journalism, conducting political debates, reporting and use of various journalistic techniques.		ICCPR GC 25, paragraph 25 "In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential."	PEMRA, press clubs, media practitioners associations	Low quality reporting undermines the electorate's ability to gain comprehensive and knowledge-based information on various topics prior to elections, curbing voters' ability to make an informed choice.

DEVELOP SAFEGUARDS IN THE POLLING AND COUNTING PROCESS						
26	Security of the ballot and the counting of the votes	The ECP review and develop its procedures to increase checks in the polling process, such as requiring staff to count and record the number of voters who've voted according to the marked ER, and requiring form 16 to record the number of registered voters per polling station. The ECP to develop procedures for RO actions in case of inconsistencies in forms 14 and 15.	D	ICCPR GC 25, paragraph 20 "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."	ECP	Such safeguards are currently missing, leaving the process vulnerable to malpractice.
27	Security of the ballot and the counting of the votes	The polling scheme to be finalised as per the law, with any subsequent alterations such as may be necessary due to court decisions, being made immediately publicly available locally and on the ECP website.		ICCPR GC 25, paragraph 20 "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."	ECP	In contradiction to the law, ROs made last minute changes to the polling scheme and the ECP had no central record of the changes or final list of polling stations.

28	Security of the ballot and the counting of the votes	All polling staff be trained. Any last minute changes in polling staff be minimal, the ECP be fully informed, and new staff be drawn from trained reserve staff and/or given training. More extensive training be undertaken by all personnel involved, including ROs and polling staff, for consistent and correct implementation of procedures. Emphasis to include counting, completion of forms and the results process.		ICCPR GC 25, paragraph 20 "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."	ECP	Last-minute changes in polling personnel resulting in untrained staff being used. ROs worked in inconsistent ways. There were problems with the completion of results forms.
29	Transparency	A results management system be further developed so that all polling station and constituency forms are swiftly transmitted to the ECP and are promptly displayed on the ECP website, as well as being displayed locally at the constituency level.	D	CAC article 7.4 "Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency". CAC article 10 "Taking into account the need to combat corruption, each State Party shall... take such measures as may be necessary to enhance transparency in its public administration". ICCPR GC34 paragraph 19 "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest."	ECP	Polling station results information was only inconsistently available at polling stations and at ROs' offices. The ECP did not make polling station results information swiftly publicly available. The current results management system was not fully used.
30	Security of the ballot and the counting of the votes	Political parties train and organise party agents more effectively so they can play a stronger scrutiny and safeguard role in the electoral process.		ICCPR GC 25, paragraph 20 "The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents."	Political Parties	Observers reported cases of agents going beyond their role and remit in their activities in polling stations and also not collecting copies of results forms.



**ESTABLISH STRONGER SYSTEMS FOR ELECTORAL DISPUTE RESOLUTION**

31	Access to remedy	Establishment in law of a clear system for filing administrative complaints to the ECP and petitions to Tribunals, to avoid overlapping jurisdictions and improve clarity and predictability of access to remedy.	PL	ICCPR article 2(3)(a) “To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.” ICCPR GC32 paragraph 19 “A situation where the functions and competencies of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal.” ICCPR GC25 paragraph 20 states that “there should be... access to judicial review or other equivalent process that electors have confidence in the security of the ballot and the counting of the votes.”	Parliament	Complaints were filed to various forums simultaneously within ECP structures and also in parallel to a superior court or to an Election Tribunal (after results announcement).
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32	Access to remedy	In order to improve access to timely remedy and reduce the need for judicial proceedings, a system be established for administrative complaints to ECP bodies, with information given on how, where and when to complain, and also on how and when decisions are reached, and complaints tracking.	D	ICCPR article 2(3)(a) “To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.” GC 31, paragraph 15 requires States “to ensure that individuals have accessible and effective remedies... Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.” ICCPR GC34 paragraph 19 “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest.”	ECP	For nearly all parts of the process, ad hoc arrangements were used by the ECP for management of administrative complaints.
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33	Access to remedy	The independence of Appellate and Election Tribunals be strengthened, through judicial appointment and orientation/training of judges and staff working on Tribunals. Resourcing and training of Tribunal staff be increased to speed the process and provide for consistent implementation of due process.	C	ICCPR article 2(3)(a) "To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy." ICCPR GC32 paragraph 19 "A situation where the functions and competencies of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal." ICCPR GC25 paragraph 20 "there should be ... access to judicial review or other equivalent process that electors have confidence in the security of the ballot and the counting of the votes."	Parliament, Judiciary	Currently Appellate Tribunals (for challenges to candidacy) and Election Tribunals (for challenges to results) are appointed and supported by the ECP. Election Tribunals have a history of consistently not meeting legal deadlines, thereby compromising access to timely remedy.
34	Access to remedy	Expand the group of those that can file petitions to Election Tribunals, to include political parties, civil society organisations and voters.	PL	ICCPR article 2(3)(a) "To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."	Parliament	Currently only candidates can file petitions to Election Tribunals (challenging results), thereby reducing opportunity for remedy for non- candidates.
35	Security of the ballot and the counting of the votes	The legislative framework for electoral offences and penalties be reviewed to remove any unwarranted clauses, such as boycotting, and sanctions made reasonable and proportionate to the offences. Alleged offences be subject to investigation and due process.	PL	ICCPR article 19 "Everyone shall have the right to freedom of expression". ICCPR GC 25, paragraph 11 "Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced."	Parliament	The Pakistan Penal Code stipulates that encouraging people to boycott an election is an offence, carrying penalties of up to three years imprisonment. The penalties for various offences may be regarded as somewhat excessive.

FURTHER DEVELOP CITIZEN OBSERVATION						
36	Contribution of the public	Citizen observer groups, including FAFEN, continue to develop in organisational capacity, advocate for electoral reform, and undertake scrutiny of by-elections and local elections.		ICCPR GC 25, paragraph 20 "There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes." CAC article 13 "Each State Party shall take appropriate measures... to promote the active participation of individuals and groups outside the public sector, such as civil society, non- governmental organizations and community-based organizations, in the prevention of and the fight against corruption".	FAFEN and other citizen observer groups	Citizen observer initiatives contributed in various ways to a sense of the importance of the process not just the outcome, and the need for developments in electoral practice. However there was some variation in quality, with EU EOM observers noting a significant reduction in professionalism in FAFEN's election day observers.
PROMOTE THE PARTICIPATION OF WOMEN						
37	Women's participation in political life	Special efforts be undertaken to secure CNIC registration for women, targeting especially women in rural and conservative areas and young women, to increase the number of women on the electoral roll. Photographs be included on all CNICs as an anti-fraud measure. Awareness raising on the usefulness of having photographs on CNIC.	D	CEDAW article 7 "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country". ICCPR article 25 "Every citizen shall have the right and the opportunity... To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors".	NADRA	There are some 11 million less women registered in the ER than men, with the difference being highest in FATA. Women are significantly less likely to have CNICs than men, with the difference being particularly marked in KPK and Punjab and amongst 18-24 year olds. Photographs on CNICs are not obligatory for women, which leaves room for manipulation. Photographs are required for going to Hajji (in passports and for visas), also for the Benazir Income Support Programme).

38	Women's participation in political life	Polling stations be established in accessible locations with adequate conditions for women, including suitable facilities and female staff. Sufficient number of female polling stations be established in areas where separate polling stations are appropriate to the local cultural norm.		CEDAW article 7 "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right... To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies". CEDAW GR 23 paragraph 18 "The Convention obliges States parties in constitutions or legislation to take appropriate steps to ensure that women, on the basis of equality with men, enjoy the right to vote in all elections and referendums, and to be elected. These rights must be enjoyed both de jure and de facto".	ECP	Female polling stations were observed to frequently lack female staff and to be often smaller and with poorer facilities than male stations.
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39	Women's participation in political life	Resolute actions to be taken against agreements that prohibit women from voting. ROPA be amended to explicitly provide for the ECP and Tribunals to disqualify a returned candidate if there is evidence that the candidate, or their election agent or any other person with their connivance, participated in an agreement banning women from voting or standing as candidates.	PL	CEDAW articles 7 "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life", 2b "to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibit all discrimination against women", 2e "to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise", 5a "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practises which are based on the idea of inferiority or superiority of either of the sexes or on stereotyped roles on men and women."	ECP, Parliament	During the 2013 election there were credible reports of alleged agreements by political parties, candidates, jirgas and/or local leaders trying to prevent women from voting.
40	Women's participation in political life	Election-related gender-disaggregated data be maintained, with information published regularly and promptly on the websites of the ECP and NADRA.	D	CEDAW GR 23, paragraph 48d, requires states to report "statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights".	ECP, NADRA	Although some attempts were made, there continues to be a lack of gender- disaggregated data in regards to women as voters, candidates, in parties, and in the election administration.

41	Women's participation in political life	Political parties be required to have policies and provide information on women's participation within the party, and to take additional measures to promote women's participation. Political parties be encouraged to nominate an increased number of women candidates for general seats.	PL	Beijing Declaration and Platform for Action. CEDAW article 7 and GR23, paragraph 34 "Political parties have an obligation to demonstrate their commitment to the principle of gender equality in their constitutions, in the application of those rules on their executive boards so that these bodies may benefit from the full and equal participation... by both sexes." Paragraph 22 "Political parties must endeavour to balance the number of male and female candidates". Paragraph 28 "Political parties have a responsibility to ensure that women are.. nominated in areas where they have a likelihood of electoral success."	Parties	Women poorly represented in the assemblies. Currently only a very small number of women are awarded party tickets.
42	Women's participation in political life	A review be undertaken of the system of reserved seats for women, in line with UN General Assembly resolution 66/130 which calls on countries to review the differential impact on their electoral systems on the political participation of women.	C	UN General Assembly Resolution 66/130 6(a) "to review the differential impact on their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate."	Parliament	Without having been directly elected, the assembly members on reserved seats for women are often perceived as lacking a popular mandate.

43	Women's participation in political life	State media take actions to promote women's participation in the electoral process, such as including women candidates in their election programming, asking parties about their policies related to women's participation and undertaking debates on gender issues.		CEDAW article 7 "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country"	State media	There was a negligible visibility of women candidates during the election campaign. Lack of public debate on gender issues.
<b>PROMOTE THE PARTICIPATION OF MINORITIES</b>						
44	Protection against discrimination	The separate list for Ahmadi voters be abolished, so that all voters are on one unified electoral roll, according to requirements for age and Pakistani citizenship.	PL	ICCPR article 25 provides that "every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Art. 2 and without reasonable restrictions...to vote and to be elected at genuine periodic elections.."		Ahmadis are registered on a separate ER, not the unified ER.
45	Protection against discrimination	Consideration to be given to reviewing the system for allocating the reserved seats, for example so that they are directly elected and such representatives have a constituency to respond to.	C		Parliament	Minority communities are dissatisfied with the current system, referring to a lack of representativeness.



46	Protection against discrimination	Special measures be taken to provide for effective electoral participation by persons with disabilities, such as facilitating CNIC registration, making postal voting possible if needed, specialised voter education activities, and sensitisation of the polling staff.		CRPD article 29 "Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections"	ECP, NADRA	Various reports of poor level of electoral participation by persons with disabilities due to lack of awareness, accessibility, and identification, as well as societal attitudes.
47	Protection against discrimination	State media take actions to increase substantially the visibility of candidates from minority and vulnerable groups. ECP and state media provide free voter education spots for minority and vulnerable groups.		ICCPR article 19,2 "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds". ICCPR GC 25, paragraph 11 "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."	State media, ECP	Extra measures were not taken by the state or private media to promote the participation of minorities.

UNDERTAKE POLITICAL REFORM						
48	Rule of law	The mandate, functioning and neutrality of future caretaker governments be more clearly defined in law.	PL	ICCPR GC 25, paragraph 19 "Persons entitled to vote must be free to vote for any candidate for election... and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."	Parliament	While the caretakers largely complied with the condition of neutrality which was a provision of the ECP's Code of Conduct for Political Parties and Candidates for these elections, there is a lack of legal specification on the limits and functioning of caretaker administration.
49	Genuine election	Further internal party democratisation processes be required and enforcement mechanisms developed, to enhance participation and accountability, including in regards to candidate nomination.	PL	ICCPR GC25 paragraph 26 "Political parties and membership in parties play a significant role in the conduct of public affairs and the election process. States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights thereunder."	Political parties	With very few exceptions, political parties lack internal democratic structures, despite legal requirements for party leaders and other office bearers to be elected periodically. There are weak unenforced legal requirements for democratic procedures within parties regarding the selection of candidates.
50	Genuine election	Further constitutional reforms be undertaken to enable FATA residents to enjoy fundamental political freedoms and civil rights as other citizens of Pakistan do. The 12 National Assembly representatives of FATA be able to legislate for FATA.	C	ICCPR article 25b "To vote and to be elected at genuine periodic elections". ICCPR GC 25, paragraph 7: "Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power and they are accountable through the electoral process for their exercise of that power."	Parliament	FATA NA representatives are not entitled to legislate for FATA since legislative and executive powers lie with the President and, per extension, his representative, the Governor of KPK, and the Political Agents.

## National Democratic Institute and Asian Network for Free Elections

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### Key Issues / Summary

This report is offered by the joint international election observation mission of the National Democratic Institute (NDI) and the Asian Network for Free Elections (ANFREL). The mission consisted of 48 observers from 18 countries. NDI-ANFREL observers arrived in Pakistan on April 26 and stayed in country through May 22. On election day, observers were deployed to 12 locations in Islamabad and three of the nation's four provinces, visiting more than 250 polling locations. Security concerns prevented direct observation in Balochistan and the Federally Administered Tribal Areas (FATA). However, the mission was in frequent contact with candidates, parties and nongovernmental organizations in those areas to follow election-related developments that were not directly accessible to the delegation.

Pakistan's May 11th general elections consisted of 272 distinct contests in separate constituencies for general seats in the National Assembly and 577 contests for general seats in the Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh (as well as contests for 60 seats reserved for women and 10 seats reserved for non-Muslims in the National Assembly, and 128 seats reserved for women, and 23 seats reserved for non-Muslims in the Provincial Assemblies). These elections unfolded differently in various parts of the country.

The 2013 elections were a critical step in continuing the nation's return to democracy, which began five years ago. Millions of Pakistanis expressed their support for the democratic process by voting despite extremist attempts to disrupt the polls. According to the Election Commission of Pakistan (ECP), more than 46 million citizens exercised their right to vote in the elections, constituting a voter turnout of around 55 percent. Voters' courage and resolve in casting their ballots despite the mounting violence was a victory for democracy and the people of Pakistan. The seating of the new National Assembly on June 1 and formation of a national government by the Pakistan Muslim League—Nawaz (PML-N) represented the first transfer of power from one democratically elected government to the next in Pakistan. The elections and subsequent transfer of power have set the stage for upcoming events that could have sizeable impacts on the country's continued democratic development, including indirect presidential elections and the retirement and replacement of the Chief of Army Staff and the Chief Justice of the Supreme Court, all of which are scheduled to take place in 2013.

The 2013 elections benefited from a number of positive aspects, including an improved legal framework, increased competition among parties and candidates, high turnout and voter enthusiasm, and more effective and independent election administration. However, continued election reform efforts are needed in a number of areas, as the political violence negatively impacted the elections in several areas of the country, and shortcomings were observed in election day procedures, women's political participation, and the post-election environment. Upcoming by-elections present immediate opportunities to improve the administration and security of elections in Pakistan, and the subsequent local elections in the provinces offer further possibilities for election reform.

The main observations and findings of the NDI-ANFREL international election observation mission to Pakistan are detailed below. These items do not take into account certain developments in the post-election environment that occurred following the mission's departure from Pakistan on May 22, including ongoing challenges to election results, re-polling and recounting in certain 2 constituencies, and planning for by-elections in constituencies where the elections were not held or where winning candidates resigned seats due to victories in multiple constituencies.

