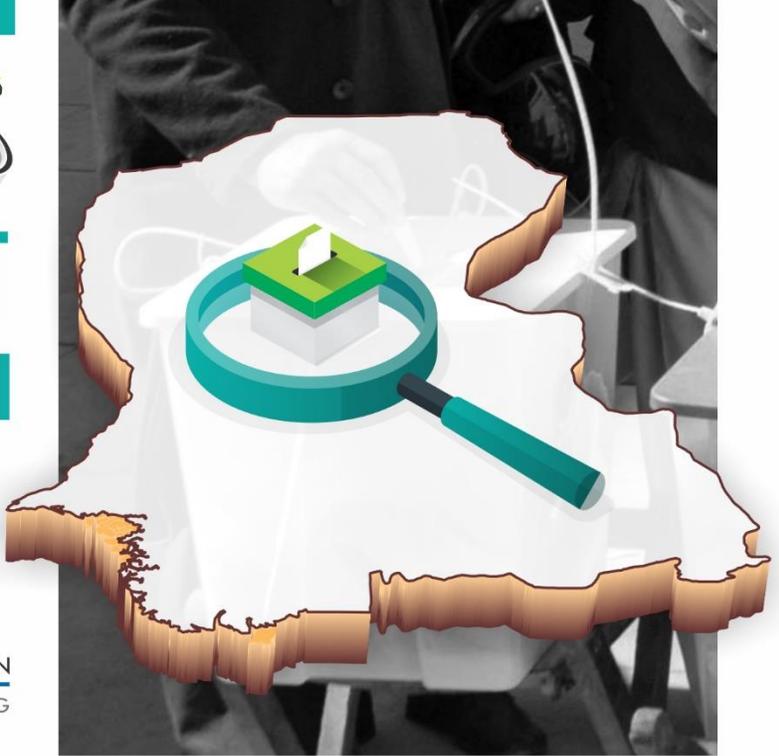


SINDH LOCAL GOVERNMENT ELECTIONS 2023 PHASE II



FAFEN Observation Report



FREE & FAIR ELECTION NETWORK - FAFEN

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RESULTS MANAGEMENT ISSUES OVERSHADOW PEACEFUL AND WELL-MANAGED POLLING DAY

- **Violations of Campaigning Restrictions and Lax Compliance with Ballot Issuance Persist**

ISLAMABAD, January 19, 2023: Voters in Karachi and Hyderabad Divisions turned out variedly to elect more than 3,508 councilors in long-delayed local government elections on January 15, 2023, that remained peaceful and relatively orderly, but were tainted by allegations of rigging by major political parties over delay in the announcement of results by the Election Commission of Pakistan (ECP).

The second phase of local government elections in Sindh was originally scheduled for July 24, 2022, but was delayed thrice due to floods, and later due to the unavailability of security officials to perform election duty. However, the Election Commission did not accede to the Sindh government's request to further delay the election on the pretext of change in the number of union councils in Karachi and Hyderabad Divisions that required fresh delimitation. The Commission's refusal led to the polls' boycott by the Muttahida Qaumi Movement Pakistan (MQMP), which expressed dissatisfaction over the quality of electoral rolls and delimitation. MQMP's boycott also appeared to have resulted in a decline in voter turnout in Karachi and urban Hyderabad.

Controversies over the quality of electoral processes do not augur well, particularly when the political parties are preparing for General Elections that are constitutionally due by October 11, 2023. Many of these controversies stem from weaknesses in the legislative framework that governs elections, which need to be rectified through wide-ranging negotiations among all political actors coming together for electoral reforms irrespective of their political differences. Unless elections lead to political stability, the process of democratization will continue to weaken and so will the public trust in democracy and its ability to improve the social and economic well-being of the people. The Election Commission, at the same time, need to open up to political actors and address their legitimate concerns



through the regulatory space available to it under the Elections Act, 2017, to ensure truly “inclusive” elections, minimizing the eventualities of poll boycotts by major political parties in future.

