



OBSERVATION REPORT

NA-33 Hangu

LOW TURNOUT BY-ELECTION MARKED BY CAMPAIGNING VIOLATIONS, INCONSISTENT PROCEDURAL COMPLIANCE

ISLAMABAD, April 19, 2022: Abysmally low turnout, inconsistent procedural compliance, and widespread campaigning and canvassing on the polling day marked the NA-33 Hangu by-election, which remained peaceful and free of any controversy.

With only 14 percent of the registered voters – 19 percent male voters and six percent female voters – exercising their right to vote, the Hangu by-election witnessed the lowest voter turnout among all by-elections held since General Election (GE) 2018. Women turnout made up almost 20 percent of the total polled votes. The constituency had recorded a 29 percent voter turnout in GE-2018.

The campaigning and canvassing in the close vicinity of polling stations remained the most widespread violation of the Election Commission of Pakistan's (ECP) code of conduct for contesting candidates and political parties. Free and Fair Election Network (FAFEN) observers found camps setup by candidates or contesting parties in the vicinity of 76 percent of the observed polling stations.

FAFEN observers found election materials in adequate quantities at most of the observed polling stations. Inside the polling booths, necessary arrangements were made to protect the secrecy of voters except for 12 percent of the observed booths where secrecy screens were placed in a manner that compromised the voters' secrecy.

The voting process was largely compliant with the legal and procedural instructions. However, sporadic instances of procedural irregularities were documented across the

CONSTITUENCY HIGHLIGHTS ...



REGISTERED VOTERS

There are 318,919 registered voters in the NA-33 Hangu including 180,543 male voters and 138,376 female voters.

GENERAL ELECTION 2018

MALE	FEMALE	TOTAL
160,297	115,650	275,947

BY-ELECTION 2022

MALE	FEMALE	TOTAL
180,543	138,376	318,919

CHANGE IN REGISTERED VOTERS

MALE	FEMALE	TOTAL
12.6% ⁺	19.7% ⁺	15.6% ⁺

POLLING STATIONS (PS)

Election Commission of Pakistan (ECP) had set up 210 polling stations – 64 male, 55 female and 91 combined for the by-election. Overall, 684 polling booths – 384 male and 300 female – were established.

MALE PS	FEMALE PS	COMBINED PS
64	55	91
684 POLLING BOOTHS		

observed polling stations. At 24 percent of the observed polling stations, FAFEN observers reported instances of voters being turned away as their names were not listed on the electoral roll, indicating issues with either the polling scheme or lack of voter information particularly regarding the use of ECP 8300 service. According to observers, the security officials were allowing voters to enter the polling stations only after checking their National Identity Cards (NICs) outside 81 percent, and voter parchis outside 57 percent of the observed polling stations, a responsibility that is not assigned to them. The Election Commission may clarify the role of the police and security officials on guard outside the polling stations in their code of conduct.

TIMELINE OF ELECTIONS

Khayal Zaman (PTI) - Winner - General Election 2018

Dr. Nadeem Khayal (PTI) - Winner - By-Election 2022

The compliance with the due procedure for closing of the poll and ballot counting process was noted to be varied across the polling stations. The ballots at 39 percent of the observed polling stations were counted with open doors, compromising the security of the process. Following the preparation of results, the polling officials provided copies of Form-45 (Result of the Count) to the polling agents in 83 percent of the observed polling stations, but they did not paste it at a conspicuous place outside the polling station building for public inspection in case of 44 percent polling stations, an area which needs further emphasis in the training of Presiding Officers. Moreover, the polling agents/candidates refused to sign forms 45 and 46 (Ballot Paper Account) each at 11 percent of the observed polling stations.

The ECP had set up 210 polling stations, assigning more than 1,200 voters to 156 (74 percent) polling station, which is a legally recommended limit of voters assigned to a polling station. Moreover, FAFEN observers reported more than one polling booth in the same room at 35 (39 percent) polling stations making the polling space congested for voters.

