

THREE STAGE METHODOLOGY FOR RESULT AUDIT



OCTOBER 2014

For the first time in Pakistan's electoral history, political parties are discussing the possibility and *modus operandi* of investigating the quality of General Elections 2013 with the purpose of determining whether they were “rigged”. Election audits are very rare, and such an investigation is a complex and technical task. Therefore, it is understandable that there have been delays in finalizing the scale and scope of the probe so that it is mutually agreeable to the political parties on both sides of the deadlock.

There is no standard methodology or procedure to investigate an election. In general, the aim of an audit is to determine whether the election result accurately reflects the will of

the voters who cast ballots on Election Day – in other words whether the votes on Election Day were cast by duly registered voters, were counted correctly, and then were added together accurately to reach the final election result. An audit is a technical investigation based on physical evidence and material facts i.e. the ballot boxes, ballots and official election documentation including results forms.

The audit in Afghanistan of the June 2014 Presidential run-off election was unprecedented in international election practice – a “complete” audit has never been attempted before anywhere in the world. Every vote cast in Afghanistan was scrutinized under the guidance of United Nations election

experts by independent observers and relevant political stakeholders, but the process was long and tedious. Scrutiny of about 8 million votes in more than 22,800 ballot boxes using a 16-point checklist required almost eight weeks (from 17 July to 6 September 2014). However, the audit never progressed as planned. Such an approach in Pakistan's parliamentary system would not be logical or workable on a nationwide scale, since more than 90 million ballots were cast in 272 separate National and 577 Provincial Assembly constituency elections during general election 2013. However, it would be possible to conduct a partial or complete audit of one or more individual constituencies.

Another way of investigating an election is to submit a petition (case) challenging the election result to a court or specialized tribunal established for this purpose. In Pakistan, this process is defined in chapter XII of the Representation of Peoples Act 1976, but it has never been implemented effectively. This method heavily relies on the law of evidence and court procedures, which in Pakistan are in some ways ill-suited to the election context and are commonly utilized by the parties to delay or manipulate election tribunals' investigations. In Pakistan's parliamentary system, an election result petition challenges the election in one National or Provincial Assembly constituency, but does not investigate the elections in general. In addition, election officials (including any judicial or government official deputed to perform any election duty) cannot be accused of wrongdoing through an election petition under Pakistan's current election law. In 2013, a total of 410 election result petitions were filed, of which more than 65 have yet to be decided by the tribunals.

The ongoing dialogue among the political parties is a step forward towards resolving the current political deadlock through an audit of the 2013 general elections. In the coming days, they should conclude the terms of reference of an election investigation that could determine,

based on concrete evidence, whether the election result in one or more constituencies does not reflect the will of the voters who cast ballots on Election Day. In other words, were the ballots cast by duly registered voters, were those ballots counted and recorded properly, and did the votes in all polling stations in a constituency add up to the announced final election result?

If the election result is invalidated in one or more constituencies, there should be a by-election in those constituencies, at a minimum. If the election result is invalidated in sufficient number of constituencies where the ruling party candidate won, then the ruling party would no longer have a majority in the National Assembly, and early elections may be called. However, by-elections or fresh elections should only be held after correcting the systemic procedural issues that have always undermined the quality of elections in Pakistan.

An objective technical assessment of General Elections 2013 is possible if the parties adopt the following three-stage approach:

Stage 1 - Assess the Nature and Scale Irregularities to Determine Their Material Effect on Election Result

Stage 2 - Determine the total number of constituencies, if any, with invalid or problematic election results, and any potential or actual change in the majority in the National and/or Provincial Assemblies

Stage 3 - Hold election officials at all appropriate levels responsible for any identified irregularities, whether caused by acts of omission or commission

This approach also will help identify systemic and procedural flaws in the existing electoral framework as a contribution to the ongoing electoral reform process being led by the Special Committee of the Parliament for Electoral Reforms.