Despite controversies and uncertainty over the conduct of elections, an impressive number of people turned to vote in local government elections in Badin, Jamshoro, Tando Muhammad Khan, Tando Allah Yar, Thatta, and Malir Districts. However, the voter turnout remained relatively lower in Karachi Central, Karachi East, Karachi West, Karachi South, Korangi, Hyderabad, and Kemari Districts. According to Free and Fair Election Network (FAFEN), the turnout in the Hyderabad Division remained more than 40 percent, while in Karachi it was less than 20 percent with the exception of Malir. The turnout in Karachi and Hyderabad Divisions remained at 36 and 58 percent, respectively, in the last local government elections held in 2015.

The voting process remained orderly, unlike the previous phase when instances of overcrowding at polling stations led to untoward situations. The legal and procedural irregularities and inadequacies concerning campaigning and canvassing inside and around the polling stations and the ballot issuance process observed during the first phase persisted during the second phase as well. The election day environment was largely peaceful as FAFEN received only 14 reports of verbal altercations on January 15, 2023, as compared to 55 incidents of violence including some physical and armed clashes during the first phase.

Although the provisional results of the Karachi Division were publicly available within two days amidst allegations of manipulation and rigging, the consolidated results of the districts in the Hyderabad Division are still awaited. The ECP had reserved four days from the polling day for consolidation of the election results in its original notification for the second phase dated June 10, 2022. FAFEN observers noted omissions and inadequacies in the polling station result forms [Form-XI (Statement of the Count)] recurring during the second phase. They reported cases where presiding officers did not duly fill out the result forms leaving empty sections made for recording polling stations’ names, registered voters, gender-disaggregated number of votes polled, and signatures of polling officials.

FAFEN recommends ensuring stricter enforcement of the code of conduct regarding campaigning and canvassing on election day, setting up adequately spaced polling booths, compliance with the voter identification and ballot issuance processes, availability of female staff at female polling booths, and provision of basic facilities at the polling stations before the General Elections to improve the polling day management.

The 16 districts of Karachi and Hyderabad divisions where local government polls were held during the second phase included Matiari, Tando Allahyar, Hyderabad, Tando Muhammad Khan, Jamshoro, Dadu, Badin, Sujawal, Thatta, Malir, Korangi Karachi, Karachi East, Karachi South, Karachi West, Karachi Central, and Kemari. A total of 4,412 seats for general members and/or Chairmen and Vice Chairmen of municipal committees, town committees, district councils, union committees, and union councils were to be filled, of which 862 were decided uncontested, while elections for 52 seats were postponed due to death of contesting candidates. In addition, no nomination papers were filed for 23 seats. As many as 18,108 candidates contested for the remaining 3,508 seats.

The ECP had set up a total of 8,706 polling stations – 1,204 male, 1,170 female, and 6,332 combined – comprising 30,399 polling booths – 15,649 male and 14,750 female – to facilitate 13,283,696 registered voters including 7,314,890 men and 5,968,806 women. Of 8,706 polling stations, 2,491 (29 percent) were declared highly sensitive and 6,215 (71 percent) sensitive.

FAFEN's analysis is based on the observation reports received from trained and duly accredited citizen observers deployed at 343 (four percent of the total) statistically sampled polling stations including 225 combined, 61 male and 57 female polling stations. FAFEN deployed 104 observers, including 66 men and 38 women who observed the opening process at 90 polling stations, the availability of election staff and materials at the voting process at 953 polling booths, voter identification and ballot issuance processes for 1,121 voters, and counting process at 74 polling stations.

— Peaceful and Orderly Conduct of Polling on Election Day —

The polling process during the second phase was peaceful and organized with adequate security arrangements barring scattered instances of verbal altercations at a few polling stations. Security personnel were present at 92 percent of the observed polling stations before the start of the polling process. During the day, the officials were observed to have been present outside 89 percent of the observed polling stations, and inside 73 percent of the observed polling booths. In addition, FAFEN observers witnessed CCTV cameras installed at 24 percent of the observed polling booths. Besides the deployment of security personnel, the Elections Act, 2017 empowers the Election Commission to install itself or direct the government concerned to install surveillance cameras in each booth of a polling station that has been declared as highly sensitive.

FAFEN observers reported 14 incidents of verbal clashes from five districts including Jamshoro (five),

Karachi Central and Kemari (three each), Karachi South (two), and Hyderabad (one). As many as eight of these incidents took place inside the polling stations and three outside. These altercations led to temporary disruptions in the polling process for 10 to 20 minutes at five polling stations. These incidents included arguments over voters being allowed to vote on expired National Identity Cards (NICs), disorderly conduct of voting, delay or breaks in voting, presence of men in female polling stations, canvassing inside the polling stations, and presence of candidates or their supporters inside the polling stations.