**Unprecedented levels of election-related violence created an unlevel playing field for some parties in certain areas of the country.** In the year leading up to the elections, political violence plagued several parts of the country, notably Balochistan, Karachi, Khyber Pakhtunkhwa and FATA. While many parties and their candidates were victimized, the Pakistani Taliban specifically targeted

three parties — the Awami National Party (ANP), the Muttahida Quami movement (MQM), and the Pakistan People's Party Parliamentarians (PPPP) — all parties of the outgoing government. The violence curtailed voters in some areas from hearing the messages of these parties and could have adversely affected the integrity of the elections in certain constituencies in Balochistan, Karachi, Khyber Pakhtunkhwa, and FATA. Political violence continued in the post-election environment, including the killing of an elected provincial assembly member, though the level of violence decreased markedly.

The elections were characterized by active competition among several national and regionally-based parties, including newly prominent contestants and a number of parties that had boycotted the 2008 elections. The diversity of views and platforms presented by these parties and candidates offered voters distinct choices in the elections. Thousands of citizens exercised their right to contest as candidates and the campaign was vigorous in most parts of the country, though campaign events were severely restricted in areas where political violence was prevalent. A number of political parties that boycotted in 2008 chose to contest the 2013 elections, including Balochistan National Party—Mengal (BNP-M), Jamaat-e-Islami (JI), National Party (NP), Pakhtunkhwa Milli Awami Party (PkMAP), and Pakistan Tehreek-e-Insaf (PTI). Additionally, as a result of extending the Political Parties Order to FATA, political parties fielded candidates in the region for the first time.

**The elections took place under an improved legal and regulatory framework, which resulted from high levels of cooperation among political parties and meaningful consultative outreach by the ECP, but further reform is needed.** The ambitious electoral reform process started after the 2008 elections resulted in three important amendments to the Constitution that bolstered the independence and neutrality of the Election Commission and established a framework for designating national and provincial caretaker governments. Reforms also led to the removal of education requirements for candidates and issuance of five separate administrative codes of conduct for political parties and candidates, observers, polling personnel, media, and security personnel. However, several important issues were insufficiently addressed, including the electoral dispute resolution system, candidate scrutiny process, gender equality measures, rules for observers, campaign finance, and results compilation and consolidation mechanisms, among others.

**The elections represented a missed opportunity for increasing women's representation in the National and Provincial Assemblies and meaningfully strengthening women's political participation in Pakistan more broadly, though limited progress occurred in certain areas.** Women remain grossly underrepresented in all aspects of the electoral process, including as candidates, election administrators, and voters. While more than twice as many women candidates contested the 2013 elections than in 2008, their numbers remained extremely low, representing only 2.9 percent of the total number of candidates contesting for general seats, and only 17 were elected, a decrease of 8 from 2008. No women serve on the Election Commission or as officers of the ECP, and less than 2 percent of its staff members and less than 2 percent of District Returning Officers (DROs), Returning Officers (ROs), and Assistant Returning Officers (AROs) are women. While some positive efforts to increase voter registration of women took place in advance of the 2013 elections, women represented only 44 percent of registered voters on the final electoral rolls. Regrettably, by the time of this report's publication, the ECP has yet to release turnout data disaggregated by gender, a key commitment it made in order to identify and address low levels of women's participation. Media and civic groups reported that the practice of local leaders colluding to prohibit women from voting continued to occur in the 2013 elections in a number of constituencies in FATA, Khyber Pakhtunkhwa, and Punjab. The ECP preliminarily reported that some 500 polling stations had zero women's turnout, and that women's turnout nationwide was around 44 percent.

**The elections provided an opportunity for Pakistan's large youth population to engage in Pakistan's democratic process.** Sizeable numbers of young Pakistanis took advantage of the opportunity and political contestants actively sought their support, in part through the extensive use of social media. At the time of the 2013 elections, Pakistanis under the age of 35 made up approximately 60 percent of the entire population and represented 48 percent of those registered to vote — and these

figures are expected to continue rising. Political parties and candidates actively sought to engage youth in their election campaigns and specifically targeted young voters in their electoral appeals and policy prescriptions, and through the extensive use of social media and text messaging. Representatives of political parties and youth-focused civic groups reported to NDI-ANFREL observers that opportunities for youth political participation were greater during the 2013 elections than at any other time in Pakistan's history.

**Considerable improvements to the accuracy of the electoral rolls significantly enhanced the integrity of the elections, though voter registration among women remains disproportionately low.** In cooperation with the National Database and Registration Authority (NADRA), the ECP considerably improved the accuracy of the electoral rolls in advance of the 2013 elections by linking voter registration to the possession of a Computerized National Identity Card (CNIC). More than 37.2 million unverified voters were eliminated from the rolls and more than 36.7 million were added through the initial process. Building on the new system, the ECP established a program through which citizens could check their voting registration status, electoral area, and, as of May 6, polling station location, via text message using their CNIC numbers. The service was widely used in the pre-election period and on election day itself. While the CNIC-based system had many positive aspects, the possession of CNICs is disproportionately low among women, whose voter registration levels remain low, representing only 44 percent of voters on the electoral rolls.

**Most aspects of election day were assessed positively by NDI-ANFREL observers, though administrative problems were noted in polling stations throughout the country and there were allegations of irregularities in several areas where NDI-ANFREL observers did not visit.** NDI-ANFREL observers reported a calm and peaceful environment at most polling stations, noting much enthusiasm among voters, as reflected in the 55 percent national turnout. This was a remarkable achievement in light of the frequent and well-publicized security threats in many parts of the country. Voting was generally well-conducted and the secrecy of the ballot was largely respected. The process benefited from greatly improved electoral rolls and the widespread use of a text message-based system that allowed voters to verify their polling locations. However, NDI-ANFREL observers reported a number of administrative problems, including inadequate facilities, long lines, and overcrowding; voters having difficulty finding their names on the electoral rolls; and partisan polling agents performing election administration duties. While these administrative problems did not seriously impair the integrity of the elections, they could be damaging in future elections if allowed to persist. Allegations of more egregious election day irregularities, such as ballot box stuffing, polling station capture, violence in polling stations, and manipulation of results, were prevalent in certain parts of the country and in some cases resulted in ECP-mandated re-polling.

**The post-election period experienced shortcomings in a number of areas, including results management, transparency, and electoral dispute resolution.** These shortcomings, coupled with allegations of election day irregularities, have weakened the credibility of the elections in the eyes of certain contestants and civic groups, as they have insufficient means to independently verify election results and seek redress for their grievances. The ECP's new computerized Results Management System (RMS) was not fully utilized to process preliminary results, as ROs used diverging systems for reporting results to the ECP. The announcement of preliminary results from certain constituencies, including many in Balochistan, experienced significant delays. On June 11, responding to observers' and parties' requests, the ECP announced that it had instructed ROs to provide polling station- and constituency-level results information to interested individuals upon request. While a positive step that strengthened the transparency of the elections, polling agents and observers were unable to verify that the counting and reconciliation figures they received on election day were accurately reflected in preliminary and final results for an entire month after election day, and RO compliance with the ECP instructions remains unclear. Electoral dispute resolution in the post-election environment also suffered from inadequate transparency, as there is no centralized mechanism for tracking and publicizing complaints and decisions on complaints, and the delayed establishment of election tribunals, which were not established until June 3. Despite these shortcomings, election administrators appeared to work to address certain problems, as re-polling and re-counting was ordered in several

constituencies, though the justifications for these decisions were unclear and the decision-making processes were not transparent.

## **Recommendations**

In the lead up to the 2013 elections and during the immediate post-election period, the ECP and other participants made efforts to respond to recommendations presented earlier by domestic groups and international organizations such as NDI to help strengthen the electoral process. In the pre-election period, these efforts included measures to: increase voter education; mobilize ECP monitoring teams to enforce electoral regulations and the codes of conduct; and broaden the use of mobile phone and social media technology to promote voter engagement. In the immediate post-election period, these efforts included measures to: initiate a post-election review of challenges experienced during the elections; improve security planning for re-polling; release polling station-level results and reconciliation forms; and investigate reports of incidents where women were barred from voting and take corrective measures.

The NDI-ANFREL international election observation mission offers the following recommendations in the spirit of international cooperation and to promote credible elections and strengthen democratic institutions and practices in Pakistan. These recommendations seek to expand upon and update those included in the NDI-ANFREL mission's preliminary statement and NDI's pre-election delegation statement.

### **Political Violence and Security Environment**

1. Political parties should stand together, with a unified voice, to address the issue of electoral violence. Similar to the spirit of cooperation with which the political parties selected the Chief Election Commissioner (CEC) and promoted important reforms in the years leading up to the elections, political parties should come together to mobilize public support to counter political violence. Their unity on this issue is essential to the advancement of the country's democratic reform process.
2. The ECP and relevant law enforcement bodies should develop electoral security plans in a more timely manner, with additional focus on developing reasonable and consistently applied policies and procedures for ensuring candidate security. The 2013 elections witnessed unprecedented levels of electoral violence, particularly in the pre-election period. Security planning cooperation among election administrators, law enforcement bodies, and the armed forces appeared to improve during re-polling in the post-election environment. Upcoming by-elections present another opportunity for the ECP to work with law enforcement agencies and the armed forces to develop and publicize security plans — particularly in high-risk areas — and help ensure a more level playing field for electoral contestants. In addition, voter education should include clear descriptions of the role and responsibilities of law enforcement and the armed forces in the electoral process.

### **Political Parties, Candidates, and Campaign Environment**

1. The candidate scrutiny process should be strengthened to ensure consistent review of nomination papers against clear candidate eligibility criteria and to eliminate duplicative and lengthy appeals processes. The candidate scrutiny process in the 2013 elections was inconsistently administered across the country, as ROs used wide discretionary powers to assess the eligibility of prospective candidates, in part against certain loosely defined provisions in Articles 62 and 63 of the Constitution. The process drew wide criticism from political parties, candidates, civil society, and the media. Many individuals appealed the decisions of the RO and tribunal-led scrutiny process to high courts, which in some cases disqualified previously accepted candidates and overturned the rejection of others, even into the final days of the campaign following the printing of ballots. Moreover, scrutiny of elected members of the National Assembly and Provincial Assemblies appears to have continued in the post-election environment as well, as the eligibility of several victorious candidates

remains in question and high courts have invalidated the victories of at least two successful candidates.

2. Further political reforms are required to enable fair and transparent electoral processes in the FATA. Political parties, lawmakers, and election authorities should continue to collaborate on legislative and administrative measures to bring FATA into the mainstream of the nation's political life.
3. Voter education efforts should be expanded to include key rights and responsibilities of electoral participants, as well as include more information on the process of voting and the electoral system. Voter education for the 2013 elections mostly focused on increasing the voter turnout and informing the voters on their polling station. These efforts should be expanded to include key messages such as the secrecy of vote, voter identification process, role of polling officials and agents, and the electoral system. The ECP should identify potential partners to assist them in voter and civic education.
4. Guidelines on the responsibilities of party polling agents should be publicized by election authorities as early as possible in the pre-election period. The ECP developed a guidebook for polling agents for the 2013 elections, but it was not made available until late April. On election day, polling agents were observed in many parts of the country overstepping their roles as monitors and assisting in the administration of the elections. Earlier publication of polling agent guidelines would enable parties to prepare and train their polling agents properly, and foster a greater understanding among party supporters of the roles and limits of polling agents.
5. Parties, lawmakers, and the ECP should give renewed attention to the issue of campaign finance, to update existing laws and regulations to address the current situation, enhance transparency, and seek avenues for improved compliance and enforcement of campaign finance regulations. Campaign expenditure limits for national and provincial assemblies should be revised in consultation with political parties to introduce realistic limits that enable candidates to run an effective election campaign. The process for reporting campaign expenditures should be simplified and a system should be in place to follow up with those candidates who submit incomplete statements or fail to submit their statements on time. Publicizing the expenditure statements in an accessible format would enhance transparency and trust in the system. The ECP should also put effective monitoring mechanisms in place to ensure compliance with the legal provisions/limits and consider methods to better educate the political parties and candidates about the political finance regime in Pakistan. The development and publication of the Code of Conduct for Political Parties and Candidates for the 2013 elections was a step in the right direction.

### **Legal Framework and Election Administration**

1. Election authorities and lawmakers should renew efforts to advance the electoral reform process. The ECP should complete its post-election review, consulting all relevant stakeholders and share its findings publicly in a timely manner. The review and like-minded efforts by observers and others should inform a renewed election reform agenda. In addition, the newly formed government should build on the collaborative efforts of the Senate and National Assembly committees focused on addressing election issues and reforms. The committees or other appropriate legislative bodies should continue to provide oversight of the election process during the post-election period. The ECP should continue to implement its five-year (2010-2014) Strategic Plan.
2. Renewed efforts at election reform should include strong consideration of establishing a harmonized and unified election law. The legal and regulatory framework for elections in Pakistan is governed by 22 legislative acts, orders, and rules, and subsequent amendments, as well as dozens of regulatory rules, directives, instructions, notifications, and codes of conduct developed by the ECP. Simplification and harmonization of this complex patchwork of laws and regulations into a unified election law would benefit election administrators, parties, candidates, observers, media representatives, judges, and other election participants, in that

there would be one definitive piece of legislation to look to in order to understand the legal framework for elections in Pakistan.

3. The ECP should work with lawmakers to improve and expand the legal and regulatory framework for election dispute resolution. A transparent, efficient and effective system of complaints management is necessary to enhance trust in the electoral process. The ECP should establish detailed procedures for registration, review, decision-making, and tracking of election related complaints. The decisions for these complaints should be publicized in an accessible and timely manner. Adjudicatory mechanisms should be created to enable electoral participants — including voters, domestic monitors and political parties — to challenge the ECP's administrative decision-making on candidate nominations, voter registration, campaign matters, voting, and results tabulation procedures.
4. The ECP should delimit constituencies for the National and Provincial Assemblies on the basis of a new national census prior to the next general elections to reduce differences in constituency population levels. The existing constituency boundaries, based on 1998 census data, fail to reflect demographic changes that have taken place since the 2002 and 2008 elections, and variance of population levels in the constituencies weakens the equality of the vote. While the Delimitation of Constituencies Act requires that constituencies have equal population "as far as may be" possible, wide variance existed for the constituencies used in the 2013 elections. To illustrate, the average constituency size for a National Assembly general seat had 316,874 registered voters, yet the smallest had only 92,719 (NA-41, Tribal Areas-VI) and the largest had 531,685 (NA-19, Haripur). The delimitation should take place through a genuinely consultative and transparent process.
5. Training for election personnel should be improved to address the inconsistent implementation of polling day procedures. To promote effective election administration and voter confidence in the electoral process, election personnel should be trained as early as possible, in a uniform manner, and through processes that support consistent application of election procedures, particularly for closing, counting, and filling out results and reconciliation forms, with special emphasis applied to counting and reconciliation procedures that bolster the integrity of results and allow for disaggregated turnout data by gender. In doing so, the ECP should take greater ownership in training election personnel.
6. Election procedures should incorporate additional measures to strengthen ballot security and the integrity of results. Improved accuracy of results, both at the polling station and the RO-level, is necessary to enhance public confidence in the elections outcome. The ECP should review the relevant forms used for counting, reconciliation, and result compilation and ensure proper training of all polling staff to minimize mistakes on the forms, particularly the Statement of Count (Form XIV) prepared at the polling station level. The reconciliation process that takes place during counting should be expanded to include counts of detached and unused counterfoils, as well as fingerprints on the voters list. Simple mathematical formulas should be added to the Ballot Paper Account (Form XV) to cross-check these figures with the ballot counts. The identification number of each ballot box seal should be recorded by polling personnel during opening procedures and again during reconciliation to ensure it has not been tampered with during voting. The ECP should review the ballot paper design to make it difficult to counterfeit the ballot. Ballot box seals should be considered sensitive materials and, as such, transferred to ROs along with ballots and other sensitive materials.
7. The ECP should publicly release polling station level results and reconciliation forms as soon as possible following elections. Early publication of all polling stations' Statement of the Count (Form XIV) and Ballot Paper Account (Form XV) would enable observers and polling agents to compare the results they observed on election day with preliminary and final results. This measure would foster transparency and help promote public confidence in the final election results as well as the electoral process as a whole. These forms were not made available to the public until June 11, 2013, a month after election day.
8. The ECP should enhance its communication system to allow for timely and effective dissemination of directives for a more harmonized implementation of those procedures and instructions, particularly directives communicated late in the process or on election day itself. The absence of a reliable system of communication could cause confusion and might lead to



irregularities that significantly impact electoral conduct. The instruction about the extension of polling hours was issued fairly late on election day and did not reach all polling officials in time, which caused considerable confusion at polling stations and was not applied consistently at all polling stations.