Stage One: Assess Nature and Scale Irregularities to Determine Their material Effect on Election Result

Step One: Collection of All Critical Election Materials

The first step of this investigation will require the Election Commission of Pakistan (ECP) to furnish, in line with the provisions of Section 44(1) of the Representation of Peoples Act 1976 [hereinafter ROPA], (a) the packets containing the ballot papers with the seal of the Returning Officer who has opened each packet; (b) the packets containing the counterfoils of issued (used) ballot papers; (c) the packets containing the marked copies of the electoral rolls; (d) the packets containing the ballot paper account; (e) the packets containing the tendered ballot papers, challenged ballot papers, tendered votes list and challenged votes list.

The ECP also must provide all Form XIV (Statement of the Count) and Form XV (Ballot Account Form) prepared at each polling station separately for Provincial Assembly (PA) and National Assembly (NA) seats, as well as Form XVI (Consolidation of Statements of the Count) and Form XVII (Result of the Count) for each NA and PA constituency.

The polling scheme implemented by the Returning Officers on Election Day [which is different than the “final” polling scheme that was notified by the ECP] must also be provided, along with the constituency-wise details of polling stations and booths that were changed and reasons and legal approvals by the ECP. A list of the names of Polling Officials deputed at every polling station along with their government designation must be furnished, including changes, if any, made to the original list of staff who were trained to perform election duties. Similar lists of

Provincial Election Commissioners (PECs), District Election Commissioners (DECs), District Returning Officers (DROs), Returning Officers (ROs) and Assistant Returning Officers (AROs) for all NA and PA seats also must be furnished, along with details and reasons for any changes made after the announcement of the election schedule.

The list of all election material that must be furnished is as follows:

1. Forms 14 [XIV] and 15 [XV] for each polling station where election for an NA seat was held
2. Forms 14 [XIV] and 15 [XV] for each polling station where election for a PA seat was held
3. Form 16 [XVI] for each NA seat
4. Form 16 [XVI] for each PA seat
5. Form 17 [XVII] for each NA seat
6. Form 17 [XVII] for each PA seat
7. Polling Scheme as implemented on Election Day for each NA seat, with the list of polling stations changed compared to the “Final Polling Scheme”, and the notification by the ECP of polling stations changed
8. Polling Scheme as implemented on Election Day for each PA seat, with the list of polling stations changed compared to the “Final Polling Scheme”, and the notification by the ECP of polling stations changed
9. List of Polling Staff for each polling station and constituency, including DROs, ROs, Presiding Officers (PrOs) and Assistant Presiding Officer (APrOs), Polling Officers (POs), along with their parent organization and their designation
10. Used Electoral Rolls for each polling station
11. Packet of used counterfoils for each polling station for each NA election

12. Packet of used counterfoils for each polling station for each PA election
13. Packet of rejected ballots for each polling station in each NA constituency
14. Packet of rejected ballots for each polling station in each PA constituency
15. Packet of tendered ballots for each polling station in each NA constituency
16. Packet of tendered ballots for each polling station in each PA constituency
17. Packet of un-used ballots for each polling station in each NA constituency
18. Packet of un-used ballots for each polling station in each PA constituency

These materials must be provided by ECP not only because it is a legal requirement, but also because they constitute the critical documentation required for the various steps of the audit and assessment process discussed below.

Step Two: Consequences of Non-Availability of Election Result Forms 14, 16 and 17, Ballot Account Form 15, and Final and Implemented Polling Schemes

All election result forms i.e. Forms 14, 16 and 17, as well as Ballot Account Form 15 must be collected to lay the foundation for any assessment.. In addition, ECP must provide a list of changes made to the Final Polling Scheme, as well as the required ECP approval and public notification of those changes.