The polling staff was reported to have taken breaks during the polling process at three percent of the observed booths. On average, each break lasted 15 minutes with the longest for 30 minutes and the shortest for two minutes. All of these observed breaks were for meals except one caused due to an altercation at the polling station.

— No Improvement in Enforcement of Campaign Restrictions Inside and Around Polling Stations —

The enforcement of campaigning and canvassing restrictions by the ECP did not register any considerable improvement since the first phase of local government elections as all major parties and candidates were observed wooing the voters in close vicinity of the polling stations, and in some instances inside the polling stations.

FAFEN observers reported that the political workers and supporters of contesting candidates had set up

their camps in the vicinity of 77 percent of the observed polling stations. More than one-third of these camps (38 percent) were observed to have been issuing vote *parchis* (chits), 18 percent displaying political advertisements, and 11 percent distributing campaign materials such as badges, caps, stickers, etc. to incoming voters. Around 11 percent of these polling camps had the presence of armed persons as well. Such campaigning and canvassing around polling stations may become a source of election day violence due to



intense competition, while the unchecked display of arms and weapons may also create an atmosphere of intimidation for voters.

According to observers, campaign materials such as banners, posters, flags, etc. belonging to almost all

contesting political parties and candidates were seen inside four percent of the observed polling stations as well as on the outer walls of 14 percent. Political parties and/or candidates were also seen providing transport services to their voters outside 29 percent of the observed polling stations.

Adequate Arrangements for Secrecy of Voters

According to FAFEN observers, ECP-provided secrecy screens were installed at 92 percent polling booths of the observed polling stations. However, at six percent of these polling booths, these screens were placed in a manner that could have potentially compromised their secrecy. Moreover, in 34 percent of the 236 observed polling booths where CCTV cameras were installed, they were angled towards the area behind the secrecy screen and might have compromised the secrecy of the vote.

The observers reported isolated incidents of unauthorized persons accompanying voters behind the secrecy screens at one percent of the polling booths including two instances of polling agents, one of the polling officials, and two of voters' acquaintances. No incidents of voters being inquired about their voting

choices, or polling agents being barred to observe the voting process were reported from the observed polling booths. The observers also noted four instances of unauthorized persons trying to influence the polling officials and process, one instance of voters being signaled by polling agents to vote for a specific party, and an incident of complaints being made to the presiding officer about potential rigging.

The voters were observed to be carrying vote *parchis* (chits) at 16 percent of the polling booths, which are issued by the party camps outside the polling stations to assist the polling staff in tracing voters' names on the electoral rolls. However, carrying a chit with the party or candidate's name on it, banned by the Supreme Court of Pakistan in Pakistan Workers' Party Case 2012, can compromise the secrecy of the vote.

Inconsistent Facilitation to Women and Marginalized Voters

The Election Commission had ensured the availability of ramps at 26 percent of the observed polling stations to facilitate wheelchair-bound voters, whereas access to 46 percent of polling stations was wheelchair worthy. FAFEN observers reported that presiding officers at 22 percent of the observed polling stations maintained a list of the persons who assisted the voters with disabilities in casting their ballots as required under Rule 74(3) of the Election Rules, 2017. The arrangements for ensuring voters' accessibility may further be improved by adding disability information on the electoral rolls.

The code of conduct for security officials required them to facilitate persons with disabilities, senior citizens, transgender persons, and pregnant women or mothers carrying infants to polling stations. However, the observers reported isolated incidents of the above-mentioned groups of voters not being afforded preferential treatment. According to the reports, the security personnel were not giving preferential treatment to transgender persons and persons with disabilities at one percent of the observed polling stations, and women accompanied by infants at four percent. These percentages are calculated based on the number of polling stations where FAFEN observers

had seen the voters from these groups. Moreover, FAFEN observers reported that a toilet facility was available at 80 percent of the observed polling stations, while clean drinking water was available at 71 percent of the observed polling stations.

