

FAFEN Consolidated Recommendations for Electoral Reforms



FREE AND FAIR ELECTION NETWORK

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Free and Fair Election Network
Secretariat
23-B, Main Nazimuddin Road,
F-10/4, Islamabad, Pakistan
Email: secretariat@fafen.org
Website: www.fafen.org

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FAFEN's recommendations for electoral reform are based on statistically-valid data gathered by more than 18,000 observers nationwide between May 2007 and March 2008.

Many of these recommendations are documented in four FAFEN Election Results Analysis reports, three FAFEN preliminary statements immediately on and following Election Day, 19 FAFEN Election Updates, the "Flawed but Fixable" voters' list audit report, a dozen other pre-election publications, and "Election Observation Summary & Recommendations for Electoral Reforms (Submitted to the Electoral Reform Committee on June 21, 2008)". All FAFEN documents can be found at www.fafen.org.

Additional recommendations are based on FAFEN's continuing analysis of its extensive election observation data from February 18, 2008. These additional recommendations are presented in **blue lettering**.



The Government and/or Parliament should:



1. Establish a Parliamentary Committee on Electoral Reforms to consolidate, clarify, and improve upon the Election Laws to:
 - a. Ensure the independent functioning of the Election Commission of Pakistan;
 - b. Eliminate local government interference in elections;
 - c. Establish public hearings to allow for consultation with stakeholders; and
 - d. Ensure that election-related laws and Codes of Conduct include enforcement mechanisms.

2. In keeping with Pakistan Constitution Articles 220 and 221, relieve members of the judiciary (appointed as District Returning Officers and Returning Officers) from all election-related duties, including finalization of polling station lists, confirmation of election officials, and accreditation of election observers. Instead, the law should require that the ECP take direct responsibility for the timely and full implementation of all of these functions, with the judicial branch serving only as an appeals tribunal for complaints and petitions.

3. Establish a mandatory procedure for publishing the election result from each polling station recorded on ECP Form XVI (Consolidation Statement of the Results of the Count Furnished by the Presiding Officers) before the gazetting of official results.

4. Ban announcement of results for constituencies with more than 100% voter turnout in any polling station (votes polled exceeds registered voters) or where women are prevented from voting in any polling station. Either the vote counts from those polling stations should be excluded from the compilation of the official result or re-polling should take place in those stations.

5. Reform the election law so that all polling stations should be combined (male and female) stations, rather than all-female or all male polling stations, as women tend to turn out in greater numbers at combine polling stations as compared to all-female polling stations.

6. Implement its promise to provide CNICs to all citizens free of cost through NADRA mobile units and offices.

7. Amend the law to ban candidates from running for office in more than one constituency.

8. Take stringent measures to ensure election-related security, including training of police in election duties, to enable all political parties and candidates to conduct campaign activities equitably and to increase voter confidence.

9. Enforce a ban on openly partisan activities of government officials at all levels, mass transfers of personnel, and initiation of new development schemes after the announcement of the election calendar. [Adequate powers should be given to the ECP to take action against partisan caretaker and local government officials to enforce all election laws.](#)

The Election Commission of Pakistan (ECP) should:



10. Voters' List

- 10.1. The ECP should create a voters' list that is both complete (including all eligible voters) and accurate (without duplicate or false voters) through the following methodology:
 - a. Return to the 2007 Final Electoral Roll (excluding the 2002 supplemental voters list);
 - b. Reconcile the 2007 FER with the NADRA database in order to include all eligible citizens with Computerized National Identity Cards (CNICs) on the next voters list;
 - c. Link NADRA & ECP databases such that all citizens can choose whether to register to vote at the time of applying for CNIC with NADRA; and
 - d. Register additional voters through systematic house-to-house enumeration (in collaboration with mobile NADRA units providing all eligible citizens with CNICs free of charge).