9. NADRA and the ECP should maintain their collaboration to continue improving the electoral rolls. Election authorities should promote a system for continuous voter registration, as well as automatic updates to the electoral rolls, in tandem with civil registration drives. Public outreach should be conducted to disseminate information on how to validate and correct information on the electoral rolls. The text message-based system for verifying voter registration and polling station location should be continued.
10. The ECP should sort the electoral rolls by voter's name or CNIC number and issue lists by polling stations instead of the electoral area. This would improve the process of voter identification during voting and eliminate the need for "chits" (or *parchis*) issued by political parties. The ECP should also expand its voter education strategy to include specific messages and materials about voter registration and electoral rolls, identifying appropriate mechanisms for outreach to the less educated and accessible segments of society.
11. The ECP should release the final polling scheme used in the 2013 elections, and implement measures to ensure timely finalization and publication of the polling scheme for future elections. The Representation of the People's Act (ROPA) requires finalization and publication of the polling scheme 15 days prior to election day. In the 2013 elections, the final polling schemes for Khyber Pakhtunkhwa, Punjab, and Sindh were not released until the last week before the elections, and election administrators continued to make changes to these final polling schemes in the last days of the campaign. The delayed publication of the final polling schemes and late changes caused confusion for voters and observers, and disenfranchised polling personnel who did not know their election day work location until after the postal voting deadline. The final polling scheme for Balochistan was not released before the election, and had still not been posted on the ECP's website at the time of this report's publication.
12. Election-day procedures and polling schemes should be designed to support greater participation of the disabled. Resources and practical measures, such as providing the option of using postal ballots, should be considered to support the disabled in exercising their right to vote.
13. Additional measures should be taken to strengthen enfranchisement of polling personnel, law enforcement officials, and members of the armed forces, who serve away from their voting registration location on election day. More than a million Pakistanis served as polling or security personnel in support of the elections on May 11, many of whom were required to serve in locations other than where they were registered to vote. The ECP should expand postal voting processes to enfranchise these individuals.
14. The legal and regulatory framework for elections in Pakistan should be expanded to include rights of domestic and international observers, and observer accreditation should be expanded beyond election-day to include all aspects of electoral processes. Despite positive steps taken by the ECP to develop and publish a Code of Conduct for Observers and allow domestic and international observation to take place during the 2013 elections, election laws in Pakistan currently do not include provisions outlining the rights and responsibilities of observers. The lack of legal guarantees and clear procedures have led to unequal access during the electoral process, delays in accreditation, and posed operational challenges for observation initiatives. Lack of clear accreditation procedures and the limitation of observer accreditation to election day itself added to the problems faced by the observers in the 2013 elections. Accreditation procedures should be formalized, with a reasonable timeline to allow for timely accreditation of observers.

### **Women's Participation**

1. The ECP should continue to review complaints, reports, and evidence of incidents where women were barred from voting. Media and civic groups reported that the practice of local leaders colluding to prohibit women from voting continued to occur in the 2013 elections in a number of constituencies in FATA, Khyber Pakhtunkhwa, and Punjab. The ECP preliminarily reported that some 500 polling stations had zero women's turnout. The ECP informed NDI-ANFREL observers that it is investigating these reports, and in some instances has administered re-polling as a result. The ECP should continue to investigate such reports and continue to take corrective measures, up to and including declaring election results null and void in areas where women were prevented from voting. In addition, the ECP should impose penalties for offenses that involve acts that deliberately prevent women from exercising their right to vote.
2. The ECP should release all available gender disaggregated turnout data to identify areas of low women's participation in the elections, and take measures to improve data collection from polling personnel on this issue for future elections. At the time of this report's publication, the ECP had yet to release turnout data disaggregated by gender, a key commitment it had made in order to identify and address low levels of women's participation. On election day, polling personnel did not consistently follow counting procedures that required them to determine women's and men's ballot totals separately before mixing them together for the counting of results. As such, women's turnout data collected by the ECP is not likely to be comprehensive. Nevertheless, the ECP should release its incomplete women's turnout data in order to inform efforts to strengthen women's electoral participation. The ECP should consider revising the Statement of the Count (Form XIV) and Ballot Paper Account (Form XV) forms for future elections to minimize incorrectly followed counting procedures, and polling personnel training and training materials should include increased focus on accurately recording women's turnout figures.
3. The ECP, political parties, civil society groups, and the media should continue efforts to increase electoral participation of women. The ECP should address areas of low participation among women by cooperating with NADRA to increase the issuance of CNICs to women and ensure their inclusion on electoral rolls. Political parties, civil society groups and the media should continue campaigns urging women of all ages and regions to participate in the country's political and electoral processes.
4. Political parties should take active measures to recruit and nominate more women candidates to contest for general seats in future elections. While more than twice as many women candidates contested the 2013 elections than in 2008, their numbers remained extremely low, representing only 2.9 percent of the total number of candidates contesting for general seats. Political parties fielded nearly double the number of women candidates in 2013 than in 2008 for the National Assembly, though they fell well short of the goal by the Parliamentary Women's Caucus to field women candidates in 10 percent of general seat constituencies, and representation of women elected to general seats in the National Assembly and Provincial Assemblies decreased from 2.9 to 2.0 percent.

### **Youth Participation**

1. Voter education programs should streamline the use of various media and incorporate tailored approaches to communicate with young voters, particularly young women. Election administrators and political parties should continue to actively encourage youth participation in elections, including through initiatives to educate young voters about the process and increase CNIC registration, particularly among young women in urban areas.
2. To support analysis of voter participation among youth and other demographic groups, the ECP should establish measures to centrally aggregate participation data collected at polling stations on election day. Centrally aggregated polling station level data on which voters took part in the elections could be cross referenced with NADRA data to provide valuable demographic information about the voting electorate, including percentages of voters by age group, gender, and other demographic categories. At present, participation data is being

collected at the polling station level through the process of obtaining thumb prints on the electoral rolls, but no data entry takes place after the electoral rolls are physically delivered to the ROs and later.

### **Participation of Minorities and Marginalized Groups**

1. All eligible voters of Pakistan should be included in the general electoral rolls. The requirement for separate registration of voters, including the Ahmadis, is inconsistent with the commitments provided under the Universal Declaration of Human Rights.
2. Election authorities and political parties should implement additional measures, such as tailored voter education and outreach campaigns, to promote the electoral participation of minorities and marginalized groups.

## Free and Fair Election Network

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### Key Findings

#### Voter Turnout

General Election 2013 witnessed voter turnout that was considerably higher than elections held previously in the country since 1985. Analysis of unofficial results of 263 out of 272 NA constituencies suggests that 53.4% of registered voters nationally turned out to vote for candidates contesting NA seats. However, accurate voter turnout can only be analyzed when ECP releases Form XIV (Statement of the Count), Form XV (Ballot Paper Account), Form VI (Consolidation Statement of the Results of the Count) and Form XVII (Result of the Count) for full public scrutiny.

For the first time in Pakistan, ECP introduced specific amendments to the Statement of the Count to measure the sex-disaggregated voter turnout for General Election 2013. However, according to FAFEN assessment of 264 Statements of the Count from 26 constituencies, the Presiding Officers at as many as two-thirds of polling stations did not fill out the specific sections of the form correctly, raising concern that ECP may not be able to provide accurate sex-disaggregated turnout.

#### Barriers to Women's Voting

FAFEN observers reported a total of 15 incidents in which women were barred from voting by under implicit understanding among candidates and community leaders. Most of these cases were reported in Punjab, where 10 incidents of expressed intention of men to bar women from voting were recorded in Khanewal (4), Faisalabad (3), Sahiwal (2), and Kasur (1). In Khyber Pakhtunkhwa, barring women from voting was observed in four districts, namely Peshawar, Buner, Kohat and Lower Dir. In FATA, one such case was reported from North Waziristan Agency. No cases of women being barred from voting were reported from Balochistan or Sindh.

#### Weak Polling Station Management

Based on FAFEN's data analysis so far, no significant improvement was witnessed in polling station management comparing General Elections in 2008 and 2013. Predictable irregularities continued, including interference in voting by polling officials and unauthorized people in polling booths and stations.

FAFEN has analyzed summary data sent on May 11 and 12, 2013, by observers deployed at 6,314 polling stations. A total of 1,492 irregularities were reported from 1,181 of the reporting polling stations. Some of these irregularities are relatively minor, but some have the potential of creating conducive environment for Election Day fraud.

These irregularities were reported from all provinces. At least 291 of these irregularities, most of which were recorded in Punjab, were related to changes in polling schemes. A high number of violent incidents (288) were also reported from across the country; however, most of these were also seen in Punjab.

FAFEN observers were restricted from carrying out their duties in 226 polling stations, while at least 106 incidences of interference by security/other officials and 123 incidents of illegal or fraudulent voting were observed.

Most importantly, the procedures for counting ballots and votes in polling stations remain chaotic and non-transparent. In particular, FAFEN is beginning to scrutinize polling station Statements of the Count (Form XIV) gathered by observers, which have errors and irregularities. These irregularities could be indications or electoral fraud.

In a review of the 264 Statements of the Count shared with FAFEN observers by presiding officers for 26 NA constituencies, on 86 Statements, the presiding officer did not fill properly the number of registered voters assigned to that polling station. As many as 41 Statements of the Count have an

incorrect total of valid votes for each candidate with minor differences. In 114 Statements of the Count the percentage of invalid ballots was more than 3%. In 12 cases, the invalid ballots amounted to more than 10% of polled votes. In one case, invalid ballots amounted to one fourth of the total polled votes.

### **Weak Management of Election Results**

All forms from all polling stations in the constituency must be carefully reviewed and, if necessary, investigated by Returning Officers openly in the presence of candidates (or their representatives) and accredited observers on election night. Data from each polling station should be added on a flipchart or board within view of these stakeholders. Both polling station forms and consolidation of election result forms must be transmitted promptly to ECP. None of these steps are currently followed consistently or well, according to FAFEN observations.

According to FAFEN Parallel Vote Tabulations (PVTs), which are now complete in 92 (out of 272) constituencies, 89 reconcile with ECP results with the same winner and same runner up. However, the PVT results do not reconcile with the winner on three constituencies. Very narrow margins of victory in these three constituencies (NA-28, NA-171 and NA-208) make it very difficult to verify the ECP results.

The most important single step that ECP can make to ensure transparency and legitimacy of the elections is that before certifying any election results, ECP must post official documents from all polling stations and all constituencies on its website, including Form XIV (Statement of the Count), Form XV (Ballot Paper Account), Form VI (Consolidation Statement of the Results of the Count) and Form XVII (Result of the Count). These forms are the most important evidence of the quality of election administration and the validity of results in each constituency.

### **Changes in Polling Schemes**

The polling schemes in three provinces – Punjab, Sindh and KP – were finalized and posted on the ECP website during the week immediately preceding elections. The scheme for Balochistan has not been posted to date. The late finalization and failure to notify the voting public and election stakeholders in Balochistan are counter to Representation of the Peoples Act (ROPA) Article 8(2).

In addition, ECP officials and/or constituency ROs apparently changed the numbers, locations and configuration of polling stations after public notification of the final polling schemes. FAFEN observers reported changes in the addresses or numbers of 255 polling stations across Pakistan, with 127 reports coming from Punjab followed by 105 from Sindh, 17 from KP and three each from FATA and KP. These last-minute changes raise doubts about the motives and accountability of these officials.

## **Key Recommendations**

### **Release of ECP Forms and Data**

FAFEN has shown ECP and media several examples of polling station Statements of the Count that indicate last-minutes changes in polling schemes, contrary to the law, or have improbable voter turnout, calculation errors, or other problems. FAFEN is still analysing data from thousands more polling stations around the country.

To ensure transparency and legitimacy of the elections, FAFEN's most urgent recommendation is that before certifying any election results, ECP must release the actual polling scheme on Election Day as well as documents from all 69,801 polling stations and all 272 constituencies. The required documents include Form XIV (Statement of the Count), Form XV (Ballot Paper Account), Form VI (Consolidation Statement of the Results of the Count) and Form XVII (Result of the Count).

These ECP forms, which are public documents, are the most important evidence of the quality of election administration and the validity of results in each constituency. Withholding such crucial information causes unnecessary speculations.

### **Resolving Election Result Disputes**

Another set of time-sensitive recommendations relates to ECP's management of election dispute resolution mechanisms, which must be made much more transparent and efficient. Prompt response to complaints enhances people's trust in electoral processes.

ECP reportedly is appointing retired judges for Election Tribunals for the first time in Pakistan electoral history. Retired judges will be able to concentrate exclusively on time-sensitive election results petitions so that they can potentially be concluded within 120 days, as required by law.

FAFEN urges ECP to clarify and publicize immediately the procedures to address both Election Day complaints and post-election results petitions in order to ensure that election dispute resolution is timely, systematic and transparent.

ECP should design standardized forms and simple case tracking systems for election complaints and results petitions. Case tracking should be shared openly with the public, and updated at least weekly on the ECP website. For full transparency, media and observers must be permitted to witness adjudication processes, including all Election Tribunal proceedings.

ECP should impose a deadline of one week for its simple internal administrative processing of each case before forwarding it to a Tribunal. In addition, lawyers' adjournments must be strictly limited, and other procedural adjustments can be introduced to expedite election-related cases. Election Tribunals must be empowered to enter summary judgments against litigants who violate the expedited procedures.

Results petitions from previous elections have languished for years or never been resolved. This persistent failure undermines the credibility of Pakistan's elections, compromises the integrity of the elected Assemblies, and may contribute to political tension and violence.

Immediate reform measures would add credibility to Pakistan's electoral process and could help mitigate post-election political tension and violence, according to FAFEN.

### **Management of Election Results**

FAFEN also recommends significant changes and consistent enforcement of law and procedures related to ballot and vote counting, as well as consolidation and finalization of election results. These procedures have received too little public scrutiny during past elections, but are critical to the legitimacy of the election process, and require major reforms to meet minimum standards of transparency and effectiveness.

FAFEN's recommendations relate to manuals and training for election officials, processing of Statements of the Count (Form XIV) and Ballot Account Forms (Form XV), consolidation of election results by Returning Officers, and certification of final election results by ECP.