FAFEN observers reported that 18 percent of the observed female polling booths only had male

assistant presiding officers (APOs) available at the time of observation, while an additional five percent had both female and male APOs. Similarly, 19 percent of the observed female polling booths had male polling officers (POs). The presence of male staff at female booths may deter women from exercising their right to vote in certain cases.

— Lax Enforcement of Ballot Issuance Requirements —

The polling staff was observed to be duly fulfilling the legal and procedural requirements for voter identification and ballot issuance at the polling stations in most cases with scattered instances of omissions by the APOs in ballot issuance requirements. FAFEN had a similar pattern of omissions in its observation of the first phase.

According to the observation reports, each voter, on average, took four minutes from his or her identification by the PO to the casting of the ballot. The POs were reported to be performing the due checks for voter identification as laid out in section 84 of the Elections Act, 2017 at most of the observed polling booths, including checking the hands of incoming voters for any previous mark of indelible ink and calling out loud their names and serial numbers in 98 percent instances, striking off their names on the electoral rolls at 99

percent instances and getting their thumb impressions on the electoral rolls 98 percent instances.

The APOs were also reported to be following the due procedure for processing and issuance of the ballot papers at most polling stations, albeit their threshold of omissions was higher than the polling officers. They were duly filling in the name and number of local councils, and the name and NIC of voters, obtaining voters' thumb impressions, and signing the counterfoils at 88 percent instances.

Moreover, the APOs were reported to be marking the backs of ballot papers with the official stamp in 86 percent and signing it in 85 percent of observed stations. The ballot papers lacking an official sign and stamp on their back are excluded from the count. The APOs were also observed to be sharing with the voters the proper way of folding paper.

— Due Procedure for Ballot Counting Followed at Most Polling Stations —

The election staff was observed to be generally complying with the ballot counting requirements. At 89 percent of the observed polling stations, the presiding officers placed the ballot boxes at a central location before opening them and starting the counting. The doors at 64 percent of the polling stations were closed before the start of counting so that no person can leave or enter the room during the process. At four percent of the observed polling stations, unauthorized persons were present during the counting process.

The election staff was checking the official stamp and signature of APOs on the ballot papers at 77 percent of the observed polling stations. They were complying with the requirement of loudly announcing the choice of a voter as marked on the ballot paper and retrieval of an unstamped ballot at 59 percent of the observed polling stations. The polling agents were observed to be making objections to the presiding officer's decision to exclude a ballot from the count at eight percent of the observed polling stations. Similarly, at 76 percent



of the observed polling stations, the staff was keeping a separate pile of ballots excluded from the count.

The presiding officers at 18 percent of the observed polling stations conducted a second count of the ballots at the request of polling agents, while at 45 percent of polling stations on their own motion. Moreover, the polling agents and security officials were seen to be touching the ballot papers at 12 percent and four percent of the polling stations, respectively.

FAFEN observers received Form-XI from 71 of the observed polling stations. An assessment of these forms revealed that around 15 percent of these forms were not duly filled by the presiding officers and lacked one or more critical information such as name and number of the polling station, number of voters assigned to the polling station, gender-disaggregated statistics of polled votes and signature of the presiding officer. Such omissions have been noted in the first phase as well highlighting the need for greater investments in the polling officials' training.

Scattered Incidents of Potential Voter Disenfranchisement

The observers reported 100 incidents of voters being sent away from 13 percent of the observed polling booths for not being registered on the electoral rolls provided to the polling staff. Moreover, as many as six instances of voters possessing only a photocopy of their NICs being allowed to cast vote were reported from two percent of the observed polling booths. Similarly,

nine instances of voters being barred despite possessing an original yet expired NIC were reported from two percent of the observed polling booths. However, the polling agents were observed raising objections to the voting process at only one polling station. The objecting polling agents belonged to JI, PPPP, and an independent candidate.

Largely Transparent Voting and Counting Processes; Result Forms Distribution Needs Improvements

FAFEN's trained, accredited and non-partisan citizen observers did not face any restriction to enter the polling stations except at two polling stations where they were barred by the polling staff.

The presiding officers duly showed the empty ballot boxes to the polling agents of contesting candidates and parties at 98 percent of the observed polling stations, obtained their signatures on the relevant form before the start of the polls at 79 percent of the observed polling stations. Following the inspection, the ballot boxes were properly sealed at 94 percent of the observed polling stations. The observers reported only one incident of a polling agent of PTI raising an objection to the pre-polling proceedings. The observers also reported at least four instances of polling agents being barred at four percent of the observed polling

stations. The barred agents belonged to PPPP (two), and PTI and JI (one each). The reasons for barring included the unavailability of any authorization to be a polling agent.