Non-Availability of Critical Forms

The following procedures shall be implemented if any critical election Form is missing:

- a. A by-election for the constituency shall be

held:

- I. If the original Form 16 for the constituency is missing.
 - ii. If no Form 14 is available from any polling station in the constituency.
 - iii. If no Form 15 is available from any polling station in the constituency.
- b. If the original Forms 14 and/or 15 from one or more polling station(s) is/are missing and the number of registered voters in the relevant polling station(s) exceeds the margin of victory (the difference between the number of votes cast for the winning candidate and the candidate with the next largest number of votes), re-poll on those polling stations shall be held, a new Form 16 shall be calculated, a new Form 17 shall be issued, and any resulting change in the election result shall be duly implemented..
- c. If the result of any polling station(s) is/are not tabulated on Form 16, and if the original Form 14 from the relevant polling station(s) is/are available, a new Form 16 shall be calculated, a new Form 17 shall be issued, and any resulting change in the election result shall be duly implemented.
- d. [If the result of any polling station(s) is/are not tabulated on Form 16, and if the original Form 14 from the relevant polling station(s) is not available, see procedure (b) above.]

Whether or not the lapses in any of the conditions described above have an impact on the final election result for any constituency, the relevant election officials shall be tried under Sections 91 and 95 of the Representation of People's Act 1976.

Non-Availability of and Changes to Constituency Polling Schemes

According to Section 8(2) of ROPA, the polling scheme must be finalized at least 15 days before Election Day. However, a comparison of the

Final Polling Scheme notified by the ECP and the polling scheme as implemented on Election Day reveal that changes were made and not duly notified in many constituencies. In other constituencies, the final polling scheme did not include one or more electoral areas (polling stations).

The following procedures shall be implemented:

- a. By-elections shall be held in any constituency in which:
 - i. The final polling scheme was not published or shared with all candidates.
 - ii. The number of registered voters in electoral areas not accounted for in the polling scheme exceeds the margin of victory.
 - iii. The number of registered voters in the electoral areas that were changed without ECP notification exceeds the margin of victory.
 - iv. The combined number of registered voters in electoral areas with conditions (ii) and (iii) exceeds the margin of victory.

Whether or not the lapses in any of the conditions described above have an impact on the final election result for any constituency, the relevant election officials shall be tried under Sections 91 and 95 of the Representation of People's Act 1976.

Step Three: Initial Scrutiny of Result Forms and Ballot Account Forms

The third step involves an initial scrutiny of key election-related Forms aimed at establishing their authenticity. By-elections shall be called under certain specific conditions, based on this initial scrutiny.

Scrutiny of Form 14

Form 14 is completed in each polling station showing the number of votes received for each candidate along with additional details. Each Presiding Officer (PrO) must fill out separately a Form 14 for the NA election and the PA election, regardless of whether any votes were cast.

Each Form 14 must carry the ECP stamp and the PrO's thumb impression, signature, government designation and CNIC number, as required by Rule 24 of Conduct of Election Rules 1977 (amended vide S.R.O. 705(I)/93, dt. 19-8-1993 for Sub-section (9) of Section 38 of ROPA). Any Form 14 not duly completed should render the vote count at that polling station null and void, and the consolidation of the election result for the relevant constituency should be amended accordingly. In addition, the PrO should be penalized under Sections 91 and 95 of ROPA. If the PrO declares under oath that the original Form 14 was duly completed and therefore must have been changed later by someone else, action should be initiated against the Returning Officer after due process.

The following procedures shall be implemented:

- a. Re-polling shall be held, and election results for the constituency accordingly recalculated, in any polling stations in which:
 - i. Any Form 14 does not have the PrO's name and/or signature and/or thumb impression and the number of registered voters in those polling stations exceeds the margin of victory.
 - ii. The PrO was changed without notification, and the number of registered voters at the relevant polling stations exceeds the margin of victory.
 - iii. The PrO's thumb impression and/or signature verification does not match with the NADRA record, and the

number of registered voters at the relevant polling stations exceeds the margin of victory.

- iv. The combined number of registered voters in polling stations with conditions (i), (ii) and (iii) exceeds the margin of victory

Whether or not the lapses in any of the conditions described above have an impact on the final election result for any constituency, the relevant election officials shall be tried under Sections 91 and 95 of the Representation of People's Act 1976.