FAFEN had deployed a total of 33 non-partisan, trained and duly accredited observers including 24 men and nine women. This report is based on the observation of polling process at 222 polling booths of 89 polling stations and the counting process at 18 polling stations.

Three political parties i.e. Pakistan Tehreek-e-Insaf (PTI), Jamiat Ulema-e-Islam Pakistan (JUI-P) and Awami National Party

CONSTITUENCY HIGHLIGHTS ...

MAJOR POLITICAL PARTIES

As many as 5 candidates including representatives of PTI, ANP, JUI-P and two contested as independent in the by-election.



TOTAL CONTESTING CANDIDATES

GENERAL ELECTION 2018

MEN	WOMEN	TOTAL
13	0	13

BY-ELECTION 2022

MEN	WOMEN	TOTAL
5	0	5

POLLING PERSONNEL

PRESIDING OFFICERS	210
ASSISTANT PRESIDING OFFICERS	684
POLLING OFFICERS	684

FAFEN OBSERVERS DEPLOYED

MEN	WOMEN	TOTAL
24	9	33

ELECTION HISTORY

REASON OF BY-ELECTION

The seat had fallen vacant after the death of Khayal Zaman Member National Assembly.

GENERAL ELECTION 2018

VALID VOTES	VOTES EXCLUDED FROM THE COUNT	VOTER TURNOUT
81,315	3,424	29.47%

BY-ELECTION 2022

VALID VOTES	VOTES EXCLUDED FROM THE COUNT	VOTER TURNOUT
43,148	537	13.53%

(ANP) had fielded their candidates for NA-33 Hangu by-election while two candidates ran independently. According to the ECP result, the largest votes share (48.7 percent) was bagged by PTI candidate, followed by the JUI-P (42.8 percent) and ANP (7.8) percent. The independent candidates secured 0.7 percent of the polled votes. A comparison of votes polled to two main contenders (PTI and JUI-P) during GE-2018 and recent by-election shows a marked increase in PTI's vote share, which rose from 36.9 percent in 2018 to 48.7 percent in 2022 while JUI-P's vote share also increased from 36.0 percent to 42.8 percent in 2022 by-election. According to FORM-47 (Provisional Consolidated Statement of the Results of the Count), a total 537 votes were excluded from the count.

During the General Election 2018, Mr. Khayal Zaman had won this constituency on PTI's ticket by securing 28,819 polled votes while the JUI-P Attiq-ur-Rehman was declared as runner-up candidate by securing 27,968 polled votes. The seat had fallen vacant due to the death of Mr. Kahyal Zaman on February 14, 2022. The winner in the by-election is son of the deceased legislator.

FAFEN observations of NA-33 Hangu by-election are documented under following sections:

1. Campaigning and Canvassing

The election code of conduct prohibits campaigning and canvassing inside and around polling stations on the Election-day. The prohibition was observed to be effectively enforced inside most of the polling stations; however, its compliance outside the polling station buildings appeared to be weak. FAFEN observers did not witness any campaign materials inside 98 percent of the observed polling stations. The remaining two percent of the observed polling stations were noted to have candidates' or political parties' campaign materials affixed on their walls or being distributed inside the polling station.

FAFEN observers reported the presence of political parties or candidates' camps in the close vicinity of three quarters (76 percent) of the observed polling stations. Nearly 18 percent of these camps also had armed personnel present at the time of observation. In 35 percent of these camps, campaign materials such as stickers, badges, caps were being distributed among the voters. Moreover, 59 percent of these camps were observed to be distributing voter-chits (parchis). These chits state the serial number of the voter on the electoral roll and are usually issued from parties or candidates' camps outside the PS.

Moreover, 56 percent of these camps were displaying campaign materials. In another violation of the code of conduct, candidates- and political parties-supported transport services were being provided to potential voters outside 52 percent polling stations.