- **Manuals and Training**
  - Training materials and sessions related to ballot counting, vote counting, and result consolidation should be significantly revised and expanded to include detailed, step-by-step instructions
  - Presiding Officers and Returning Officers should be held accountable for any deviations from procedures related to these important themes
- **Statement of the Count (Form XIV) & Ballot Account Form (Form XV)**
  - Presiding Officers must be held accountable for counting male and female ballots separately and recording these counts accurately
  - Presiding Officers must be held accountable for correctly filling each part of Statement of Count and Ballot Account Form
  - Presiding Officers must be held responsible for investigating and reporting impossible (>100%) and improbable (>80%) voter turnout

- Official copies of Statement of Count and Ballot Account Form should be given to observers in addition to polling agents
- Official copy of Statement of Count must be posted at the polling station
- **Consolidation of Election Result**
  - Returning Officer scrutiny and consolidation of Statements of the Count and Ballot Account Forms must be witnessed by candidates (or their agents) and observers
  - Returning Officers must be held accountable for putting aside vote counts from any polling station with impossible vote count and investigating improbable vote counts
  - Returning Officers must be held accountable for investigating or putting aside vote counts from polling stations where Statement of the Count or Ballot Account Form does not add up properly or is not filled correctly
  - Returning Officers must be held accountable for putting aside vote counts from any combined polling station where the number of ballots from any female booth is zero
- **Certification of Election Results**
  - ECP must not certify any constituency election results before publishing / posting all Statements of the Count, Ballot Account Forms, and RO result consolidation forms
  - ECP must ensure that all points above have been double-checked before certifying any results, and must not certify any election result until all anomalies are investigated and resolved, with public disclosure of process and conclusions
  - ECP must not certify an election result from any constituency where women were prevented from voting in any polling station (where the number of ballots from any female polling station or polling booth is zero)

#### **Additional General Recommendations**

- The current state of fragmented election laws results in disparate implementation of election law and procedure. All election laws need to be reformed and unified for uniform implementation.
- Judiciary should, once again, separate itself from election administration. ECP should be structurally empowered to manage the election administration through greater control over seconded staff. This step would strengthen the enforcement capacity of the ECP and the Executive over all aspects of election administration.
- A special Parliamentary Committee on Elections should be formed for working on electoral reforms.
- Delimitation of Karachi constituencies without a census has established a precedent that should be followed to delimit all constituencies afresh on the basis of voting population data, even if a census is not conducted.
- Parliament should expeditiously take up the issue of women's participation in political and electoral processes, specifically aiming at mitigating bars on women's voting. The easiest way to guarantee women's right to vote is to deny constituencies a certified election result if women have been barred from any polling station.
- ECP must establish a permanent polling scheme before the next General Elections. Small adjustments to the polling scheme based on local conditions at the time of elections must be finalized and notified to the public at least 15 days prior to elections. Election laws and regulations must be amended to ensure that election officials, including ROs, face serious consequences for any last-minute changes in the polling schemes. FAFEN also recommends that all polling stations should be combined, with a specified number of separate booths for men and women.
- Election observation should be covered under law and a timely and transparent accreditation process should be defined by ECP rules and regulations.

- The voter registration process should be streamlined so that eligible voters can easily register at any time of any year.



# National Commission on the Status of Women

## Government of Pakistan

### Election Monitoring and Recommendations

Observations received from Monitors under the National Commission on the Status of Women (NCSW) are summarized below. They seem to reflect the uneven experience of the electoral process – from being very smooth and orderly in some places to chaotic, mismanaged and violent in others. Polling stations were mostly in government schools, colleges and health centers. Women polling stations were separate from those of men, in most cases, with some exceptions in Lahore and Islamabad where polling stations were common but polling booths were separate.

### Key Issues

- There was an unprecedented turnout of women, many of them first-time voters e.g in Khair Muhammad Samejo Village (NA 209) where no woman had cast a vote in the elections of 2008 as they had been not allowed by families due to conflict in the area there was a 61% female voter turnout. Quetta was an exception where 5 polling stations were visited by the NCSW Monitor. The threats issued two days prior to elections in the Province combined with a general strike to keep most voters away, particularly women. The interest of women was by and large high, with eagerness observed in polling stations monitored in Mardan, rural and urban Lahore and Karachi constituencies of Defense Housing Society and Lyari. Women were not allowed to vote in one polling station in Swabi, while in another were the males in a village took back their decisions on Election Day the female turnout was almost negligible.
- Mismanagement and delayed voting was reported from polling stations of NA-250 (Karachi). Whereas polling was smooth in majority of the 9 polling stations monitored the constituency experience problems in many others. Later the ECP ordered re-polling in 43 of its polling stations. Voting was interrupted (not only for women) in Shah Mansoor and Jhanda (Swabi) due to the reported interference of a polling agent in the voting. IN Jacobabad unnecessary activism by polling was interrupted. Crowding of female polling booths was seen in both urban and rural polling stations – in contrast to the disciplined and quick moving lines of male voters in the same polling stations. Police were disciplined and quick moving lines of male voters in the same polling stations. Police were unable to cope in brining order.
- Accessibility to polling stations was an issue in rural Jacobabad district as these were 10-15 kms away from rural clusters. In Mardan two were inaccessible. In Rawalpindi half of the polling stations visited were in upper stories of buildings which created difficulties for elderly and physically challenged voters including women. In most polling stations, amenities such as toilets and drinking water were not available.
- Staffing problems were noted: there was lack / absence of staff e.g., in 7 female polling stations (NA-208-209) not a single female staff was found. Staff in others was inadequately trained which slowed the process. Presiding officers in some instances had not received training either. Polling Officers were under stress in stations with heavy turnout. Others were lax and not stamping ballot papers or taking thumb impressions of voters like in Jacobabad. The presence of Women Police Officers was not uniform and where present it was a casual observer. In two polling stations in Swabi, LHWs had been appointed in lieu of police officers and were of no value at all. Police Officers were found sitting in polling stations instead of outside the stations, etc.
- The notion / concept of secrecy of ballot were not clear to many women. There were instances of women taking their daughters along to guide them to vote.
- Voters were unable to find their polling stations and the staff only had lists of their own polling booths so could not be of help. Women were seen with their NICs but with no information about their block number, or voting number.

- The Code of conduct was not fully followed: in some polling stations (e.g. Karachi, Jacobabad, etc.) cell phones were allowed, banners and posters of candidates were displayed inside and outside polling station, voters were transported by candidates especially in rural areas, and candidates as well as polling agents were not very clear about their roles.

## Recommendations

1. ECP take strict measures to prevent the denial of vote to women in different areas.
2. Compliance with Code of Conduct should be strictly enforced.
3. Institute an efficient complaint mechanism to prevent manipulation and disruption at the time of voting; take exemplary action against a few obvious cases.
4. ECP should set up facilitation desks at each polling station to guide voters to their appropriate station / booth.
5. Undertake professional assessment of staff requirements for election duty and accordingly fully train sufficient numbers of staff for future elections.
6. Locate polling booths spacious rooms to prevent crowding.
7. Training and develop a cadre of women police to support male police in maintain queues in polling booths.
8. Introduce more rigorous voter education through TV and printed communication material such as posters, animation and other medium to raise women's awareness about correct procedure of voting as despite current TV orientation female voters were not fully informed of procedures nor had found out in advance where there vote was to be cast.
9. Political parties should train polling agents to ensure that the Code of Conduct is following and are vigilant in looking out for rigging.
10. Institute electronic voting for future elections to prevent any manipulation on Election Day.

## **Report on the Supporting Transparency, Accountability and Electoral Processes in Pakistan Mega Mela Convention**

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**“Citizens Action for Responsive Governance Lesson Learned & Way Forward” Held on 5-6 September 2013 under the auspices of the Asia Foundation**

### **Deliberations**

- Mr. Bill Kilby, Head of Governance Group, DFID said the good work was done by the ECP for providing opportunities to the public to right to vote but in some areas the women were not allowed to cast their vote. Some members of the minority communities have also shown their reservations on the Electoral Process.
- Ms. Suzanna Siskel, Executive Vice President and Chief President and Chief Operating Officer, Asia Foundation highlighted on the responsive governance. She emphasized that the people have right to cast their vote without fear and threat. The conduct of free and fair elections is basic requirement for responsive governance. She informed the participants that inspite of all challenges the ECP and Government took steps for providing good atmosphere to the public during General Election 2013. Improvement in the System is an ongoing process to cope with future challenges.
- Ms. Mossarat Qadem, Member Board of Trustees, TDEA acknowledged the services and efforts of the ECP and also appreciated field officers of the ECP on extending full cooperation to organizations monitoring Elections-2013. She also showed her satisfaction on the impressive turnout during Elections-2013.
- Syed Sher Afgan, Additional Secretary, ECP highlighted the steps taken by ECP during General Elections-2013, achievement and also different ongoing initiatives for future elections.
- It was pointed out that more than 40000 observers of member organizations of citizens group were deployed to monitor the Electoral Process. The monitors were of the view that the Elections were better managed and peaceful. At some polling stations where 0% turnout of women voters was observed during General Elections-2008, now upto 60% turnout was found due to targeted mobilization program by organizations and public awareness program initiated by the ECP.

### **Strengths of the ECP**

During convention the participants showed satisfaction over the following steps of the ECP.

- Introduction of new nomination form and improved procedure of scrutiny of candidate.
- Steps taken to ensure casing of votes by women.
- Consultative meetings with political parties and other stake holders.
- Increased electoral transparency as a resulting from various initiatives.
- Continuous work on unification of laws.

### **Weaknesses of the ECP**

As per convention's conclusion ECP is still weak in the following areas.

- Active participation of women in Electoral process has not been ensured.
- 18<sup>th</sup> Amendment strengthened the ECP but ECP is not using its constitutional powers to improve transparency in the Electoral System.

- The ECP uses the services of Judicial Officers for appointing them as District Returning Officers and Returning Offices. The performance / credibility of Judicial Officers in the Elections-2013 were doubtful.
- The ECP has appointed Retired Judicial Officers as Election Tribunals and its apprehension that they will not dispose of petition in time.
- The Executive Officers in the districts interfere in the Electoral Process and ECP does not take notice against them.
- The ECP is autonomous only in financial matters to some extent.
- At different polling stations form XIV (statement of the count) have not been provided to the candidates, polling agents and observers.
- The results of different constituencies announced late by the ECP due to unknown reasons which created doubts in the minds of candidates and political parties.
- In some cases list of polling stations have not been provided to the candidates. Polling staff was changed by the Returning Officers without approval of the ECP and 40% trained staff replaced by untrained staff without any solid reasons.

## Recommendations

The session concluded with the following recommendations.

- The EPC should use its constitutional powers without any pressure/fear.
- ECP should ensure women participation in the Electoral process.
- The Judicial Officers should not be appointed as District Returning Officers and Returning Officers. The ECP should appoint 2000 credible officers to strengthen its own organization and also appointing them as DRO's and RO's.

**OR**

- The ECP should ensure disposal of Election Petitions on merit and in time.
- District Administration / Executive Officers illegally interfere in the Election Process, the ECP should take notice of these irregularities.
- Provision of result to agents and observers at the polling stations be ensured.
- The list of polling stations should be notified at least 30 days before the poll.
- Keeping in view the increase in population / registered voters and work load on the ECP, the General Election after dissolution of Assembly should be held within period of 120 days instead of 90 days and when a seat of National or Provincial Assembly becomes vacant then the election should be held within 90 days instead of 60 days. Necessary Amendment in the law should be proposed by the ECP.
- The Training of Polling Staff be managed well before the announcement of schedule and the Returning Officers should be bound to appoint polling personnel from the trained staff.
- The ECP should be given full autonomy so that it could work efficiently.

# **Pakistan Institute of Legislative Development and Transparency**

## **Policy Brief Agenda for Electoral Reforms in Pakistan 2013 General Election**

### **Assessment and Recommendations**

Following is an account of the updated PILDAT proposals for Electoral Reforms in Pakistan in the light of the experience of 2013 General Election. These proposals are in no particular order and therefore are not ordered by priority or urgency.

#### **Restrictions on the role of the President and the Governors during an election**

As per parliamentary traditions, the President and the Governors should not, implicitly or explicitly, support any political party or group in a public statement, speech or a meeting. The President and the Governors should not show any inclination towards or promote a lobby or group on the basis of its ideology, ethnicity or language or faith. Since the offices of the President and the Governors are symbols of the unity of the State, the holders of these offices cannot act partisan at any time. Lahore High Court held in its judgment of petition number 19561-2009 that the President of Pakistan cannot be a partisan person and based on this principal asked President Asif Ali Zardari to relinquish one of the two positions i.e. the President of Pakistan and Co-Chairman of Pakistan People's Party (PPP). Following the judgment and after the court indicated that it might proceed against the President on the charges of contempt of court if he does not comply with the court ruling, President Zardari relinquished the co- chairmanship of PPP. During the period from 2008 to 2013, almost all provincial governors have had strong political party affiliation. Some of these governors have promoted party interests by using their official position and the state resources such as convening party meetings in the Governor Houses. ECP usually takes a more strict view of such partisan activities by the President and Governors after the announcement of the date of the general election when the Election Code of Conduct becomes operational but for the period before the announcement of the election date, there is no legal provision to check partisan political activities and the use of state resources for such activities by the President and the provincial Governors.

It is therefore important that the laws including electoral laws be amended to provide for certain restrictions on the possible partisan conduct of the President and Provincial Governors in the light of the spirit of the Lahore High Court judgment of 12 May 2011. Following are some of the proposals in this regard:

1. The President or the Governor should not attend any public meeting, rally or congregation organized by or organized for the benefit of a political party
2. The restrictions applicable to the Prime Minister and Chief Ministers during a bye-election or to a caretaker prime minister or chief minister during a general election should be equally applicable to the President and Provincial Governors.
3. The President or the Governors should not promise or announce any special or preferential package or program from public funds for any constituency or areas at least six months preceding the scheduled expiry of the term of the national assembly/ provincial assembly or with effect from the dissolution of the National Assembly/Provincial Assembly whichever occurs earlier.

#### **Election Commission Should Ensure Strict Compliance of Laws Relating to Control of Government Influence in Elections**

As the governments' activities during the year preceding the general election 2013 indicate, both the federal and provincial governments had allocated and spent huge sums on advertisements publicizing the 'achievements' of their governments during the past four years. It is suspected that huge sums were paid to some advertisement agencies and media outlets owning TV channels and Newspapers

as an indirect advance payment for publicity and a favorable coverage during the electioneering when governments have to relinquish their positions. It is therefore important that some arrangement be made to stop the misuse of public funds on early electioneering during the final year of the governments before the general election and to check the possible diversion of public funds for the partisan election publicity.

### **The Election Commission Should Exercise Control, Superintendence and Discipline on the Staff Assigned to Election Commission for Election Duty and Training of the Polling staff**

The Election Commission should exercise direct and complete control, superintendence and discipline on the staff assigned for the election duty including writing their Performance Reports and taking disciplinary action for violation of rules. ECP proposed some modifications to the Representation of the Peoples Act immediately before the completion of the term of the 13 (2008-13) National Assembly but these amendments were neither actively taken up nor passed by the Assembly. There is a need to revive these proposals for the new 14 National Assembly to debate and pass the proposed amendments in order to strengthen the control of the ECP over the staff assigned for election duty.

### **Independence of the Polling Staff be ensured**

The Polling Staff is probably the weakest link in the election chain. Most of the polling staff comes from provincial government departments recommended by the outgoing provincial governments. A majority of polling staff comes from provincial education departments such as teachers. Over the years, most of the recruitment in such departments is strongly influenced by local politicians who expect pay back at the time of election. This phenomenon becomes widely prevalent in the case of outgoing provincial governments who have a strong possibility to come back to power as recently in the case of Sindh (both rural and urban areas) and Punjab provinces. A stronger supervision by the ECP and exemplary disciplinary action against those members of the polling staff who violate rules will act as an effective deterrent. It is also proposed that as a minimum requirement, polling staff from one division (in the case of a large city like Karachi which consists of several districts) or district (In case of smaller towns) should be appointed in another division or district so that it may perform functions free from local powerful elements. This will certainly entail higher cost. It may also cause greater inconvenience to female staff but exceptional cases may be treated exceptionally.

### **Training of Returning Officers and Polling Staff needs to be improved**

Generally very little or no training is imparted in the real sense to the Returning Officers and the Polling Staff in the conduct of election duty. Distribution of a handout is usually considered sufficient. This lack of training results in gross mismanagement in the operational aspects of the electoral process especially on the day of the election. ECP should ensure that a more structured and focused training of both Returning Officers and Polling Staff is provided and that the training commences well in time to cover the entire range of the polling staff.