Scrutiny of Form 15

Form 15 is filled out in each polling station to account for all ballots received by that polling station. Each PrO must fill out separately a Form 15 for the NA election and the PA election contested in the polling station.

Each Form 15 must be signed and stamped by the PrO as defined by Rule 24 of Conduct of Election Rules 1977 (amended vide S.R.O. 705(I)/93, dt. 19-8-1993 for Sub-section (10) of Section 38 of ROPA). Any Form 15 not duly completed should render the vote count at that polling station null and void, and the consolidation of election results for the relevant constituency should be amended accordingly. In addition, the PrO should be penalized under Sections 91 and 95 of ROPA. If the PrO declares under oath that the original Form 15 was duly completed and therefore must have been changed later by someone else, action should be initiated against the Returning Officer after due process.

The following procedures shall be implemented:

- a. Re-polling shall be held, and election results for the constituency accordingly recalculated, in any polling station(s) in which:
 - i. Form 15 does not have the name and/or signature of the PrO, and the number of

registered voters in the relevant polling station(s) exceeds the margin of victory.

- ii. The PrO was changed without notification, and the number of registered voters in the relevant polling station(s) exceeds the margin of victory.
- iii. The name and signature of the PrO on Form 15 does not match the name and signature of the PrO on Form 14 of the same polling station, and the number of registered voters in the relevant polling stations exceeds the margin of victory.
- iv. The combined number of registered voters in polling stations with conditions (i), (ii) and (iii) exceeds the margin of victory.

Whether or not the lapses in any of the conditions described above have an impact on the final election result for any constituency, the relevant election officials shall be tried under Sections 91 and 95 of the Representation of People's Act 1976.

Scrutiny of Form 16

Form 16 is a legal document that consolidates (aggregates) the vote counts of all polling stations in a constituency as documented on all Forms 14 from each of those polling stations. Each RO must fill out one Form 16 for the NA election or PA election for which the RO is responsible.

Any Form 16 not duly completed should render the election result for that constituency null and void, and a by-election must be held. In addition, the RO should be automatically penalized under Sections 91 and 95 of ROPA if the following conditions exist:

- a. If Form 16 is not duly filled with the required legal authentication i.e. the name, signature and stamp of the RO, then the consolidation (aggregation) of vote counts from all original Forms 14 from the

constituency must be re-calculated on a new Form 16.

- b. However, if Form 16 is not duly filled with the required legal authentication, and if Forms 14 from the constituency are either not duly filled (as above) or are missing from polling stations where the combined number of registered voters exceeds the margin of victory, then a by-election for the constituency shall be called.

Scrutiny of Form 17

Form 17 is a legal document that states the total vote count for each candidate in the constituency. Each RO must fill out one Form 17 for the NA election or PA election for which the RO is responsible.

Any Form 17 not duly completed should render the election result for that constituency null and void, and a by-election must be held. In addition, the RO should be automatically penalized under Sections 91 and 95 of ROPA if the following conditions exist:

- a. If Form 17 is not duly filled with the required legal authentication i.e. the name, signature and stamp of the RO, then the consolidation (aggregation) of vote counts from all original Forms 14 from the constituency onto Form 16 and then onto Form 17 must be re-done.
- b. However, if Form 17 is not duly filled with the required legal authentication, and if Forms 14 from the constituency are either not duly filled (as above) or are missing from polling stations where the combined number of registered voters exceeds the margin of victory, then a by-election for the constituency shall be called.