According to observers, media persons were seen present at nine percent of the observed polling stations, candidates at 22 percent, and election agents at 73 percent. FAFEN observers also reported that other voters or local influential persons were present inside two percent of the observed polling stations before the start of the polling process. The guiding signs were placed outside 79 percent of the observed polling stations, while the name and number of the polling stations were displayed outside 88 percent of the observed polling stations.

The polling agents of one or more candidates were present inside 90 percent of the observed polling booths. Moreover, the ballot boxes at 91 percent of the observed polling booths were placed in such a way that polling agents could easily see them. Moreover, the polling agents at 82 percent of the observed booths had copies of electoral rolls that enabled them to verify each voter coming to the polling booth.

According to observers, around 86 percent of the observed polling stations had appropriate lighting arrangements during the counting process. The observers also reported that the candidates or their polling agents or election agents were present during the counting at 90 percent of the observed polling stations. Of these stations, 86 percent had a seating arrangement that allowed the present agents to directly observe the counting process. Moreover, the observers at 88 percent of polling stations were seated at a place where they could directly see the counting process. However, the observers reported one incident of polling agents of a candidate being restricted during the counting process at a polling station.

After the counting forms are prepared, the presiding officers are required to provide their copies to candidates or their polling/election agents and observers as well as paste a copy outside the polling station building for public inspection. FAFEN observers reported that the presiding officers provided copies of Form-XI to candidates or their polling/election agents at 74 percent of the observed polling stations, and observers at 64 percent of the observed polling stations. Similarly, they provided copies of Form-XII to the candidates or their polling/election agents at 59 percent of the observed polling stations and FAFEN observers at 43 percent of the observed polling stations. Moreover, they pasted copies of Form-XI outside 54 percent of the observed polling stations and copies of Form-XII outside 49 percent of the observed polling stations.

Around 15 percent of the presiding officers told FAFEN observers that the returning officers or any authorized person by ECP visited the polling station for monitoring purposes on Election Day. Moreover, they also reported visits by observers other than FAFEN from seven percent of the observed polling stations.

Adequately Staffed and Resourced Polling Stations

According to the lists of polling stations issued by the district returning officers in July last year, the ECP had set up 9,139 polling stations across 14 districts. A majority of these polling stations (70 percent) were assigned more than the legally-recommended limit of 1,200 voters. The heavy assignment of voters to polling stations may cause overcrowding and disorderly polling day in case of hotly contested elections.

Around two-third (66 percent) of the presiding officers who were interviewed on election day shared that they had prior experience in managing polling stations. Around 94 percent of them said that they had received a daylong training from the ECP. The observers reported that 74 percent of the observed polling stations were duly ready for the polling process by 8

am i.e. official start time of the polling. The median time of the first vote cast at polling stations was 8:41 am with the earliest vote cast at 8:01 am and the latest at 10:13 am.

The polling staff had set up 86 percent of the observed polling booths in separate rooms. According to the reports shared by the observers, around eight percent of the observed polling booths did not have an APO present at the time of observation. Similarly, POs were absent at the time of observation at four percent of the observed polling booths.

According to observers, the election materials were available at the majority of the observed polling booths. Indelible ink and stamp pads were available at 93 percent of the observed polling booths, electoral



rolls, and secrecy at 92 percent, nine-matrix stamps used for marking ballot papers by voters at 93 percent, ECP official stamps at 89 percent, and transparent ballot boxes at 90 percent.

The availability of polling station counting forms – Form-XI and Form-XII – is necessary to ensure transparency of the election results. The presiding officer is required to send an official copy of these forms to the returning officer, and provide a copy to

each polling agent present during the counting and observers while also pasting a copy outside the polling station building for public inspection. To fulfill these requirements, ECP should supply as many copies of the result forms at each polling station as are the contesting candidates in the election. According to the information shared by the presiding officers, five percent of the observed polling stations received less than five copies of Form-XI and four percent of the observed polling stations received less than five copies of Form-XII.



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