### **Training of Polling Agents to be deployed by Political Parties**

Candidates' Polling Agents can play a very important role in ensuring that the election laws are adhered to, fairness of the poll is maintained and no bogus vote is allowed to be cast. Unfortunately very few candidates are able to deploy their polling agents at each polling booth. Even those who are deployed are not always familiar with the electoral process and laws. They are not usually aware of their rights and responsibilities. ECP, in conjunction with political parties, should organize training of polling agents and political parties should be able to mobilize sufficient number of polling agents for the constituencies contested by their candidates.

### **Election Commission should develop and implement a mechanism to monitor and regulate spending by the political parties during election campaigns**

Elections 2013 witnessed new trends in the Political Culture of Pakistan. Much greater attention and resources were devoted to election campaign through commercial electronic and print media. Most of these campaigns were funded by the political parties. Presently electoral law places ceiling over the spending of individual candidates but no such ceiling is placed on the spending of Political Parties at a provincial or national level and not specific to a constituency. There is a need to enact a law to regulate

the election campaign through the commercial media and to place a ceiling on such spending by political parties.

The Supreme Court of Pakistan had constituted a Media Commission to inquire into allegations of media-related corruption and suggest steps to ensure impartial and independent media for the General Election 2013. The commission suggested in its report to make a mechanism to monitor the Spending by the Political Parties. The Supreme Court in its order asked the Election Commission of Pakistan to note the recommendations and implement them but no implementation was undertaken by the ECP prior to the general election 2013. Thus, there is no information on whether a level playing-field has been provided to all parties and candidates because the costs of advertising remain shrouded and unknown.

### **Increase the number of Polling Stations and make them Permanent**

It is proposed that the number of polling stations be increased for the convenience of voters and to discourage the practice of candidates providing transport to voters and thus influence voters by the use of material resources. As far as possible, Polling Stations should be at a walking distance (maximum 2 Kilometers) for the population they serve. There were many complaints that the polling stations in 2013 general election were not housed in suitable buildings. Some of them were either too small and congested or lacked in basic facilities. The ECP should declare permanent polling stations wherever possible in the country. The list of polling stations should be announced 45 days before the poll. It was also noticed that the ECP arbitrarily changed the polling scheme in some constituencies about 24 hours before the polls without any intimation to voters. This resulted in a huge chaos on the day of the poll. There should be no last minute changes in the polling scheme. The current laws provide for this plan; its strict compliance needs to be ensured by the ECP.

The ECP's Five-Year Strategic Plan 2010-2014 had set the objective to Identify new buildings and facilities for establishing accessible polling stations with a deadline of December 2010 and its progress was 95% in March 2013. The ECP had also aimed to establish permanent polling stations across the country in consultation with the public up to June 2011, and its progress remained 30% in March 2013. The ECP had also committed to a Gradual increase in the number of polling stations for facilitating voters, including the number of polling stations dedicated to female voters by December 2012. It seems that the ECP has not been able to fulfil many of these commitments.

### **Use of Thumb Impression to Check Bogus Voting**

As per the current practice, a Polling officer ensures that each voter affixes his/her thumb impression on the counterfoil of the ballot paper before casting his/her vote. In 2013 general election, ECP had also arranged to get thumb impression of the voter affixed on a copy of the electoral roll. Despite this, there have been a number of complaints from across the country that bogus votes were cast instead of the real voters. ECP should not only verify the thumb impressions by selecting some polling stations as a test case, it should amend the laws to make it mandatory to randomly select a certain number of counterfoils of ballot papers from each constituency after the election and match the thumb impression with the thumb impression available in the NADRA databank or on the National Identity Card to ascertain any mismatch indicating bogus voting. The thumb impression database of NADRA can also help in identifying the thumb impression of the person who fraudulently affixed the thumb impression. These arrangements are to be made with the help of the available technology. If it is known that such a random exercise will be carried out after the election, it will act as an effective deterrent to impersonation and bogus voting.

### **Positive Voter Identification using Thumb Impression before casting of vote**

Pakistan is one of those few countries where thumb impressions of over 90 % of the adult population and 100% of the registered voters are secured in the databank of the National Database and Registration Authority (NADRA). With the current level of technology it should be feasible to check the identity of the voter before he or she is allowed to cast his or her vote. In the light of the experience of general election 2013 and widespread allegations that some armed groups were able to cast votes on behalf of a large number of voters after affixing false thumb impressions after they either subdued the

frightened polling staff or the staff colluded with the gangsters, it is important to confirm the identity of a voter before allowing him or her to vote.

### **Post polling-station wise statement of count on the ECP website as soon as it is received in the ECP**

One of the vulnerabilities of the current polling practices is that the result compiled by the Presiding Officers at polling stations may be manipulated or tempered before it is included in the consolidation of the result at the constituency level by the Returning Officers. It is an oft-repeated complaint that the results get changed ‘overnight’. In order to promote transparency and thus enhance the credibility the counting process, it is proposed that the statement of count prepared at each polling station be posted at the ECP website as soon as it is received at the ECP. These progressive results will contribute to the credibility of the election result in particular and in electoral process in general.

### **Strict Compliance of Electoral Code of Conduct and giving it a legal cover**

Although a Code of Conduct was announced ahead of General Election 2013, many candidates, political parties and election observers complained that the code of conduct was not strictly enforced. Lack of strict compliance of the Code of Conduct results in flouting of the code and in turn weakens of the authority of the ECP.

It is proposed that all features of the code of conduct be incorporated in electoral laws with penal provisions and the code of conduct should be left for political parties to agree among themselves. This code of conduct may consist of provisions over and above the electoral laws. The ECP had proposed an amendment to the Representation of the People Act to give legal cover to the Code of Conduct but the previous (13) National Assembly did not consider and pass this amendment. It may now be considered by the Parliament to pass the proposed amendment.

The ECP in its Five-Year Strategic Plan 2010-2014 aimed to *strengthen the Code of Conduct for the political parties and contesting candidates* with a deadline of June 2011.

### **Qualifications of the Members of the Election Commission and the Chief Election Commissioner (CEC)**

Currently the constitution stipulates that the CEC and Members of the Election Commission should have a judicial background. CEC is required to be a sitting or retired Judge of the Supreme Court or a former judge of the High court who is qualified to be appointed as a judge of the Supreme Court while members of the EC are required to be former Judges of the High Courts. Since the duties of the CEC and members of the EC are chiefly administrative in nature, the qualification of the CEC and EC members be modified to include persons with administrative experience and those who may not have a judicial background. The following changes are proposed:

1. **Chief Election Commissioner (CEC) and other Members of the Election Commission do not have to be necessarily from the Judiciary:** The CEC and other members of the Election Commission do not have to be necessarily from the Judiciary. This shall require an amendment in the Constitution. After the acceptance of this proposal, the relevant provisions will become in line with the practice in most of the countries including India, Bangladesh and Sri Lanka. PILDAT feels that there is no reason why this position be confined to the persons of judicial background only.
2. **Retired Judges should not be appointed as Election Commissioners directly after retirement:**

A judge should not be appointed as CEC or a member of the Election Commission before the expiration of 3 years after he/she has ceased to hold the position of a judge of the Supreme or High Court. Article 207 (2) of the Constitution will need to be amended to implement this proposal.



Since the members of the EC and the CEC have already been appointed through a bi-partisan process, it is proposed that the above proposed reforms may be incorporated for future vacancies in the Election Commission.

### **A Culture of Consultation & Dialogue**

A dialogue between the Election Commission and political parties is a rarity in Pakistan. For any meaningful reform in the electoral process, it is important that a comprehensive dialogue is held by the ECP with the political parties, media and civil society. The guarantee of freedom of the Election Commission depends a great deal on the trust and credibility it enjoys with political parties, media and the civil society.

The ECP in its Five-Year Strategic Plan 2010-2014 has set its objectives to *Increase the level of interaction with political parties and general public for enhancing confidence in electoral process* and to *Hold regular consultation at the national, provincial and district levels*. The ECP has given the deadline of *December 2014* to achieve this objective.

### **Electronic Voting Machines (EVMs) be employed**

Electronic Voting Machines like the ones tried, tested and now applied on all polling stations in India and possibly an improved version using the state of the art technology should be developed and be **gradually** applied in Pakistan to introduce accuracy and efficiency in the counting procedure. In the recent elections it was observed that many issues in the vote count were reported. By using Electronic Voting Machines (EVMs) the possibility of tempering and human error at the time of consolidation of results will be minimized.

The ECP has already held consultations with political parties on the subject and there is a broad consensus among political parties to adopt EVMs. ECP has also examined prototypes offered by a number of manufacturers some of whom contain some advance features as capturing the picture of the user. It is recommended that the ECP should start using EVMs in bye elections with the aim to use them universally in the next general election scheduled no later than August 2018.

### **Election Tribunals Should Decide Petitions within the 4- Months Period Prescribed in the Law**

According to the Representation of the people Act, 1976; article 67 (1A), the Election Tribunals shall decide the election petitions within 4 months by conducting day-to- day hearings. This, in reality, however, seldom happens. The Election Commission should develop a mechanism and appoint sufficient number of tribunals by assigning sufficient number of judges so that the requirement of the law is fulfilled. This can be ensured only if ***sufficient numbers of judges are assigned the work of Election Tribunals*** so that they can exclusively hear election petitions and not take up any other burden during the period of hearing and disposing election petitions. The Tribunals should exclusively hear and dispose election petitions during the four-month period. A period should also be fixed within which the appeals to the decisions of the tribunals should also be decided.

### **Appointment of Returning Officers other than from Judiciary**

Returning Officers were appointed from the district judiciary in the recent elections as has been the practice in the past as well. The Judicial Policy announced by the Chief justice of Pakistan disallowed the appointment of District and Session Judges and Additional session Judges as Returning Officers but an exception was made for General Election 2013 at the request of the ECP. A satisfactory alternative arrangement needs to be made by the Election Commission well in time before the next General Election. The ECP may consider appointing its own staff as Returning and District Returning Officers. The designated Returning Officers (ROs) and District Returning Officers (DROs) should undergo structured training organized by the ECP.

### **The system of appointing caretaker governments should be reviewed**

The appointment of a caretaker government under the 20th Constitutional Amendment should be reviewed in the light of the experiences gained during the recent appointment of caretaker governments. Three key weaknesses were witnessed / experienced during the recent appointment of the Caretaker Governments:

A political party which is a coalition partner may part ways with the government immediately before the election and may win the position of the leader of the opposition leading to appointment of a caretaker government which excludes the real opposition from consultative process.

Furthermore, in most cases, the caretaker governments did not prove to be neutral and effective. Under the current system, a caretaker prime minister or chief minister is the nominee of one of the two major political parties. It has been observed that it is difficult for the PM or CM thus nominated to act in a non-partisan manner and not be sympathetic to the nominating political party.

The Caretaker Governments are generally not conversant with the system of the government and they take time to get acquainted. Since their life is from 3 to 4 months, a considerable part of this period is consumed in learning.

### **Mechanism for Voting by Overseas Pakistanis**

Despite the clear directions of the Supreme Court of Pakistan to make arrangements to enable Overseas Pakistanis to vote from their place of residence abroad in the recent general election 2013, the Election Commission of Pakistan could not provide the facility to Overseas Pakistanis to vote at least partially due to the time constraints and non-availability of proper mechanism. The ECP should develop a mechanism in the light of the recently promulgated ordinance to this effect and use it in the bye-elections to test the mechanism so that Overseas Pakistanis are in a position to vote in the next General Election. Postal Ballots seem to be a practical option but care will have to be taken that this facility is not misused.

### **Extend the period of scrutiny of candidates nomination papers**

ECP had revised the Nomination Form for the candidates shortly before the General Election 2013. The revised form required candidates to furnish much more detailed information about their finances, travel, taxes etc than previously was the case. The detailed information was sought against the background of ECP's announced intention to undertake a detailed scrutiny of candidates' particulars in order to establish the eligibility of a candidate in accordance with Articles 62 and 63 of the constitution. ECP had sought to amend the Representation of the People Act (ROPA) in order to extend the period of scrutiny of nomination forms from the present one week to thirty days. Unfortunately the proposed amendment could not be passed by the previous national assembly. It is proposed that the period of scrutiny should be extended to at least two weeks (if it can't be extended to 3 or 4 weeks) by amending section 11 of the ROPA. ECP should undertake a vigorous follow-up with the new National Assembly and the Senate so that the required amendment is passed soon.

### **Improve the enforceability of Articles 62 and 63 of the Constitution**

Article 62 of the constitution delineates the Qualifications for the Membership of Parliament and the Article 63 covers the Disqualifications for the Membership of Parliament. Some of the provisions in these articles are rather vague and their enforceability becomes a challenge and a subjective exercise as it did during the period leading to General Election 2013. For example Article 62 (1) d stipulates that 'A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless he is of good character and is not commonly known as one who violates Islamic Injunctions. Article 62 (1) e requires that a member should be the one who 'has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins'. During the scrutiny of candidates' nomination papers by the Returning Officers during the General Election 2013, Returning Officers did not have a clear idea of how to enforce such requirements and ascertain a candidate's qualification or otherwise in the light of such constitutional provisions. Even ECP did not seek an interpretation of these articles from the Supreme Court and the ECP did not issue any guidelines to the Returning Officers on implementation of these and other similar provisions. As a result many candidates' papers were rejected by Returning Officers and ultimately the superior courts allowed such candidates to contest the election. It is proposed that the ECP should lead the effort to resolve this situation well before the next election. The Supreme Court and the Parliament of Pakistan should also play their roles in interpretation and amendment (if required) of such provisions to remove ambiguities and make these provisions uniformly enforceable.

## **Annexure-II: Extracts from the Report of Senate Special Committee on Election Issues**

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Extracts from the Senate Special Committee on Election Issues report that pertain to recommendations have been reproduced verbatim below for reference purposes. The views expressed in the report do not necessarily represent the views of the ECP or the Post-Election Review Committee.

### **Recommendations of the Committee**

The Committee held deliberations and discussions on a host of key election issues including voter registration and the maintenance and correction of the electoral roll, electronic voting, overseas voting, the Code of Conduct for Political Parties issued by the ECP, participation of women in elections, transparency of election results and polling scheme and legal reforms package prepared by the Election Commission of Pakistan. The Committee also reviewed and discussed the reform proposals put forward by stakeholders during the public hearing. Recommendations of Committee can be broadly classified into following categories:-

#### **3.1 Recommendations pertaining to the Code of Conduct for Political Parties:-**

The Committee extensively reviewed the draft Code of Conduct for political, prepared by the Election Commission of Pakistan. During the course of deliberations, Secretary, Election Commission of Pakistan was also taken on board and the Committee formulated its recommendations and forwarded the same to the Election Commission of Pakistan. Gist of recommendations is provided as under:-

1. Penalties provided in the Representation of People Act, 1976 shall be revised.
2. Legal backing should be provided to the Code of Conduct.
3. Consequential amendment in section 83A of the Representation of the People Act, 1976 shall be made in order to delete display of 'hoardings/' and 'banners' from the said section.
4. The political parties, contesting candidates and their supporters or other persons shall not encourage or enter into formal or informal agreement / arrangement / understanding debarring WOMEN from becoming candidate for an election or exercising their right of vote in an election. The Political Parties shall encourage the women to participate in election process.
5. Law relating to election expenses should be strictly enforced. Consequential amendment be proposed in the relevant law for the following provision of the Code of Conduct:-

"No transaction towards the election expenses shall be made through an account other than the account opened for the purpose."

6. Provision pertaining to ban on using any vehicle to transport to or from the polling station any elector except himself members of his immediate family shall be deleted from the Code of Conduct and consequential amendment be brought in Section 78(5) of the Representation of People Act, 1976, subject to ECP's confirmation on status by virtue of Supreme Court Order as the ECP intended to file review Petition in the said Order.
7. Provision pertaining to 'perchis' shall be marked as pending subject to ECP's confirmation on status by virtue of Supreme Court Order as the ECP intended to file review Petition in the said Order.
8. For display/carriage/use of weapons, etc., stringent penalties leading to seven years imprisonment shall be proposed and said offence shall be made non-bailable.
9. No candidate or any of his supporters or a polling agent shall resort to violence in any form or manner against a presiding officer, assistant presiding officer, polling officer or security officials or any other person officially deputed to work at a polling station

- and consequential amendments shall be proposed in relevant law providing stringent penalty along with immediate arrest.
10. ECP would take up the issue of election campaign in the cantonment areas with the Secretary, Ministry of Defence and apprise the Committee accordingly.