2. Electoral Violence and Conduct of Security Personnel

The ECP had sought support from the local police for the security arrangements on the polling day. FAFEN observers did not report any major incident of violence from the constituency. However, FAFEN observers reported two instances of verbal clashes in two separate polling stations. The behavior of the security officials was generally observed to be welcoming and supportive towards voters at most of the polling stations except 10 percent where the security officials were observed to be treating voters harshly.

3. Voting Process

FAFEN observers reported smooth voting processes inside the polling booths without any major violations of the due process. The polling process was observed to be organized at 98 percent polling stations while the remaining two percent polling stations faced minor issues of voter management. Moreover, the observers reported that the polling staff took undue breaks at four percent of the observed polling stations. Undue breaks might lead to long queues and overcrowding at polling stations.

The election materials were also observed to be in adequate quantities at most of the 222 polling booths observed across 89 polling stations; however, secrecy screens were observed to be missing at five percent of the observed polling booths, indelible ink at four percent, stamp pads at nine percent, and voter lists at seven percent, nine-matrix stamp to be used by voters for marking ballot papers at three percent, and ECP official stamp used for marking the backside of the ballot paper at eight percent.

The polling staff had appropriately set up the secrecy screens to protect voters' secrecy at 88 percent of the polling booths where they were available. However, 12 percent of these screens were reported to have been set up in such a way that allowed people in the polling booth to see the voters marking their ballot papers. Moreover, authorized polling agents – who were legally allowed to witness the polling process and object to any irregularity as defined under the law – were seated appropriately inside the polling booths at 91

percent booths and were able to observe the entire polling process firsthand.

FAFEN observed the voter identification and ballot issuance processes of 285 voters at 89 polling stations – up to four voters at each polling station. According to observers, the compliance with the legally required voter identification process by the polling officers varied across the observed polling stations. The polling officers were not checking the indelible ink on the hands of incoming voters in 12 percent instances, calling out loud the name of voters at 13 percent instances, crossing the voters' particulars voter lists after their verification in four percent instances, and obtaining the voters' thumb impression on voter list in four percent instances.

Similarly, the compliance by the APOs with the legal and regulatory requirements for issuance of ballot papers also varied across the observed polling stations. APOs were skipping the key entries on the counterfoil – serial number and NIC number of voters, thumb impression of voters, official stamp – in one percent of the observed instances. Moreover, APOs were not marking the back of the ballot paper with their signatures in four percent instances.

FAFEN observers reported two instances where voters were allowed to cast their votes on presenting photocopy of their NICs. The observers at 24 percent polling stations saw voters being sent away without casting their votes because their votes were not registered at the polling station. In addition, the observers reported instances of voters being barred to cast vote with expired original NIC and voters being allowed to cast their vote despite refusing to mark their thumb impression on the counterfoil in one percent of the polling stations. Moreover, the observers noticed unauthorized persons accompanying the voters behind the secrecy screen at six percent polling stations.

The observers reported that the security officials were allowing voters to enter the polling stations only after checking NICs outside 81 percent and voter parchis outside 57 percent of the observed polling stations, a responsibility that is not assigned to them.

4. Counting Process

The process for the close of the poll and the vote counting at the polling stations is laid down in the Section 90 of the Elections Act 2017 and the relevant rules. FAFEN observed the counting process at 18 polling stations across the constituency. The