Step Four: Intra-Form Audit of Result and Ballot Account Forms

In the fourth step, a detailed audit shall be conducted to identify mistakes on each individual form related to the election result

(Forms 14, 16 and 17) and the Ballot Account Form (Form 15). If there are mistakes in individual forms, the following should happen:

Intra-Form 14 Audit

Re-polling shall be held, and election results for the constituency accordingly recalculated, in any polling stations in which:

- a. The number of votes recorded on Form 14 is more than the number of registered voters allocated to any polling station(s) in the final polling scheme, and ECP did not notify a change in the number of registered voters assigned to the relevant polling station(s), and the combined number of extra votes exceeds the margin of victory.
- b. The number of registered voters in the polling station(s) exceeds the margin of victory, where the polling scheme was changed, the change was not notified by the ECP, and no votes were polled.
- c. The mistakes in calculation in the polling station(s) of total votes polled, total valid votes, and/or the total of challenged and tendered votes exceeds the margin of victory.
- d. Any individual candidate polled one or more votes but is not listed individually in any polling station(s) where the total number of registered voters exceeds the margin of victory.
- e. The combined number of registered voters in polling station(s) with conditions (a) through (c) above exceeds the margin of victory.

Intra-Form 15 Audit

Re-polling shall be held, and election results for the constituency accordingly recalculated, in any polling stations in which:

- a. Form 15 of any polling station(s) does not mention the total number of ballots received and/or the ballot serial numbers,

and the number of registered voters for the relevant polling station(s) exceeds the margin of victory.

- b. Form 15 of any polling station(s) does not record the number of used and unused ballots, and the number of registered voters in those polling stations exceeds the margin of victory.
- c. Calculation mistakes on Form 15 of any polling station(s) yield an absolute discrepancy, and the number of registered voters in those polling stations exceeds the margin of victory.
- d. The combined number of registered voters in polling stations with conditions (a), (b) and (c) exceeds the margin of victory.

Intra-Form 16 Audit

A by-election for the constituency shall be called if:

- a. The vote counts of any polling station(s) are not included on Form 16, and the total number of registered voters from those polling station(s) exceeds the margin of victory, and the vote counts of the relevant polling stations cannot be confirmed from Form 14 for any reason (i.e. the original Form 14 is missing, the Form 14 cannot be authenticated, etc.)
- b. The number of postal ballots exceeds the margin of victory, and the postal ballots are missing (If the number of postal ballots exceeds the margin of victory, a re-examination of all postal ballots must be conducted.)
- c. The combined number of registered voters from polling station(s) with condition (a) and missing postal ballots in condition (b) exceeds the margin of victory.

Step Five: Inter-Form Audit of Result and Ballot Forms

In addition to auditing each individual form, as described above, another critical aspect of the audit process constitutes tracking and measuring any discrepancy between various result and ballot account forms. Election result and ballot account forms must reconcile in order to provide a credible and legitimate election result. If there are discrepancies between two or more forms, the following should happen:

Form 14 and Form 15 Consistency

Both Form 14 and Form 15 are filled at the polling stations separately for NA and PA elections. Re-polling shall be held, and election results for the constituency accordingly recalculated, in any polling stations in which:

- a. The total number of ballots cast, including both valid and challenged ballots, is different on Form 14 and Form 15, where the difference is not due to arithmetic error and the number of registered voters in the polling stations concerned is more than the margin of victory.
- b. The number of polled votes recorded on Form 14 exceeds the number of used ballots recorded on Form 15, where the difference is not due to arithmetic error and the number of registered voters in the polling station(s) concerned is more than the margin of victory.
- c. There is any discrepancy in the name and other authentication details of the PrO on Form 14 and Form 15 of any polling station(s), and the number of registered voters in those polling station(s) exceeds the margin of victory.
- d. The combined number of registered voters from polling station(s) with conditions (a), (b) and (c) exceeds the margin of victory.

Form 14 and Form 16 Consistency

While Form 14 is filled at the polling station by the PrO, Form 16 is tabulation (consolidation, or aggregation) of all Forms 14 from all polling stations by the RO in the constituency. The number of valid votes for each individual candidate must remain constant during this consolidation process, unless a recount is notified and changes in the vote count are established. The only difference in any vote tally could happen in finalization of the status of challenged votes either in favor of the candidate(s) whose votes were challenged or the votes are determined to be rejected. In addition, the total vote count for each candidate and the number of rejected votes may increase after accounting for postal ballots during the tabulation of results on Form 16.