The Committee also approved the course of action as proposed by Senator Mohammad Ishaq Dar, Leader of the Opposition who suggested that Secretary, Election Commission of Pakistan will place the Code of Conduct, as proposed/recommended by the Committee, before the Election Commission of Pakistan and bottlenecks/irritants, if any, will be shared with the Committee; furthermore, proposals pertaining to consequential amendments in laws, in the wake of proposed/recommended Code of Conduct, will be prepared by the ECP and the draft will be shared with the Committee at the earliest.

### 3.2 Recommendations pertaining to legislative reforms

The Committee asked the Secretary, Election Commission of Pakistan to draft/propose amendments to existing election laws in the light of recommendations made by the Committee. Accordingly, ECP prepared draft amendments to the Representation of the people Act, 1976 and shared the same with the Committee. (*Copy of draft is annexed as "M"*) The Committee, clause by clause, reviewed the proposals and formulated its recommendations which are as under:-

**I. Amendment of Section 7, Act LXXXV of 1976.-** In the Representation of the People Act, 1976, hereinafter referred to as 'the Act', in Section 7, for sub-sections (6) and (7), the following new section shall be inserted, namely:

**"7A. Disciplinary Proceedings.-**(1) The Commission may, at any time, for reasons to be recorded in writing, suspend or withdraw any officer performing any duty in connection with an election, or any other public functionary, or any member of the police force or any other law enforcing agency who obstructs or prevent or attempts to obstruct or prevent the conduct of fair and impartial poll or interferes or attempts to interfere with an elector when he records his vote, or influence in any manner the polling staff or an elector or does any other act calculated to influence the result of election, or disobeys any order or avoid to carry out any instruction duly issued by the Commission or any officer authorized to issue any order or instruction.

(2) Notwithstanding anything contained contrary in any other law for the time being in force the Commission shall be competent to initiate and finalize disciplinary action and impose any penalty against any official for any act of misconduct provided in the efficiency and discipline rules as applicable to such official or under any provision of misconduct under this Act.

(3) Where the Commission suspends or withdraws any official, the Commission may refer the matter to the authorized officer appointed under sub-section (5).

(4) Where the Commission suspends or withdraws any official it may, if such official is working in any polling station, at once appoint any other officer to resume the duty of the official so removed.

(5) The Commission may appoint any officer to act as an authorized officer to initiate and finalize proceedings under efficiency and discipline rules or under this Act.

(6) The authorized officer shall complete inquiry proceedings under efficiency and discipline rules as applicable to official concerned or under this Act within thirty days of such reference and submit

report of the inquiry to the Commission within seven days of the completion of such inquiry,

(7) The Commission may impose any penalty as provided in efficiency and discipline rules applicable to such official or any penalty provided under this Act.

(8) Any official aggrieved by any final order passed by the Commission, may prefer an appeal within thirty days of receipt of such order to the High Court concerned and the order passed in appeal shall be final"

### **Recommendations of the Committee**

a) The proposed provision pertains to empowering Election Commission of Pakistan to initiate and finalize disciplinary action against any official who is engaged/working for holding elections. The Committee is of the view that appropriate departmental forums are available for taking disciplinary actions against the persons in the service of Pakistan, furthermore, Article 212 of the Constitution provides the forum of Service Tribunal for matters relating to the terms and conditions of persons who are or have been in the service of Pakistan, including disciplinary matters, therefore it will not be appropriate to create a parallel forum i.e. Election Commission of Pakistan for taking disciplinary action against the officials. The Committee recommends that instead of substituting sub-clauses (6) and (7) of Section 7 for a new proposed section i.e. 7A; existing section 7 be amended in the following manner to introduce a comprehensive procedure for 'disciplinary proceedings.':- in sub-clause (7), words "or the Commissioner" be deleted;

b) After sub-clause (7), following new sub-clauses be added:-

(8) The Commission shall refer the matter to the concerned department which shall appoint any officer to act as an authorized officer to initiate and finalize proceedings under efficiency and discipline rules or under this Act.

(9) The authorized officer shall complete inquiry proceedings under efficiency and discipline rules as applicable to official concerned or under this Act within thirty days of such reference and submit report of the inquiry to the Commission within seven days of the completion of such inquiry.

(10) The concerned department may impose any penalty as provided in efficiency and discipline rules applicable to such official or any penalty provided under this Act."

**Substitution of Section 8, Act LXXXV of 1976.**-In the said Act, for section 8, the following shall be substituted, namely:

**"8. Polling Stations.**- (1) The Commission shall provide to the Returning Officer a draft list of polling stations for each constituency in the prescribed format;

(2) The Returning Officer, after physical verification of each polling station mentioned in the draft list submitted under sub-section (1), may make such alterations in that list as he may deem necessary and shall publish the same within a period of fifteen days inviting objections from the electors of that constituency to be filed with the District Returning Officer within a period of ten days of the publication of draft list.

(3) The District Returning Officer, after due notice to the objector and after making such inquiry as he may deem fit, shall decide the objections within a period of seven days.

(4) A final list of polling stations specifying the electoral area, the electors whereof will be entitled to vote shall be published in the official gazette by

the District Returning Officer at least fifteen days before the polling day after making necessary changes therein in the light of decisions made by him on the objections.

(5) No change shall be made in the final list of polling stations published in the official gazette under sub-section (4) except with the prior approval of the Commission.

(6) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section (4).

(7) A polling station shall be situated in a Government building for the constituency and, where no Government building is available for the purpose, an improvised polling station shall be set up on a public property:

Provided that no polling station shall be located in any premises which belong to, or are under the direct or indirect control of any candidate."

#### **Recommendations of the Committee**

The Committee recommends as under:-

1) Following explanation be added after proposed sub-clause(2):-  
"Explanation- 'Publish' includes availability of draft list of polling stations through following modes:-

- a) affixation in the offices of relevant Union Councils;
- b) availability on the official ECP website; and
- c) availability through SMS.

2) Sub-section (4) shall be amended to include the following:-

"The Election Commission of Pakistan shall ensure that the final list of polling stations shall be affixed in the offices of relevant union councils; and made available on the official ECP website and through SMS."

#### **II. Amendment of Section 11, Act LXXXV of 1976.-In the said Act, in section**

**11,-**

(a) In sub-section (1);

(i) in clause (b), for the word "seven", the word "thirty", shall be substituted;

(ii) in clause (e), for the word "seventh", the word "tenth" shall be substituted; and

(iii) after clause (e), as amended aforesaid, the following proviso shall be added:

"Provided that the Tribunal may commence the hearing of appeals with the filing of such appeals without waiting for the last date of filing thereof;"  
and

(b) existing sub-section (3) and sub-section (4) shall be renumbered as sub-section (2) and sub-section (3);

#### **Recommendations of the Committee**

ECP is proposing to enhance the period of scrutiny from seven to thirty days which is ultra vires the Constitution as Article 224 of the Constitution provides that general election to the National Assembly or a Provincial Assembly shall be held within a period of sixty days immediately following the day on which the day on which the term of the Assembly is due to expire. Therefore, the Committee recommends that scrutiny period shall not be enhanced to thirty days.

According to ECP, the scrutiny period could be enhanced, without a constitutional amendment, from 7 days to upto 14 days. Committee agrees to 14 days for scrutiny period.

In view of enhancement to only 14 days, other consequential amendments suggested in Section 11 are not required.

III. **Amendment of Section 13, Act LXXXV of 1976.** – In the said Act, in Section 13, in sub-section (1), in clause (a),-

- (a) in clause (i), for the words "four thousand", the word "fifty thousand" shall be substituted; and
- (b) in clause (ii), for the words "two thousand", the word "twenty five thousand" shall be substituted.
- (c) after clause (ii), as amended aforesaid, the following two provisos shall be added, namely:

"Provided that the sum deposited shall not be refunded to a candidate who has received less than one fourth of the total number of votes cast at the election:"

" Provided further that a deposit which is required to be refunded shall not be returned after three months of the termination of the proceedings or, as the case may be, the declaration of the result of the election; and"

- (d) after sub-section (2), the following new sub-section shall be added, namely:

(3) A deposit which is not required to be returned under sub-section (2) shall be forfeited to the Federal Government"

**Recommendations of the Committee**

- 1. There are two views in the Committee. Recommendations that amount of deposits be enhanced to eight thousand rupees/ten thousand rupees from four thousand rupees for National Assembly and four thousand rupees/five thousand rupees from two thousand rupees for Provincial Assemblies respectively .
- ii. The security deposit should be a refundable amount.
- m. After clause (ii), as amended aforesaid, the first proviso shall be added, namely:  
"Provided that the sum deposited shall not be refunded to a candidate who has received less than one eighth of the total number of votes cast at the election:"

IV. **Amendment of Section 14, Act LXXXV of 1976.**-In the said Act, in Section 14,-

- (i) in sub-section (3), in clause (d), clause (1a), in the proviso, clause (1a) shall be renumbered as clause (ii) and shall be substituted as under:  
*"(ii). the Returning Officer may, for the purpose of scrutiny, require any person, agency or authority to produce any document, record or information and any such person, agency or authority shall provide the requisite document, record or information within the time specified by the Returning Officer.*
- (ii) the existing clauses (ii) and (iii) shall be renumbered as clauses (iii) and (iv);
- (iii) the existing sub-section (3A), (4), (5), (SA), (6) and (7) shall be renumbered as sub-section (4), (5), (6), (7), (8) and (9), respectively; and
- (iv) for existing sub-section (5), renumbered as sub-section (6) as aforesaid, the following shall be substituted, namely:  
"(6) A candidate may prefer an appeal

against the decision of the Returning Officer rejecting or, as the case may be, accepting the nomination paper of the candidate to the Tribunal constituted for the constituency to which the nomination relates and consisting of not less than two nor more than three Judges of the High Court nominated by the Commission, in consultation with the Chief Justice of the High Court concerned and such appeal shall be summarily decided within such time as may be notified by the Commission and any order passed thereon shall be final"

**Recommendations of the Committee**

The Committee recommends that in proposed clause (ii) of sub-section (3) (d) a specific timeline shall be provided instead of the proposed arrangement i.e. *"the requisitioned document, record or information shall be provided within the time period specified by the Returning Officer"*.

- V. **Amendment of Section 23, Act LXXXV of 1976.**-In the said Act, in Section 23, the following proviso shall be added, namely:

"Provided that a person appointed as a polling agent for a polling station shall be an elector of that electoral area, the electors of which are entitled to vote at the polling station."

**Recommendation of the Committee**

The Committee did not agree with the proposal.

- VI. **Amendment of Section 35, Act LXXXV of 1976.**-In the said Act, in Section 35, in sub-section (1), for the word "two", the word "ten" shall be substituted.

**Recommendation of the Committee**

The Committee agrees with the proposal.

- VII. **Omission of Section 43, Act LXXXV of 1976.**-In the said Act, Section 43 shall be omitted.

**Recommendation of the Committee**

The Committee agrees with the proposal.

- VIII. **Amendment of Section 52, Act LXXXV of 1976.**-In the said Act, in Section 52, in sub-section (2) for the word "Commissioner", the words "Tribunal concerned" shall be substituted.

**Recommendation of the Committee**

The Committee agrees with the proposal.

- IX. **Amendment of Section 53, Act LXXXV of 1976.**-In the said Act, in Section 53, in sub-section (1), for clauses (a) and (b), the following shall be substituted, namely:

- (a) when it is delivered in person to the Registrar of the Tribunal concerned; or
- (b) when delivered by registered post to the Registrar of the Tribunal concerned.

**Recommendation of the Committee**

The Committee agrees with the proposal. This amendment proposes to change the presentation of petition, which was originally made to the Secretary of Election Commission, and is now proposed to be made to the Registrar of the Tribunal.

- X. **Amendment of Section 54, Act LXXXV of 1976.**- In the said Act, in Section 54, for clause (a), the following shall be substituted, namely:

"(a) Returned candidate"

**Recommendation of the Committee**



- The Committee agrees with the proposal.
- XI. **Amendment of Section 55, Act LXXXV of 1976.**- In the said Act, in Section 55, for sub-section (3) the following shall be substituted, namely:  
 "(3) An election petition and the schedule or annex to that petition shall be signed by the petitioner and the petition shall be verified only in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908), for the verification of pleadings."  
**Recommendation of the Committee**  
 The Committee agrees with the proposal.
- XII. **Omission of Section 56, Act LXXXV of 1976.**-In the said Act, Section 56 shall be omitted.  
**Recommendation of the Committee**  
 The Committee agrees with the proposal.
- XIII. **Amendment of Section 62, LXXXV of 1976.**-In the said Act, in Section 62, in sub-section (2) for the words and figures "Evidence Act, 1872 (I of 1872)", the words and figures "Qanun-e-Shahadat Order, 1984 (PO NO. 10 of 1984)" shall be substituted.  
**Recommendation of the Committee**  
 The Committee agrees with the proposal.
- XIV. **Amendment of Section 63, LXXXV of 1976.**-In the said Act, in Section 63, for clause (a), the following shall be substituted, namely:  
 "(a) the provisions of Section 52, Section 53, Section 54 or Section 55 have not been complied with; or"  
**Recommendation of the Committee**  
 The Committee agrees with the proposal.
- XV. **Amendment of Section 80A, section 83(2), section 83A(5), section 84(2), section 85, section 86, section 87(1) and (2), section 88, section 89 and section 90, Act LXXXV of 1976.**-In the said Act, in Section 80A, section 83(2), section 83A(5), section 84(2), section 85, section 86, section 87(1) and (2), section 88, section 89 and section 90, for the amount of fine provided therein, the amount "one hundred thousand rupees" shall be substituted.  
**Recommendation of the Committee**  
 The proposal is in line with recommendations of Committee.
- XVI. **Amendment of Section 82, section 82A, section 91 and section 92, Act LXXXV of 1976.**-In the said Act, in Section 82, section 82A, section 91 and section 92, for the amount of fine provided therein the amount "fifty thousand rupees" shall be substituted.  
**Recommendation of the Committee**  
 Capturing of polling stations and polling booths, etc. is a heinous act, therefore the Committee recommends that section 82A shall be amended to provide the following amount of fine:  
 "with fine which shall not be less than one hundred thousand rupees and may extend to five hundred thousand rupees."
- XVII. **Amendment of Section 83A, Act LXXXV of 1976.**- In the said Act, in section 83A-(i) **for sub-section (1), the following shall be substituted, namely:** "(1) No person or a political party shall affix or paste posters, handbills or leaflets larger than the sizes prescribed by the Election Commission:  
 Provided that such posters, handbills or leaflets shall not be affixed or pasted nor parties flags shall be hoisted on any public property or at any public place, except with the permission in writing from, and on payment of such fee or charges as may be chargeable by, the concerned local government or authorities."

- (ii) **for sub-section (4), the following shall be substituted, namely:**

"(4) The District Returning Officer and the Returning Officer shall be responsible for the effective implementation of the provisions of this section with the assistance of district administration including district police officer and other law enforcing agencies."

**Recommendations of the Committee**

The proposal is in line with recommendations of Committee, however, the Committee recommends that ban on affixation of hoardings and banners of any size be explicitly provided in section 83-A. A second proviso is proposed to be added as follows in Section 83A, namely:

'Provided further that hoardings, peneflex, and banners of any size are banned.'

XVIII

**Amendment of Section 86A, Act LXXXV of 1976.-** In the said Act, in section 86A, for clause(a), the following shall be substituted, namely:

"(a) exercise the powers of a Magistrate of the First Class under the said Code in respect of offences punishable under section 78, section 79, section 80, section 81, section 82A, section 83, section 83A, section 84, section 85, section 86 and section 87; and"

**Recommendations of the Committee**

The Committees agrees with the proposal.