- 10.2.** The appropriate portion of the voters' list should be posted outside each polling station and each polling booth in advance of Election Day so that voters know where to cast their ballots and do not need to rely on political parties or candidates to give them that information. ECP distribution mechanisms should be improved to ensure that every polling station has the appropriate voters' list before Election Day. The ECP should explore all options [including, for example, mailing an information slip] in order to inform voters in advance in which polling stations they should vote. As FAFEN recommended in 2007, polling stations should be identified well in advance of elections and neither polling station locations nor the voters assigned to those stations should be changed at the last minute.
- 10.3.** With regard to voter identification requirements (NICs, CNICs, or otherwise), the ECP must emphasize correct procedures in election officials' training and enforce the implementation of the law and procedures to ensure equity and fairness for all voters nationwide.

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11. Election Day Security and Enforcement of Election Laws

FAFEN emphasizes the importance of ensuring that the Election Laws and Codes of Conduct are enforced on Election Day in polling stations, where FAFEN data clearly demonstrates that there are significant electoral irregularities in all parts of the country. The following measures would help ensure that the Laws and Codes are enforced on Election Day in polling stations:

- 11.1.** The election law and regulations should include specific provisions to protect and empower Presiding Officers to fulfill their Magistrate First Class law and order responsibilities on Election Day. Presiding Officers must be given confidence that they can enforce all election laws within and around polling stations without risk of retaliation from any individual or group.
- a. The role of police and other security officials during elections – and their obligation to implement the orders of Presiding Officers – must be specified in the law.
 - b. The ECP should coordinate with other state institutions to provide comprehensive election-related training for police and other security officers before each election.
 - c. Presiding Officers' lead role in ensuring security and enforcement of the law at the polling stations should be the topic of special ECP training sessions.



- d. The election law should strengthen Provincial Election Commissioners' (PECs) and District Assistant Election Commissioners' (AECs) responsibilities for supporting Presiding Officers in this effort at greater security and law & order at the polling stations.

11.2. To increase security inside polling stations and decrease the potential for disruption of the polling process, intimidation and/or influence of voters and/or polling officials, ballot tampering, and other electoral malfeasance, only authorized individuals should be permitted inside polling stations and booths.

- a. The election law must be clarified with regard to who is authorized to be inside polling stations, who can give authorization through what procedure, and what each category of persons is authorized to do inside polling stations.
- b. Presiding Officers must be empowered to enforce limits on who enters polling stations.
- c. Police and security officials must be trained to support Presiding Officers in restricting access to polling stations.
- d. Any Presiding Officer or police/security officials failing to enforce the law with regard to unauthorized persons in polling stations should be sanctioned.

11.3. To maintain security and avoid creating an atmosphere of intimidation and coercion in polling stations, the election law should specify that no weapons may be brought into any polling station except by police and security officials. This rule should be enforced by Presiding Officers and security personnel.

11.4. All election laws should be enforced with special attention to:

- a. Ensuring there are no party/candidate camps or other attempts to influence voters within 400 yards of polling stations and no campaign materials within 100 yards of stations;
- b. Coordination among polling officials and security personnel in order to avoid the "capture" of polling stations by armed or other influential/powerful individuals;
- c. Preventing government officials' undue influence on voters and election officials both pre-election and on Election Day; and



d. Punishing offenses committed by polling officials (such as political or other bias in the conduct of their election duties) through suspension, professional sanction, fine or other appropriate measures.

11.5. All polling officials must be required to carry their Government Service Cards to prove their identity on Election Day.

11.6. All party camps should be banned within the 24 hours no campaigning time period before the Election Day.

12. Ballot Box Stuffing

12.1. The election law should more clearly define “ballot box stuffing,” with enforcement mechanisms against any polling official, polling agent, or other individual who marks more than one ballot or puts more than one ballot in a box for any reason.

12.2. ECP procedures should require that all of the following information be recorded carefully and double-checked in each polling booth and station: the number of ballot books distributed to each polling booth at the beginning of Election Day (with no additional books distributed for any reason); the number of used counterfoils and unused ballot papers remaining in all ballot books at the end of the voting process; the number of voters whose names have been crossed off the voters’ list in each booth (and recorded with tick-marks throughout the voting process).

12.3. ECP procedures should be changed to require counting and recording of the number of ballots in each ballot box from each polling booth. (Counting the ballots from each box and then combining all ballots in order to count votes for each candidate can all be done at the polling station level.) An additional advantage of this recommendation is that it would enable the ECP to compile reliable sex disaggregated voter turnout data by adding the number of ballots counted from each men’s and each women’s polling booth.