Re-polling shall be held, and election results for the constituency accordingly recalculated, in any polling stations in which:

- a. The consolidated number of valid votes recorded on Form 16 for any individual candidate(s) is less than the number of valid votes for the same candidate(s) recorded on Forms 14 from all polling stations, and the discrepancy exceeds the margin of victory.
- b. If the number of rejected votes on Form 16 is more than the number of doubtful and challenged ballots on Forms 14 from all polling stations, then re-examination and recounting of only the rejected ballots shall be instituted. If the rejected ballots are missing or the number of original (actual) rejected ballots is different from the number tabulated on Form 16, and the number of registered voters in the relevant polling station(s) exceeds the margin of victory, then re-polling shall be held in those polling station(s).
- e. If there is any missing or wrong tabulation on Form 16, the name of the candidates and their votes shall be reconciled with duly-filled Forms 14 from all polling stations.

However, if any Form 14 is not duly filled, and the number of registered voters in the relevant polling station(s) exceeds the margin of victory, re-poll on those polling stations shall be held.

- d. The accumulative effect of conditions (a) through (e) exceeds the margin of victory.

Form 15 and Form 16 Consistency

Form 15, like Form 14, is filled at the polling stations by the PrO, while Form 16 is a tabulation of all polling stations by the RO. The number that must be the same on both Form 15 and Form 16 is the total of all votes polled including valid, rejected and tendered votes, before accounting for postal ballots. The number of used ballots on Form 15 must be equal to the sum of valid, rejected and tendered votes on Form 16. The total number of votes polled at each polling station recorded either as counted or challenged on Form 15 must match the total of valid and rejected votes -- barring postal ballots -- for the same polling station on Form 16. In addition, the number of tendered votes on Forms 15 and 16 for each polling station must match.

- a. Re-polling shall be held, and election results for the constituency accordingly recalculated, in any polling stations in which:
 - i. The number of all polled votes (valid plus rejected votes) on Form 16 is different than the total number of ballots listed as valid and challenged on Form 15 for any polling station(s), and the number of registered voters in the relevant polling station(s) exceeds the margin of victory.
 - ii. The number of tendered ballots is different on Forms 15 and 16 for any polling station(s), and the total number of tendered votes on those polling station(s) exceeds the margin of victory.

- iii. If the accumulative effect of conditions (i) and/or (ii) exceeds the margin of victory.

Form 16 and Form 17 Consistency

The total of individual candidates' votes and rejected votes on Form 16 must exactly match the totals mentioned against the same on Form 17. If there is any discrepancy, the following procedures shall be followed:

- a. If the number of votes for any individual candidate(s) or the number of rejected votes does not match on Forms 16 and 17, a re-calculation of these totals on a new Form 16 and new Form 17 shall be instituted to correct any calculation error in either of the forms.
- b. However, if Form 16 is not duly filled (i.e. is not authenticated by the RO), re-poll shall be called for the constituency.

Step Six: Inter-Form 14 Comparison of NA and PA Seats in the Same Polling Station

Where elections for both NA and PA seats are held, a voter is handed two separate ballots for casting one vote for each election. Some voters may decline to vote in one of the elections, but in general the number of votes polled for the two elections in the same polling station should be equal or almost equal. Both Form 14 and Form 15 should be checked for any significant discrepancy between the numbers of votes polled for the two seats.

If there is a considerable discrepancy in the number of votes polled for the NA and PA seats at the same polling station(s), re-poll in either or both shall be held in the following conditions:

- a. If the total polled votes for either seat is the same as the number of registered voters as indicated on the marked voter list, re-poll for the other constituency shall be held.

- b. If the number of votes polled for both seats does not match the number of voters as indicated on the marked voter list, re-election for both seats shall be held.

Step Seven: Audit of Rejected Votes

The number of votes rejected in General Elections 2013 was 54% higher than in the 2008 General Elections. As many as 1.5 million votes were rejected in 266 constituencies. In 35 constituencies, the number of rejected votes far exceeds the margin of victory between winner and runner-up.