XIX.

**Insertion of new sections 86B and 86C, Act LXXXV of 1976.-**In the said Act, after section 86A, the following new sections shall be inserted, namely:

**"86B. Violation of the Code of Conduct.-** (1) Notwithstanding anything contained in any other law for the time being in force, the District Returning Officer, if so authorized by the Commission, shall take cognizance of violation of any of the provisions of the Code of Conduct, issued by the Commission under Article 18 of the Political Parties Order, 2002 (Chief Executive's Order No. 18 of 2002), other than the provisions which relate to corrupt or illegal practices under this Act;

(2) A person who violates any provision of the code of conduct, referred to in sub-section (1) shall be punishable with fine which may extend to one hundred thousand rupees."

Recommendation of the Committee

The full Committee recommended stringent penalties, leading to seven years imprisonment, for display/carriage/use of weapons, and said offence shall be made non-bailable. However, the same is not articulated in the proposed amendments. Additionally, limiting violation of code of conduct to a penalty of Rs. 100,000/- may not be an enough deterrent. Hence a new offence must be created to this effect in Section 78 of Representation of the People Act, 1976 which pertains to corrupt practices.

**"86C. Power to transfer any person in the service of Pakistan:** The commission, after issuance of election schedule under Section 11 of the Act, may direct the appropriate authority to transfer any person in the service of Pakistan, if such transfer, in its opinion, is necessary for the conduct of free, fair and honest election."

**Recommendations of the Committee**

1. The Committee, in its meeting dated 7th January, 2013, recommended that legal backing should be provided to the Code of Conduct. Accordingly, proposal pertaining to insertion of new section 86B is in line with the recommendations of Committee. However, the Committee recommends that the Commission shall authorise the District Returning Officers to take cognizance of any violation of the Code of Conduct under proposed section 86B.
2. The Committee recommends that proposed section 86C shall be restructured in order to provide the following:-

3. "The Commission, after issuance of election schedule under section 11 of the Act, may, for reasons to be recorded, direct the appropriate authority to transfer any person in the service of Pakistan, if such transfer in its opinion, is necessary for the conduct of free and fair elections and the appropriate authority shall forthwith implement such orders."

XX. **Substitution of Section 94, Act LXXXV of 1976.-** In the said Act, for section 94, the following shall be substituted, namely,-

**"94. Certain offences cognizable.-** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under Section 78, section 79, section 80A, section 81, section 82A, section 85 and sub-section (1) of section 87 shall be cognizable offence.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the offences referred to in sub-section (1) shall be tried by the Sessions Judge and an appeal against his order shall lie before a Division Bench of the High Court.

(3) The Commission, either on its own motion or, on receipt of any information or complaint from any quarter, or as the case may be, any person, may file a complaint with the Sessions Judge concerned against the person or persons, who has or have been alleged to have committed any of the offences referred to in sub-section (1).

Provided that before filing a complaint in the Court of Sessions Judge, the Commission shall provide an opportunity of hearing to the parties."

**Recommendations of the Committee**

The Committee recommends that following proviso, already in the existing clause, should be retained in the proposed section 96:-

"Provided further that where such complaint proves to be false, malafide or is made for any ulterior motive to provide benefit to another person, the complainant shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both."

XXI. **Substitution of Section 96, Act LXXXV of 1976.-** In the said Act, for section 96, the following shall be substituted, namely,-

**"96. Proceedings relating to election expenses. -(1)** The Returning Officer, shall launch appropriate proceedings in the court of Magistrate First Class against a person who contravened the provisions of Section 49 or failed to comply with the provisions of Section 50;

(2) The Returning Officer shall provide an opportunity of hearing to a person who fails to comply with the provisions of section 50 and if, despite service of notice, such person does not file requisite returns of election expenses, the Returning Officer shall proceed against such person under sub-section (1);

(3) If the Returning Officer, upon examination of the return of election expenses filed by a contesting candidate and of any other information coming to his knowledge relating to election campaign of such candidate, is, prima facie, of the view that the offence under section 49 has been committed, he shall file a complaint in the Court of Sessions Judge concerned under section 94 of the Act;

(4) The Returning Officer shall inform the Commission about the complaints filed by him under sub-section (2) or sub-section (3)."

**Recommendations of the Committee**

The Committee recommends as under:-

- a) In the proposed sub-clause (1), for the words and comma, "The Returning Officer, shall launch appropriate proceedings", the words "The Commission shall direct the Returning Officer to launch appropriate proceedings", be substituted; and
- b) Anomaly in proposed sub-clauses (1) and (3) shall be rectified.

XXII. **Amendment of Section 103AA, Act LXXXV of 1976.**-In the said Act, in Section 103AA, in sub-section (1) , after the word "declared", the words "wholly or partially" shall be inserted.

**Recommendations of the Committee**

The proposal is in line with recommendations of Committee.

XXIII. **Insertion of section 104B, Act LXXXV of 1976.**- In the said Act, after section 104A, inserted as aforesaid, the following new section shall be inserted, namely,

"104B. Monitoring of election campaign, etc. (1) The Commission shall appoint teams of monitors consisting of such number of members as may be determined by the Commission, for a constituency or a group of constituencies which shall monitor election campaign of the candidates and shall report in the format approved by the Commission violations of the code of conduct on daily basis, if any, by the candidates, to the District Returning Officer.

(2) The District Returning Officer, on receipt of reports mentioned in sub-rule (1), shall proceed in accordance with the provisions of Section 86B(1) of the Act."

**Recommendations of the Committee**

The proposal is in line with recommendations of Committee. In sub section (2) the words 'of Section 86B (1)' should be deleted.

**The Committee further recommends as under:-**

- I. The provision pertaining to ban on using any vehicle to transport to or from the polling station any elector except himself members of his immediate family be deleted from the Code of Conduct and consequential amendment be brought in Section 78(5) of the Representation of People Act, 1976, subject to ECP's confirmation on status by virtue of Supreme Court Order as the ECP intended to file review Petition in the said Order.
- II. Stringent penalties, leading to seven years imprisonment, shall be proposed for display/carriage/use of weapons, etc. and said offence shall be made non-bailable.
- III. The ECP together with NADRA should institute a system whereby future voter registration is carried out at the time of issuance of CNIC by NADRA and the applicant/ eligible voter should not be required to go to another office to register as a voter. (Legislative intervention: Section 18 of the Electoral Rolls Act, 1974)
- IV. The Committee recommends that the political parties, contesting candidates and their supporters or other persons shall not encourage or enter into formal or informal agreement / arrangement / understanding debarring WOMEN from becoming candidate for an election or exercising their right of vote in an election. The Political Parties shall encourage the women to participate in election process. Legislative intervention to this effect shall be introduced and Election Commission of Pakistan should be empowered to declare a poll void on restraining women exercising their right to vote.
- V. The Code of Conduct for Observers and Media should be made which must be in consonance with the international standards.
- VI. Election Commission of Pakistan should increase transparency of the electoral process by immediate aggregation of result; its announcement and publications of voter turnout at each polling station and place it on the ECP website in real time immediately after it is available for public scrutiny including women's voter turnout. The Presiding Officers must provide copies of the Statement of the Count and the Ballot Paper Account to candidates or their representatives, (Form XIV), and also affix copies outside the polling station for information of the general public.

- VII. The Code of Conduct should provide a summary list of offences and penalties for awareness and deterrence of offences.
- VIII. No explicit provisions to address 'perchi' to voters is addressed in the draft bill., as it subject to ECP's confirmation on status by virtue of Supreme Court Order as the ECP intended to file review Petition in the said Order.

### **3.3 Recommendations pertaining to administrative measures:-**

1. The ECP should, establish an accessible and reliable mechanism for continuous updating, maintaining electoral rolls and make it accessible.
2. Necessary arrangement should be made to facilitate registration and polling of over 10 million persons with disabilities in the country.
3. Number of polling stations should be increased and established within a radius of 2 kilometers.
4. Effective mechanism of voting for overseas Pakistani should be put in place.

## **Conclusion**

As mentioned at the outset of this report, electoral reform is an evolutionary process requiring political commitment from all stakeholders. This committee recommends that to achieve the milestones of free, fair and transparent elections needs a long term agenda. These are divided into short term, medium term and long term goals:

### **Short term:**

Based on the Committee's own deliberations and consultation with civil society, ECP, NADRA and other stakeholders, the Committee has proposed legislative interventions for strengthening election laws. The proposed legislation focuses on improving the legal framework for upcoming general elections.

### **Medium term:**

The functioning of this Committee should be extended until after the elections as the Senate will continue to be in session and the Committee could continue working on the recommendations, which are to be taken up by the house after elections.

### **Long term:**

A permanent committee on electoral issues should be constituted in each of the houses or a joint parliamentary committee comprising members from both houses should be constituted. The parliamentary committee should be mandated to introduce a framework for parliamentary oversight of the ECP and also to work on further improvements of a sustainable electoral framework

## **Recommendations of the Senate Special Committee Regarding the Draft Code of Conduct (Annexure "L")**

1. The political parties and candidates shall not propagate any opinion, or act in any manner prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, as provided under Article 63 of the Constitution.
2. The parties and candidates shall abide by all the laws, rules, regulations and directions issued by the Commission, from time to time, relating to smooth conduct of elections and the maintenance of public order
3. The political parties and candidates shall at all times uphold the rights and freedom of the people of Pakistan as guaranteed by the Constitution and law.
4. All contesting candidates and their supporters shall avoid scrupulously all activities which are offences under the election laws, such as bribing of voters, intimidation and personation, canvassing within 400 yards of a polling station,

including setting up of camps, and holding public meetings during the period of 48 hours ending at midnight following the conclusion of the poll for an election in the constituency, etc.

5. Incitement to violence or resort to violence during meetings, processions, or during polling hours shall be strictly avoided by contesting candidates and their supporters. They shall publicly condemn violence and intimidation and not use language that might lead to violence or resort to violence during meetings, processions, or during polling hours. No person shall in any manner cause injury to any person or damage to any property.
6. Contesting candidates and their supporters shall not procure the support or assistance of any person in the service of Pakistan to promote or hinder the election of a contesting candidate.
7. Contesting candidates shall dissuade their workers or sympathizers from destroying any ballot paper or any official mark on the ballot paper.
8. No person or political party or a contesting candidate and their supporters shall hoist or fix party flags on any public property or at any public place, except with the permission in writing from, and on payment of such fee or charges as may be chargeable by the concerned local government or authorities.
9. Wall chalking as part of an election campaign shall be prohibited in all forms.
10. No person or a political party shall affix posters or distribute Leaflets/Handbills larger than the sizes prescribed by the Election Commission. The Commission has prescribed the sizes as under:
  - (a) Posters 2-feet x 3-feet
  - (b) Leaflets/Handbills 9-inches x 6 inches

The Head of district administration/Political Agent and the District Returning Officer shall be responsible for the effective implementation of this provision.

11. The political parties, contesting candidates and their supporters shall not indulge in offering gifts or gratifications or inducements to any person to stand or not to stand as a candidate, or to withdraw or not to withdraw his candidature.
12. Political parties, contesting candidates and their supporters may announce their overall development programme, but after the announcement of the election schedule till the day of polling, no candidate or any person on his behalf shall, openly or in secret, give any subscription or donation, or make promise for giving such subscription or donation, to any institution of their respective constituency or to any other institution.
13. Contesting candidates and their supporters shall refrain from speeches calculated to arouse parochial and sectarian feelings and controversy of conflicts between genders, sects, communities and linguistic groups.
14. The political parties, contesting candidates and their supporters shall refrain from deliberate dissemination of false and malicious information and shall not indulge in forgeries and disinformation to defame other political parties/leaders. The use of abusive language against the leaders and candidates shall be avoided at all costs.
15. Political parties contesting candidates and their supporters shall not propagate against the participation of any person in the elections on the basis of gender, ethnicity, religion or caste.
16. The political parties, contesting candidates and their supporters shall not encourage or enter into formal or informal agreements/arrangements debarring WOMEN from becoming candidates or exercising their right of vote in an election. The Political Parties shall encourage women to participate in election process.
17. A person is guilty of an offence if he, within a radius of four hundred yards of the polling station, on the polling day-
  - (1) canvasses for votes;
  - (2) solicits the vote of any elector;

- (3) persuades any elector not to vote at the election or for a particular candidate;
- (4) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his election agent beyond the radius of one hundred yards of the polling station, any notice, sign, banner or flag designed to encourage the electors to vote or discourage the electors from voting, for any contesting candidate.
- 18. No transaction towards the election expenses shall be made through an account other than the account opened for the purpose.
- 19. All transactions relating to the election expenses should be entered into GST registered firms, wherever it is practical.
- 20. The political parties, contesting candidates and their supporters shall extend all necessary help to law- enforcement agencies for purposes of ensuring the safety and security of election materials, election officials and polling agents on polling day.
- 21. The Political Parties shall endeavor to provide equal opportunity to its qualified members both men and women to participate in electoral process.
- 22. Issuing of advertisements at the cost of public exchequer in the newspapers and other media and misuse of official mass media during the election period for partisan coverage of political news and publicity shall be prohibited by the Federal, Provincial and Local governments.
- 23. Criticism of other political parties and opponent candidates shall be confined to their policies and programmes, past record and work. Parties and candidates shall refrain from criticism of any aspect of private life, not connected with the public activities of the leaders or workers of other parties. Criticism based on unverified allegations and distortion of facts shall be avoided.
- 24. The right of every individual for peaceful and undisturbed domestic life shall be respected, irrespective of any resentment that a political party or a candidate may have against such individual for his political opinion or activities. Organizing demonstrations or picketing before the house of such individual with a view to protest against his political opinion or activities shall be prohibited under any circumstances.
- 25. No political party or candidate shall permit it/his followers to make use of any individual's land, building, compound wall etc. without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.
- 26. The Political Parties and candidates shall firmly restrain their workers from exerting undue pressure against the print and electronic media, including newspaper offices and printing presses, or resorting to violence of any kind against the media.
- 27. There will be a complete ban on carriage and display of all kinds of weapons and fire arms in public meetings and processions as well as on the polling day and till twenty four hours after the consolidation of official results by the Returning Officer and official regulations in respect thereof shall be strictly observed. Aerial firing, use of crackers and other explosives at public meetings and at or near the polling stations by any person shall not be allowed.
- 28. .The President, Speaker/Deputy Speaker of an Assembly, Chairman/Deputy Chairman Senate, Prime Minister, Federal Ministers, Ministers of State, Governors, Chief Ministers, Provincial Ministers and Advisors to the Prime Minister and the Chief Ministers, and other public office holders shall not participate in election campaign in any manner whatsoever. This provision will also be applicable to the Caretaker setup.
- 29. All Government, including Local Government, Functionaries/ representatives shall not announce any development scheme or do anything which tends to influence the results of an election in favor or against a particular candidate or political party.
- 30. The political parties shall endeavour to take necessary steps to instill discipline within the party, its candidates, employees and supporters and guide them to follow this Code, comply with laws and regulations, commit, no election irregularities, and adhere to election regulations.