12.4. ECP training materials for polling officials should emphasize procedures related to preventing “ballot box stuffing,” including those described above as well as enforcement mechanisms and penalties for polling officials violating these rules or failing to prevent others from violating them.

12.5. Neutral election observers and candidate/party polling agents should be trained to record the serial numbers of all ballot books issued to the polling station and to each booth in the station. They should monitor



the accounting of all ballots and ballot books at the end of the voting process. Observers and agents also should compare the number of used counterfoils against the number of voters who have cast ballots in each booth (the number of voters' names crossed off the voters' list as well as the number of voters observers have counted in the booth) and against the number of ballots counted out of each ballot box. NIC/CNIC numbers on counterfoils can also be checked against marked names on the voters' list.

13. New ECP Commodities

13.1. Ballot Boxes:

- a. The ECP should significantly modify its training and handbooks for polling officials to include a much clearer description of the new ballot box seals, how they should be tightly closed, and how the numbers on the seals must be shown to election observers and polling agents at the beginning and end of the voting process. The Representation of the People Act 1976 Section 30(4)(c) regarding ballot box seals must be amended.
- b. ECP should modify its training manuals for each election to include clear statements about how many ballot boxes of each color should be in each polling booth and where they should be placed within the booth so that observers and polling agents can see them clearly.
- c. The ECP Handbook for Presiding Officers should provide clearer instructions about how to close the slots on the ballot boxes after the last voter has cast her/his ballot. The instructions on Handbook page 60 should refer back to the photographs and instructions on page 36.

13.2. Secrecy Screens:

- a. The ECP should modify its training and handbooks for polling officials to include a practical demonstration of setting up a screen, clear statements about how many secrecy screens should be in each polling booth, how they should be positioned within each polling booth to ensure voter secrecy, and the importance of instructing each voter to go behind the screen alone.
- b. ECP training for election officials should emphasize that only blind and disabled voters may have a companion behind secrecy screens, that the companion cannot be a candidate or party agent, and that polling officials must record the name of each companion.



14. Interference with Voters

- 14.1.** ECP training for polling officials should communicate that they must not instruct voters which candidate to vote for, either in words, or by pointing, or when showing voters how to use the marking aid on the ballot. ECP training for polling personnel should emphasize that in giving assistance of any kind to voters, polling staff should be careful to avoid showing any bias or influencing voters' electoral choices. The language in the ECP Handbook should be changed from "Instruct the voter on how to mark the ballot paper" to "Instruct the voter on how to use the marking aid."
- 14.2.** ECP training for polling personnel must emphasize that representatives of candidates or parties may not communicate with voters in any way inside polling stations, including giving assistance to voters behind secrecy screens or otherwise. Political parties' training for polling agents should emphasize the same message.

15. Spoilt, Challenged, and Tendered Ballot Papers

- 15.1.** ECP training for polling officials should include a careful demonstration of:
- Examples of spoilt ballots and the exact procedures to be followed.
 - On what basis a ballot may be challenged and exact procedures to be followed so that no potentially qualified voter is turned away because of a polling agent's challenge.
 - Circumstances in which a ballot must be tendered and the exact voting and counting procedures to be followed.
- 15.2.** Presiding Officers and Returning Officers should be instructed to account for these special categories of ballots carefully at the end of the ballot counting process and at the beginning of the vote consolidation process.

16. Polling Officials' Training

- 16.1.** Training for polling officials should include practical demonstrations to ensure that all officials understand their responsibilities with regard to:
- Posting the appropriate exterior and interior signs at polling stations.
 - Ensuring that all campaign materials are removed 100-yards from the polling station.



- c. Having a 400-yard no-campaign zone, including party/candidate “camps”.
- d. Calling out each voter’s name in every polling booth. (Polling agents should be trained to challenge election officials who do not follow this procedure.)
- e. Marking each voter’s name off the voters’ list.
- f. Checking each voter’s thumb for indelible ink.
- g. Telling each voter how to use the marking stamp (but not how to mark their ballot) and showing voters the ECP poster about using the marking stamp.
- h. Ensuring voters have folded and deposited their ballots correctly.
- i. Ensure that all polling stations and all booths remain open without a break.
- j. Closing all voting queues at 5:00pm, but allowing all voters already in the queue to vote.
- k. Ensuring all polling personnel remain present until after the voting procedures are complete.
- l. Filling out each required ECP form completely and accurately.