An assessment is required to ascertain whether these votes were rejected correctly under conditions specified in the law. According to ROPA Section 38(7), the ballot papers excluded from the count shall be put in a separate packet indicating thereon the total number both in words and numerals the number of ballot papers contained therein. According to Section 38(4)(c) of ROPA, a ballot must be rejected/excluded from the count if the ballot has:

- a. No official mark and [signature] of the PrO
- b. Any writing or mark other than the official mark, the signature of the PrO and the voting mark, or to which a piece of paper or any other object of any kind has been attached;
- c. No prescribed mark to indicate the contesting candidate for whom the elector has voted; or
- d. Any mark from which it is not clear for whom the elector has voted.

Especially in constituencies where the number of rejected votes exceeds the margin of victory or where the differences between margin of victory and rejected votes is very close, an assessment shall be conducted to determine the correctness and legality of all rejected votes as follows:

- a. If the ballots were rejected because the PrO's signature and stamp are missing, and the clear majority of such ballots were otherwise stamped in favor of a certain candidate, re-poll in all polling station(s) shall be held where such condition is established.
- b. If ballot papers have been rejected despite the will of voter being clearly expressed, re-poll in such polling station(s) shall be held if the number of registered voters in the relevant polling station(s) exceeds the margin of victory.
- c. If the number of rejected votes in (a) and (b) above collectively exceeds the margin of victory in a certain constituency, an assessment shall be carried out of all rejected ballots. If it is established that rejected votes equal or greater than the margin of victory were either rejected wrongfully or the rejected ballots are missing, re-poll for the whole constituency shall be called.
- d. If there is any discrepancy in the number of rejected votes wherein:
 - (i) The sum of doubtful votes and challenged votes on Form 14 (the maximum number of ballots that can be rejected) is less than the number of rejected votes as consolidated on Form 16 and Form 17 and Gazette result of the constituency.
 - (ii) The number of rejected votes consolidated on Forms 16 and 17 and or Gazette result is less than the number of doubtful votes.
 - (iii) If option (ii) is established, a third test shall inquire whether the declaration of doubtful ballots as valid ballots and counted by the RO establishes a pattern in favor of any candidate that is inconsistent with the proportion of the valid votes of that candidate.

Step Eight: Cumulative Potential Impact of Irregularities and Illegalities

If any combination of two or more distinct irregularities and illegalities in any of the preceding seven steps cumulatively yield an impact on votes in excess of the margin of victory, re-polling in the polling stations or the whole constituency should be considered.

Stage Two: Determine the total number of constituencies, if any, with invalid or problematic election results, and any potential or actual change in the overall majority in the National and/or Provincial Assemblies

The Stage 1 analysis will generate findings on the nature and scale of irregularities and their impact of election results of specific constituencies. The material facts will help generate the following:

1. The number of NA and PA constituencies where re-polling at the level of polling stations is required;
2. The number of constituencies where new/re-election is warranted.

If the number of NA and PA constituencies where re-polling or re-election is warranted would not affect the majority of the government at national or provincial level, then only localized re-elections could be considered. However, the political parties represented in Parliament and/or any relevant Provincial Assembly may consider the possibility of a mid-term election if:

1. The number of constituencies where fresh election is warranted after this investigation is large enough to deprive the governing party/coalition of a simple majority in the NA or any PA.
2. The number of constituencies where fresh election is warranted after this investigation, irrespective of their election outcome in 2013, constitutes more than 25% of all seats in a house.
3. As many as 50% of constituencies where

fresh election is warranted after this investigation were the ones whose results were not disputed through any election petition by any candidate after GE 2013.

Stage Three: Holding election officials at all appropriate levels responsible for any identified irregularities omission or commission

Regardless of the impact of irregularities or illegalities revealed through any of the Steps elaborated in Stage 1, the election officials involved shall be held accountable for the misconduct and or involvement in illegal or corrupt practices after a thorough probe. The probe shall aim to establish whether the irregularities and/or illegalities were committed willfully or were acts of omission.