compliance with the due process remained varied across the observed polling stations. The main entrances to all observed polling stations except six percent were closed at 5:00 pm, official time for close of the polling. At nearly six percent of the polling stations, voters present within the premises of the polling stations were not allowed to cast vote. In order to ensure the security of ballots, polling staff must close the doors where counting process is administered so that unauthorized persons could not enter. However, the ballot counting at 39 percent polling stations happened with open doors. To ensure the transparency of election during counting process one polling agent of each candidate is allowed to observe the process of counting but at 11 percent of the observed polling stations, polling agents were barred from observing the counting process. Observers were not seated at an appropriate place at six percent of observed polling station from where they can observe the process. Unauthorized persons were touching the ballot papers at 11 percent of the polling stations observed. Polling staff was not checking the official stamp and signature of APO on the back of ballot papers at six percent of the polling stations. Moreover, the polling staff was not calling out loudly ballot paper without official signature and stamp at 22 percent polling stations. At 17 percent of the polling stations, polling staff was not calling out loudly the name of party and candidate to whom the vote was cast. Polling staff was not making separate pile of votes that were excluded from the count at 11 percent polling stations. Polling agents raised the objection on the votes that were excluded from the count at 6 percent polling stations. At 11 percent polling stations, polling staff was counting all challenged votes and at six percent of the polling stations polling staff was counting all tendered votes. Presiding officer counted the ballot papers twice at 67 percent of the observed polling stations. At 44 percent of observed polling stations presiding officer counted ballot papers as per his own discretion whereas at 11 percent polling stations ballot were re-counted on the request of polling agents.

The observers reported that at 15 (83 percent) of polling stations, the polling staff provided the copies of Form-45 (Result of the Count) to polling agents present at the end of the counting process. Polling agents/candidates refused to sign forms 45 and 46 each at 11 percent of the observed polling stations. Moreover, it is also a mandatory requirement under subsection 14 of section 90 of the Elections Act, 2017 to paste Form-45 outside the polling station building for public inspection. Despite clear legal and

procedural provisions, presiding officers at 44 percent of the observed polling stations did not paste a copy of Form-45 outside the station after the completion of the counting process. Likewise, 14 presiding officers (78 percent) of the observed polling stations did not paste Form-46 (Ballot Paper Account). The polling staff at 17 percent of the polling stations refused to provide a copy of Form-45 to FAFEN observers.

5. Voter Registration and Turnout

There were 318,919 registered voters on the constituency's electoral rolls as per the final list of polling stations issued by the ECP for this by-election. This number showed an increase of 16 percent (or 42,972) since GE-2018 when 275,947 voters were entitled to vote in the constituency. As many as 20,246 male voters and 22,726 female voters were added to the electoral rolls since GE-2018.

Of these registered voters, only 14 percent (43,148 voters) exercised their right to vote on the polling day. The male voter turnout was 19 percent (80 percent of the polled votes) and female voter turnout was 6.4 percent (20 percent of the polled votes). However, one percent (or 537) votes were excluded from the provisional count. In GE-2018, 29 percent of the registered voters had turned out to vote. Although media reported incidents of bar on women voting, no such reports were received from FAFEN observers.

6. Contesting Parties and Candidates

A total of five candidates – one each of PTI, JUI-P and ANP and two independents – contested the by-election. During GE-2018, 13 candidates had contested for the seat including nine independents and one each from PTI, MMAP, PPPP and ANP. In both elections, it was an all-male contest with no female candidate.

7. Setting Up of Polling Stations

ECP set up 210 polling stations – 91 combined, 64 male and 55 female – comprising 684 polling booths – 384 male booths and 300 female booths – for 318,919 registered voters – 180,543 male and 138,376 female – of the constituency, averaging 1,519 voters per polling station.

The Elections Act, 2017 prescribes a limit of 1,200 voters to be assigned to a polling station and 300 to a polling booth for smooth voting process. However, additional voters may be assigned in exceptional circumstances with the reasons to be recorded in writing. Notwithstanding this, three quarters of the polling stations (156) were allocated more than 1,200 voters. According to FAFEN observers, the Presiding Officers at 39 percent of the observed polling stations set up multiple polling booths in one room, another potential reason for congestion and slowing down of voting process.

8. Independent Observation

Section 238 of the Elections Act, 2017 permits duly verified and accredited elections observers to observe the proceedings including the voting and counting processes at the polling stations. In compliance with the legal provisions, FAFEN's trained, non-partisan and accredited observers were allowed to observe the polling process at 89 polling stations and counting process at 18 polling stations.

9. Extent of the Constituency

NA-33 spans over the entire district Hangu.