16.2. The electoral reform law should include provisions to deter last-minute substitutions of untrained polling personnel from being appointed, such as stipulating that no election official will be paid for election-day duties unless he or she has undergone the entire training program provided by the ECP. Alternate personnel can be recruited and trained as backup.

17. Ballot Counting and Consolidation and Announcement of Election Results

The election law should specify the following minimum procedures for these essential aspects of the election process:

17.1. The election law should specify that accredited observers and polling agents must have access to all aspects of the election process from the preparation for opening of the polling stations through the counting process to the consolidation of results, as defined by international best practice for election administration and observation.



- 17.2.** Ballots should be counted (and accounted for) at the polling booth level and then re-checked at the polling station level. Votes (for each candidate) should be counted at the polling station level.
- 17.3.** Election law, regulations, and training materials should describe much more carefully the procedures to be followed for counting of ballots, with the following minimum components:
- a. Presiding Officers must examine each ballot one by one, call out loud the candidate/symbol/party marked on the ballot, and make each ballot visible to all accredited observers and polling agents.
 - b. Presiding Officers must be better informed and more effective with regard to determining whether each ballot is valid or invalid.
 - c. Presiding Officers must place (or instruct to be placed) each ballot in a separate pile for either a candidate or invalid (rejected) ballots.
 - d. No one should touch any ballot for any reason except ECP polling station personnel.
- 17.4.** Presiding Officers must be responsible for carefully and accurately accounting for all ballot papers issued to each polling station on specific forms for this purpose, including serial numbers of ballot books issued to the polling station and to each polling booth, total used ballots, spoilt ballots, invalid ballots, challenged ballots, ballots for each candidate, and serial numbers of unused ballots. Training for Presiding Officers should emphasize these procedures through demonstration of each step and each form.
- 17.5.** ECP Form XIV (Statement of the Count furnished by the Presiding Officers) from each polling station must be posted at that polling station. A copy of Form XIV must be given to each polling agent and each accredited neutral observer.
- 17.6.** Automatic recounting of votes should be instituted in constituencies where the winning margin is less than a couple of hundreds or the total invalid and/or postal ballots exceed the winning margin.
- 17.7.** ECP officials, rather than judicial officers, should be responsible for vote consolidation at the constituency level. Judges should be responsible only for hearing challenges to the ballot consolidation process, along with other election petitions regarding election results.



- 17.8.** The ECP must publish the election result from each polling station recorded on ECP Form XIV (Statement of the Count furnished by the Presiding Officers) before the gazetting of official results. ECP Form XIV must also bear the number of registered voters for each polling station.
- 17.9.** ECP Form XVII (Result of the Count furnished by the Returning Officers) must also bear the number of registered voters for each polling station.
- 17.10.** No election result should be announced from any constituency with more than 100% voter turnout in any polling station (votes polled exceeds registered voters). The vote counts from those polling stations should be excluded from the compilation of the official result and re-polling should take place in those stations.

18. Women Voters

- 18.1.** No election result should be announced from any constituency where women are prevented from voting in any polling station or booth. The vote counts from those polling stations should be excluded from the compilation of the official result and re-polling should take place in those stations.
- 18.2.** Special efforts should be made for the recruitment, advancement, and training of all female polling staff. Female polling staff should be deployed at all female polling booths to facilitate women voters. More women (ideally 50%) should be posted as Presiding Officers in polling stations.
- 18.3.** A sex disaggregated voter turnout should be compiled for each constituency and officially released, following the recommended procedures for counting and recording the number of ballots at the polling booths (see 12.3 above).
- 18.4.** Extra steps should be taken to ensure that female polling booths remain open and safe during the full period on Election Day and that voter identification fraud, assisting voters behind secrecy screens, marking extra ballots and "ballot box stuffing," and other election malfeasance are not perpetrated in women's polling booths, in particular.
- 18.5.** All polling stations should be combined (male and female) stations, rather than all-female or all male polling stations.