31. Posters affixed by one party shall neither be removed nor distribution of handbills and leaflets prevented by workers of another party.
32. **Processions/ Rallies:**
  - a. The Political Parties and candidate shall hold public rallies and processions only at the place or places through the routes specified for the purpose. Such places and routes shall be pre-determined in every city and town by district/local administration in consultation with respective candidates or their authorized representatives and be notified for public information.
  - b. The Political parties and candidates shall convey their schedule Rallies / Public Jalsas at least three days in advance. District/Local Administration shall be responsible for making appropriate security arrangements and regulating such meetings in such a manner that equal opportunities are provided to those interested in holding rallies and meetings.
  - c. The District Administration shall ensure that no processions is taken out by one party along places at which meetings are being held by another party.
33. Car rallies are not allowed to travel long distances except if the political parties, candidates or their supporters have pre-arranged come meetings at specific designated places.
34. 34.The organizers in consultation with the District administration shall take steps in advance to arrange for passage of the procession so that there is no blockage of or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion and inconvenience of the general public.
35. **Polling Day:**

The Political Parties and candidates shall:

  - (a) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstructions; and
  - (b) Supply to their authorized polling agents badges or identity cards; such agents shall also carry their original CNICs.
36. No candidates or any of their supporters or a polling agent shall not interfere or create hindrance in any manner in official functioning of a presiding officer, assistant presiding officer, polling officer or security personnel appointed to perform duty at a polling station
37. No candidate or any of their supporters or a polling agent shall resort to violence in any form or manner against a presiding officer, assistant presiding officer, polling officer or security officials or any other person officially deputed to work at a polling station.
38. The Political parties should carry out a comprehensive plan for voters 'education regarding marking the ballot paper, casting of vote and while doing so voters shall be informed that the secrecy of ballot shall be maintained.
39. In no case the political parties, candidates or their supporters shall establish camps near the polling station on a polling day. The candidates may, however, if so desired, provide "Perchi" to voters but only during their house to house canvassing and such Perchi shall only contain the number and name of polling station, serial number, name, and NIC No of the voter on the electoral roll and name and No of electoral area. (Instant provision is marked as pending subject to ECPs confirmation on status by virtue of Supreme Court Order as ECP intends to file review petition in the said Order)
40. Except the voters, candidates or duly authorized election agents, no one without a valid pass from the Election Commission or Provincial Election Commissioner, District Returning Officer, or Returning officer concerned shall enter the polling station or a booth. Foreign/domestic observers and representatives of accredited bodies will



also be provided access to witness the election process on production of the identification cards/passes issued to them by the aforesaid Election Commission authorities."

41. 41.The District Returning Officer and Returning Officer shall be responsible to ensure implementation of the Code of Conduct, in their capacity as Magistrate First Class, through District/Local administration, district police or other law enforcing agencies, in the area of their jurisdictions, and violation thereof by any candidate or political party shall tantamount to malpractices as per law and rules and shall entail legal action as per law and rules including disqualification of the candidate

## **A Bill to amend the Representation of the People Act, 1976 (Annexure "M")**

To further amend the Representation of the People Act, 1976 (LXXXV of 1976) for the purposes hereinafter appearing:

Whereas it is expedient further to amend the Representation of the People Act, 1976 (LXXXV of 1976) for the purposes hereinafter appearing:

It is hereby enacted as follows:

1. **Short title and commencement:-** (1) This Act may be called the Representation of the People (Amendment) Act, 2013. (2) It shall come into force at once.
2. **Amendment of Section 7, Act LXXXV of 1976.-**In the Representation of the People Act, 1976, hereinafter referred to as 'the Act', in Section 7, for sub-sections (6) and (7), the following new section shall be inserted, namely:  
"7A. **Disciplinary Proceedings.-**(1) The Commission may, at any time, for reasons to be recorded in writing, suspend or withdraw any officer performing any duty in connection with an election, or any other public functionary, or any member of the police force or any other law enforcing agency who obstructs or prevent or attempts to obstruct or prevent the conduct of fair and impartial poll or interferes or attempts to interfere with an elector when he records his vote, or influence in any manner the polling staff or an elector or does any other act calculated to influence the result of election, or disobeys any order or avoid to carry out any instruction duly issued by the Commission or any officer authorized to issue any order or instruction.  
(2) Notwithstanding anything contained contrary in any other law for the time being in force the Commission shall be competent to initiate and finalize disciplinary action and impose any penalty against any official for any act of misconduct provided in the efficiency and discipline rules as applicable to such official or under any provision of misconduct under this Act.  
(3) Where the Commission suspends or withdraws any official, the Commission may refer the matter to the authorized officer appointed under sub-section (5).  
(4) Where the Commission suspends or withdraws any official it may, if such official is working in any polling station, at once appoint any other officer to resume the duty of the official so removed.  
(5) The Commission may appoint any officer to act as an authorized officer to initiate and finalize proceedings under efficiency and discipline rules or under this Act.  
(6) The authorized officer shall complete inquiry proceedings under efficiency and discipline rules as applicable to official

concerned or under this Act within thirty days of such reference and submit report of the inquiry to the Commission within seven days of the completion of such inquiry.

(7) The Commission may impose any penalty as provided in efficiency and discipline rules applicable to such official or any penalty provided under this Act.

(8) Any official aggrieved by any final order passed by the Commission, may prefer an appeal within thirty days of receipt of such order to the High Court concerned and the order passed in appeal shall be final. "

3. **Substitution of Section 8, Act LXXXV of 1976.**-In the said Act, for section 8, the following shall be substituted, namely:

"8. **Polling Stations.**- (1) The Commission shall provide to the Returning Officer a draft list of polling stations for each constituency in the prescribed format;

(8) The Returning Officer, after physical verification of each polling station mentioned in the draft list submitted under sub-section (1), may make such alterations in that list as he may deem necessary and shall publish the same within a period of fifteen days inviting objections from the electors of that constituency to be filed with the District Returning Officer within a period of ten days of the publication of draft list.

(9) The District Returning Officer, after due notice to the objector and after making such inquiry as he may deem fit, shall decide the objections within a period of seven days.

(10) A final list of polling stations specifying the electoral area, the electors whereof will be entitled to vote shall be published in the official gazette by the District Returning Officer at least fifteen days before the polling day after making necessary changes therein in the light of decisions made by him on the objections.

(11) No change shall be made in the final list of polling stations published in the official gazette under sub-section (4) except with the prior approval of the Commission.

(12) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section (4).

(13) A polling station shall be situated in a Government building for the constituency and, where no Government building is available for the purpose, an improvised polling station shall be set up on a public property:

Provided that no polling station shall be located in any premises which belong to, or are under the direct or indirect control of any candidate."

4. **Amendment of Section 11, Act LXXXV of 1976.**-In the said Act, in section 11,-

- (c) In sub-section (1);
- (iv) in clause (b), for the word "seven", the word "thirty", shall be substituted;
- (v) in clause (e), for the word "seventh", the word "tenth" shall be substituted; and
- (vi) after clause (e), as amended aforesaid, the following proviso shall be added:

"Provided that the Tribunal may commence the hearing of appeals with the filing of such appeals without waiting for the last date of filing thereof;" and

- (d) existing sub-section (3) and sub-section (4) shall be renumbered as sub-section (2) and sub-section (3);
5. **Amendment of Section 13, Act LXXXV of 1976.**-In the said Act, in Section 13, in sub-section (1), in clause (a),-
- (e) in clause (i), for the words "four thousand", the word "fifty thousand" shall be substituted; and
- (f) in clause (ii), for the words "two thousand", the word "twenty five thousand" shall be substituted.
- (g) after clause (ii), as amended aforesaid, the following two provisos shall be added, namely:
- "Provided that the sum deposited shall not be refunded to a candidate who has received less than one fourth of the total number of votes cast at the election:"
- " Provided further that a deposit which is required to be refunded shall not be returned after three months of the termination of the proceedings or, as the case may be, the declaration of the result of the election; and"
- (h) after sub-section (2), the following new sub-section shall be added, namely:
- (3) A deposit which is not required to be returned under sub- section (2) shall be forfeited to the Federal Government"
6. **Amendment of Section 14, Act LXXXV of 1976.**-In the said Act, in Section 14,-
- (v) in sub-section (3), in clause (d), clause (1a), in the proviso, clause (1a) shall be renumbered as clause (ii) and shall be substituted as under:
- "(ii). the Returning Officer may, for the purpose of scrutiny, require any person, agency or authority to produce any document, record or information and any such person, agency or authority shall provide the requisite document, record or information within the time specified by the Returning Officer.*
- (vi) the existing clauses (ii) and (iii) shall be renumbered as clauses (iii) and (iv);
- (vii) the existing sub-section (3A), (4), (5), (5A), (6) and (7) shall be renumbered as sub-section (4), (5), (6), (7), (8) and (9), respectively; and
- (viii) for existing sub-section (5), renumbered as sub- section (6) as aforesaid, the following shall be substituted, namely:
- "(6) A candidate may prefer an appeal against the decision of the Returning Officer rejecting or, as the case may be, accepting the nomination paper of the candidate to the Tribunal constituted for the constituency to which the nomination relates and consisting of not less than two nor more than three Judges of the High Court nominated by the Commission, in consultation with the Chief Justice of the High Court concerned and such appeal shall be summarily decided within such time as may be notified by the Commission and any order passed thereon shall be final"
7. **Amendment of Section 23, Act LXXXV of 1976.**-In the said Act, in Section 23, the following proviso shall be added, namely:
- "Provided that a person appointed as a polling agent for a polling station shall be an elector of that electoral area, the electors of which are entitled to vote at the polling station."
8. **Amendment of Section 35, Act LXXXV of 1976.**-In the said Act, in Section 35, in sub-section (1), for the word "two", the word "ten" shall be substituted.

9. **Omission of Section 43, Act LXXXV of 1976.**-In the said Act, Section 43 shall be omitted.
10. **Amendment of Section 52, Act LXXXV of 1976.**-In the said Act, in Section 52, in sub-section (2) for the word "Commissioner", the words "Tribunal concerned" shall be substituted.
11. **Amendment of Section 53, Act LXXXV of 1976.**-In the said Act, in Section 53, in sub-section (1), for clauses (a) and (b), the following shall be substituted, namely:
  - (c) when it is delivered in person to the Registrar of the Tribunal concerned; or
  - (d) when delivered by registered post to the Registrar of the Tribunal concerned.
12. **Amendment of Section 54, Act LXXXV of 1976.**-In the said Act, in Section 54, for clause (a), the following shall be substituted, namely: "(a) Returned candidate"
13. **Amendment of Section 55, Act LXXXV of 1976.**-In the said Act, in Section 55, for sub-section (3) the following shall be substituted, namely:

"(3) An election petition and the schedule or annex to that petition shall be signed by the petitioner and the petition shall be verified only in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908), for the verification of pleadings."
14. **Omission of Section 56, Act LXXXV of 1976.**-In the said Act, Section 56 shall be omitted.
15. **Amendment of Section 62, LXXXV of 1976.**- In the said Act, in Section 62, in sub-section (2) for the words and figures "Evidence Act, 1872 (I of 1872)", the words and figures "Qanun-e--Shahadat Order, 1984 (PO NO. 10 of 1984)" shall be substituted.
16. **Amendment of Section 63, LXXXV of 1976.**-In the said Act, in Section 63, for clause (a), the following shall be substituted, namely:

"(a) the provisions of Section 52, Section 53, Section 54 or Section 55 have not been complied with; or"
17. **Amendment of Section 80A, section 83(2), section 83A(S), section 84(2), section 85, section 86, section 87(1) and (2), section 88, section 89 and section 90, Act LXXXV of 1976.**-In the said Act, in Section 80A, section 83(2), section 83A(5), section 84(2), section 85, section 86, section 87(1) and (2), section 88, section 89 and section 90, for the amount of fine provided therein, the amount "one hundred thousand rupees" shall be substituted.
18. **Amendment of Section 82, section 82A, section 91 and section 92, Act LXXXV of 1976.**-In the said Act, in Section 82, section 82A, section 91 and section 92, for the amount of fine provided therein the amount "fifty thousand rupees" shall be substituted.
19. **Amendment of Section 83A, Act LXXXV of 1976.**- In the said Act, in section 83A-
  - (j) **for sub-section (1), the following shall be substituted, namely:**

"(1) No person or a political party shall affix or paste posters, handbills or leaflets larger than the sizes prescribed by the Election Commission:  
Provided that such posters, handbills or leaflets shall not be affixed or pasted nor parties flags shall be hoisted on any public property or at any public place, except with the permission in writing from, and on payment of such fee or charges as may be chargeable by, the concerned local government or authorities."
  - (iii) **for sub-section (4), the following shall be substituted, namely: "(4)**  
The District Returning Officer and the Returning Officer shall be

responsible for the effective implementation of the provisions of this section with the assistance of district administration including district police officer and other law enforcing agencies."

20. **Amendment of Section 86A, Act LXXXV of 1976.**-In the said Act, in section 86A, for clause(a), the following shall be substituted, namely:  
  - "(a) exercise the powers of a Magistrate of the First Class under the said Code in respect of offences punishable under section 78, section 79, section 80, section 81, section 82A, section 83, section 83A, section 84, section 85, section 86 and section 87; and"
21. **Insertion of new sections 86B and 86C, Act LXXXV of 1976.**-In the said Act, after section 86A, the following new sections shall be inserted, namely: **"86B. Violation of the Code of Conduct.**- (1) Notwithstanding anything contained in any other law for the time being in force, the District Returning Officer, if so authorized by the Commission, shall take cognizance of violation of any of the provisions of the Code of Conduct, issued by the Commission under Article 18 of the Political Parties Order, 2002 (Chief Executive's Order No. 18 of 2002), other than the provisions which relate to corrupt or illegal practices under this Act;  
(2) A person who violates any provision of the code of conduct, referred to in sub-section (1) shall be punishable with fine which may extend to one hundred thousand rupees."  
**"86C. Power to transfer any person in the service of Pakistan:**  
The commission, after issuance of election schedule under Section 11 of the Act, may direct the appropriate authority to transfer any person in the service of Pakistan, if such transfer, in its opinion, is necessary for the conduct of free, fair and honest election."
22. **Substitution of Section 94, Act LXXXV of 1976.**- In the said Act, for section 94, the following shall be substituted, namely,-  
**"94. Certain offences cognizable.**- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under Section 78, section 79, section 80A, section 81, section 82A, section 85 and sub-section (1) of section 87 shall be cognizable offence.  
(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the offences referred to in sub-section (1) shall be tried by the Sessions Judge and an appeal against his order shall lie before a Division Bench of the High Court.  
(3) The Commission, either on its own motion or, on receipt of any information or complaint from any quarter, or as the case may be, any person, may file a complaint with the Sessions Judge concerned against the person or persons, who has or have been alleged to have committed any of the offences referred to in sub-section (1).  
Provided that before filing a complaint in the Court of Sessions Judge, the Commission shall provide an opportunity of hearing to the parties."
23. **Substitution of Section 96, Act LXXXV of 1976.**- In the said Act, for section 96, the following shall be substituted, namely,-  
**"96. Proceedings relating to election expenses.**- (1) The Returning Officer, shall launch appropriate proceedings in the court of Magistrate First Class against a person who contravened the provisions of Section 49 or failed to comply with the provisions of Section 50;  
(2) The Returning Officer shall provide an opportunity of hearing to a person who fails to comply with the provisions of section 50 and if, despite service of notice, such person does not file requisite

returns of election expenses, the Returning Officer shall proceed against such person under sub-section (1);

(3) If the Returning Officer, upon examination of the return of election expenses filed by a contesting candidate and of any other information coming to his knowledge relating to election campaign of such candidate, is, prima facie, of the view that the offence under section 49 has been committed, he shall file a complaint in the Court of Sessions Judge concerned under section 94 of the Act;

(4) The Returning Officer shall inform the Commission about the complaints filed by him under sub-section (2) or sub-section (3)."

24. **Amendment of Section 103AA, Act LXXXV of 1976.**-In the said Act, in Section 103AA, in sub-section (1) , after the word "declared", the words "wholly or partially" shall be inserted
25. **Insertion of section 104B, Act LXXXV of 1976.**- In the said Act, after section 104A, inserted as aforesaid, the following new section shall be inserted, namely,

"104B. Monitoring of election campaign, etc. (1) The Commission shall appoint teams of monitors consisting of such number of members as may be determined by the Commission, for a constituency or a group of constituencies which shall monitor election campaign of the candidates and shall report in the format approved by the Commission violations of the code of conduct on daily basis, if any, by the candidates, to the District Returning Officer.

(2) The District Returning Officer, on receipt of reports mentioned in sub-rule (1), shall proceed in accordance with the provisions of Section 86B(1) of the Act."

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