The election officials must be tried under the following provisions ROPA:

87. Tampering with papers.—

- (1) Except as provided in subsection (2), a person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, if he—
 - (a) Intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;
 - (b) Intentionally takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorised by law to put in;
 - (c) Without due authority,—
 - (i) Supplies any ballot paper to any person;
 - (ii) Destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or
 - (iii) Breaks any seal affixed in accordance

with the provisions of this Act;

- (a) Forges any ballot paper or official mark; or
- (b) Causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll.

(2) A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other officer or clerk on duty in connection with the election who is guilty of an offence under sub-section (1), shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

88. Interference with the secrecy of voting.

A person is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both if he—

- (a) Interferes or attempts to interfere with an elector when he records his vote;
- (b) In any manner obtains or attempts to obtain in a polling station information as to the candidate for whom an elector is about to vote or has voted; or
- (c) Communicates at any time any information obtained in a polling station as to the candidate for whom an elector is about to vote or has voted.

89. Failure to maintain secrecy.

A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, or polling officer, or any candidate, election agent or polling agent attending a polling station or any person attending at the counting of votes is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine

which may extend to one thousand rupees, or with both, if he—

- (a) fails to maintain or aid in maintaining the secrecy of voting;
- (b) Communicates, except for any purpose authorised by any law to any person before the poll is closed any information as to the official marks; or
- (c) Communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

90. Officials not to influence voters.

A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, Polling Officer or any other officer or clerk performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, if he, in the conduct or management of an election or maintenance of order at a polling station,—

- (a) persuades any person to give his vote;
- (b) dissuades any person from giving his vote;
- (c) influences in any manner the voting of any person; or
- (d) does any other act calculated to influence the result of the election.

91. Breaches of official duty in connection with election.—A

Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other person employed by any such officer in connection with his official duties imposed by or under this Act, is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees

or with both, if he, willfully and without reasonable cause, commits breach of any such official duty, by act or omission.

92. Assistance by Government servant.

A person in the service of Pakistan is guilty of an offence punishable with imprisonment for a term which may extend to two year, or with fine which may extend to two thousand rupees, or with both, if he misuses his official position in a manner calculated to influence the results of the election.

93. Certain Powers of a I[Police Officer].

A Police Officer may—

- (a) arrest without warrant, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V. of 1898), any person—
 - (i) who, commits personation or an offence under section 86 if the

Presiding Officer directs him to so arrest such person; (ii) who, being removed from the polling station by the Presiding Officer under section 32 commits any offence at the polling station.

- (b) remove any notice, sign, banner or flag used in contravention of section 85; and
- (c) seize any instrument or apparatus used in contravention of section 86 and take such steps, including use of force, as may be reasonable necessary for preventing such contravention.

94. Certain offences cognizable.

- 1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under 1[section 80A] or section 82 2[or section 82A] or section 85 or sub-section (1) of section 87 shall be cognizable offence.

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

(3) Where proceedings against a person for being involved in corrupt practice are initiated on a complaint made by a private individual, and such person is convicted by the court and his conviction is maintained in final appeal, the complainant may be entitled to such reward payable out of the amount of fine as may be imposed by the court. Provided 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.]

directed by the Chief Election Commissioner and” were inserted.

95. Prosecution of offences by public officers.

1. No Court shall take cognizance of an offence punishable under sub-section (2) of section 87, section 89, section 90, section 91 or section 92 except upon a complaint in writing made by order of or under authority from, the Commission or the Commissioner.
2. The Commission or the Commissioner shall, if it or he has reason to believe that any offence specified in sub-section (1) has been committed, cause such enquiries to be made or prosecution to be instituted as it or he may think fit.
3. An offence specified in sub-section (1) shall be exclusively triable by the Court of Session within the Jurisdiction of which the offence is committed.
4. In respect of an offence specified in sub-section (1), section 494 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall have effect as if, after the word and comma “may,” therein, the words “if so

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