19. By-Elections

- 19.1.** The ECP and all provincial, district, and local election officials should



administer each by-election with the same vigilance and attention to enforcing the law and procedures as during any general election. The result of any by-election not administered vigilantly should be voided.

- 19.2.** The ECP should reprimand all election officials who fail to enforce the election rules and laws in any by-election.
- 19.3.** More generally, given the consistent weaknesses in ECP by-election administration, by-elections should be minimized by restricting each candidate in general elections to contesting in only one constituency.

Other ECP Recommendations



20. The ECP should:

- 20.1.** Reform the Code of Conduct for Political Parties and Contesting Candidates in full consultation with all relevant stakeholders, adding clear enforcement mechanisms.
- 20.2.** Ban the common, inappropriate use of state resources of all kinds in advance of elections.
- 20.3.** Ensure the tracking and enforcement of violations of the Code as well as election spending limits by contesting candidates.

21. Host regular, collective meetings with political parties and candidates to address concerns both before and after the elections.

22. Beginning with the announcement of the election calendar, ECP should instruct all PECs and AECs to host weekly meetings of local election stakeholders to discuss problems and provide basic information about the status of electoral preparations.

23. Host regular briefings for the media and the public beginning before the announcement of the election calendar and continuing through the full election process.

24. Provide parties and candidates copies of the Final Electoral Roll (FER) and polling station lists much earlier in the election process, free of charge.

25. Finalize the list of Presiding Officers well in advance of the election date and distribute these lists to local stakeholders free of charge or make them available on the ECP website in a timely manner.
26. Establish a training unit for election personnel at the national ECP and arrange for timely, comprehensive training in advance of each election.
27. Issue uniform, clear instructions and guidance to DROs, ROs, AECs, and other relevant election officials at all levels regarding their election-related responsibilities.
28. Ensure that election officials, political parties, candidates, and the general public in local areas have clear information about submitting election-related complaints and how these complaints are being handled. The ECP should ensure all complaints are handled internally by the ECP in a timely manner, according to due process of law, in open proceedings. ECP should make information about the full resolution of each complaint transparently available as a matter of public record.
29. Develop and make public clear procedures for the accreditation of neutral election observers well in advance of the election date and preferably during the pre-election period. Respond to written communications and telephone calls from election observation groups and other stakeholders and establish a public relations office at the national ECP for this purpose.
30. In consultation with election stakeholders, plan well in advance for security, communication, contingencies, and emergencies, especially in locations with a history of electoral violence or current political unrest.
31. Provide instructions and training to police around the country regarding their roles and responsibilities during the election campaign period to ensure both security and a level playing field for all independent and political party candidates.

Political Parties and Candidates should:



31. Take all possible measures to ensure that candidates do not violate the letter or spirit of the Election Law and Code of Conduct, including



with regard to intimidation of potential voters, destruction of opposing candidates' campaign materials, and illegal involvement of local government officials in campaigning.

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- 32.** Make public declarations that they will follow the law and Code, including campaign spending limits.
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- 33.** Base their campaign on issues of concern to their constituents, rather than appeals to personality or clan, religion, or ethnic affiliations.
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- 34.** Provide concrete evidence to the ECP of any violations of the law or Code to enable the ECP to enforce these provisions. Hold the Commission accountable for the equitable enforcement of the same.
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- 35.** Provide meaningful training to party and candidate polling agents in advance of the election date.
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- 36.** Make special efforts to recruit and train women as polling agents, candidates, and in other roles related to elections.
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- 37.** Democratize their ranks to ensure vertical mobility of political workers and to reduce monopolies on political power of a few families and individuals.

Citizens and Media should:



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- 38.** Citizens -- including especially women and youth -- should participate in the electoral process as voter education "social mobilizers," party and candidate polling agents, neutral election observers, and voters.
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- 39.** Media should provide well-informed, non-partisan reporting during campaigning and elections in order to provide valuable information about issues of concern to the electorate.
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- 40.** Media should avoid promoting ethnic or other divisive politics during elections.