

# Assessment of the Quality of General Election 2013

May 2013

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PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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## **Preface**

After the conclusion of the General Election 2013 on May 11, 2013, many political parties and individuals have charged that election, in at least some constituencies, was manipulated or rigged or mismanaged. In the light of the unexpected level of complaints on the conduct of General Election 2013, PILDAT has carried out an assessment the quality of General Election 2013 in a scientific and dispassionate manner.

The **Assessment of the Quality of General Election 2013** carries the results of the assessment carried out by PILDAT.

This assessment indicates that the Quality of Election during the Pre-Poll phase has been significantly better than the quality during the Polling day and Post-Poll phases. This indicates that there was a relative dissatisfaction with the quality of election and arrangements on the polling day and immediately following the polling day (Post-poll phase).

The assessment also offers recommendations for urgent reforms for the consideration of the ECP as well as the incoming Parliament.

This assessment is published as part of PILDAT series of Position Papers as a commentary on fairness and quality of General Election in Pakistan.

### **Disclaimer**

Every effort has been made to ensure accuracy of the contents of this assessment. Any error or omission, therefore, is not deliberate.

Islamabad  
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## **Background**

After the conclusion of the General Election 2013 on May 11, 2013, many political parties and individuals have charged that election, in at least some constituencies, was manipulated or rigged or mismanaged.

The Pakistan Peoples Party Parliamentarian (PPPP), which won the Provincial Assembly Election in Sindh province but lost elections of the National Assembly and other three Provincial Assemblies, complained that serious irregularities were committed in the Punjab province. The PPPP Sindh Province Secretary General also complained that election in Karachi city was deeply flawed.

The Pakistan Tehreek-e-Insaf (PTI), which failed to win majority in the National Assembly and Punjab, Sindh and Balochistan but emerged as the largest party in Khyber-Pakhtunkhwa (KP) Provincial Assembly, was most vocal against the quality of election at the national level and in all the provinces except KP.

The Pakistan Muslim League-Nawaz (PML-N), which won election at the national level, in Punjab province and secured significant seats in Balochistan and KP provinces but whose performance was the weakest in Sindh province, joined protests by Pakistan Muslim League-Functional (PML-F) against alleged irregularities in election in the Sindh province.

The Jamiat Ulema-e-Islam (JUI-F) expressed serious concerns about election results in KP and refused to accept the mandate received by the PTI.

The Balochistan National Party (BNP), which could secure only two Provincial Assembly seats in Balochistan, charged that election in Balochistan was manipulated to defeat the BNP.

The PML, which was the ruling party from 2002-2007 and was part of the ruling coalition at the national level when the National assembly was dissolved in March 2013, also expressed serious doubts about the fairness of the election.

The Muttahida Quami Movement (MQM), which won most of the National and Sindh Provincial Assembly seats in Karachi and other urban areas of Sindh which were traditional stronghold of MQM but which faced strong opposition from the PTI in its strongholds, boycotted the re-polling in some polling stations in Karachi and charged

that the Election Commission was not even-handed.

The Awami National Party (ANP), which lost election in its traditional stronghold KP province and elsewhere accepted the defeat but did express its reservations about the fairness of the election.

In addition, many smaller parties and independent candidates who lost election also criticized the quality of election and the performance of the Election Commission of Pakistan (ECP). Many rallies and sit-ins were arranged by various political parties to lodge protest about the alleged irregularities in the election. These protests are in addition to filing complaints with the ECP, Election Tribunals and in some cases Superior Courts.

This level of protest and open expression of dissatisfaction about the fairness of polls and about the quality of election in general was rather unexpected as the credibility of the Election Commission was rated rather high in public opinion polls before the polling day.

Although the evidence being produced by the complaining parties can be conclusively assessed and a judgment reached by the Election Tribunals and Superior Judiciary in due course, it has become necessary that the overall quality of the General Election be assessed in a scientific and dispassionate manner.



### **Typical Complaints about the Quality of General Election 2013**

Following are some of the typical complaints made by various political parties and candidates:

1. Statement of the Count was not provided by the Presiding Officers to the polling agents of some political parties / candidates.
2. Statement of the count was provided on plain piece of paper instead of on prescribed form XIV.
3. Polling Staff was partisan or under the influence of the former ruling party and thus helped that party in casting bogus votes.
4. Polling Staff in some cases facilitated mass stamping of ballot papers in favour of a particular candidate or party and in most cases the party which previously ruled the province.
5. Ballot Papers were provided by the polling staff to a candidate or his supporters for mass stamping and stuffing of the ballot boxes.
6. Statement of the count was changed by the Presiding Officers in some cases and the tempered statement was incorporated in the consolidation of results.
7. Some Presiding Officers did not submit polling stations results and accompanying documents and material to the Returning Officer immediately after counting was concluded. They rather went elsewhere and turned up to submit the results to the Returning Officers late in the next day, or even later in some other cases. It is suspected that results were tempered by Presiding Officers while they delayed its submission. Disappearance of Some Presiding Officers and even issuance of arrest warrants by the concerned Returning Officers for them were publicized in the media. Presiding Officers of some polling stations in Lahore, Bhakkar and Rawalpindi were reported in this context.
8. Training of Polling Staff in some cases was found deficient and they were unable to guide or manage polling in some polling stations.
9. Voters were not allowed to enter the polling stations in some instances after voters of one political party entered a polling station. This was supposedly meant to discourage or deprive voters who were likely to vote against a particular political party.
10. Security arrangements to protect polling staff and voters in certain locations were extremely poor. Karachi is a case in point.
11. Polling Staff at some locations failed to report for duty

and in some cases they were detained by armed gangs associated with some political parties with the result that polling could not commence at such locations till mid-day.

12. In some locations, polling scheme was changed at the eleventh hour without any intimation to voters. This resulted in some voters giving up on voting.
13. Polling Staff encouraged unauthorized persons to affix thumb impressions on the voters list and counter foil of ballot papers in order to issue ballot papers to their favourite persons.
14. In some cases ballot boxes were forcibly taken away by hooligans.
15. Almost all complainants demanded that the thumb impressions of voters should be compared with the thumb impressions in NADRA databank in order to check whether fake voters were allowed to cast vote as was alleged by many parties and individuals.

It is difficult to assess the validity or otherwise of these complaints at this stage. However these complaints are being repeated by so many at so many different places that these can not be overlooked. It is hoped that the law will take its course and election tribunals will be able to deliver their judgment within the period of 4 months as stipulated in the law.

## **PIL DAT Assessment of the Quality of General Election 2013**

In the light of the unexpected level of complaints on the conduct of election, PILDAT has tried to assess the quality of General Election 2013 under three broad phases:

- i. The Pre-Poll Phase
- ii. The Polling Day Operations, and
- iii. The Post-Poll Phase

The Quality of the election has been assessed under 37 parameters; 17 under Pre-Poll Phase; 15 under Polling Day Operations and 5 under Post-Poll Phase.

Each parameter has been assigned equal weightage. Each parameter has been graded on a scale of 1 to 5 with 1 indicating the poorest quality and 5 indicating the best quality.

This assessment indicates that the Quality of Election during the Pre-Poll phase has been significantly better than the quality during the Polling day and Post-Poll phases. This indicates that there was a relative dissatisfaction with the quality of election and arrangements on the polling day and immediately following the polling day (Post-poll phase).

There has been corresponding level of satisfaction about the ECP performance in the pre-poll phase but this satisfaction level has dwindled during the following two phases. Quality of Election during Pre-poll phase has been rated at **62 %** while the quality of election on the polling day and post-poll phase has been rated at **47 %** and **68 %** respectively. Overall Quality of General Election 2013 has been assessed at **57 %** which compares with **37 %** rating for 2002 Election and **40%** rating for 2008 Election. This indicates that the Overall Quality of General Election 2013 has considerably improved compared to the General Elections of 2002 and 2008.

Although there has been improvement in the overall quality of election in 2013, it is mainly due to the significant reforms undertaken in the Pre-Poll phase including the re-organization of the ECP and an improved legal framework which included appointment of members of the Election Commission and the Chief Election Commissioner (CEC) through a multi-steps bi-partisan process as well as the appointment of caretaker governments at the federal and provincial level through a bi-partisan process.

The quality rating for the subsequent two phases indicates

that the momentum of improvement in the quality of election that was set into motion in the pre-poll phase could not be maintained on the polling day and the post-poll phase.

The legal framework of the election, quality of electoral rolls, independence of the ECP, integrity of the ECP, independence of Judiciary, independence of news media from government influence, competitiveness of the election (manifested in the number of candidates and political parties taking part in election) and the arrangement made by the ECP through mobile phone SMS service to inform voters of their polling stations and associated details were eight parameters which received the top score of either 4 or 5 among 17 parameters of Pre-Poll phase.

Quality of scrutiny of candidates, ECP mechanism to check overspending by candidates and political parties, ability of the governments to maintain peace and order during the election campaign, independence of media from foreign and commercial interests were five parameters of pre-poll phase which received low scores of 1 or 2.

None of the 15 parameters of Polling-Day Phase could receive a score of 4 or 5. Training of the Polling Staff, Management capacity of the ECP for the polling day, transmission of election results from polling stations to Returning Officer and from returning Officers to the ECP, Arrangements for transportation and Safety of polling material and staff, transparency of consolidation of election results at the constituency level, peace and order on the polling day were nine parameters out of total 15 in Polling-day phase which received low scores of 1 or 2.

In the post-Poll phase, favourable preliminary reports issued by international observers such as the EU Election Observers Mission, Commonwealth Observer Mission, NDI-ANFREL Election Observer Mission and Government of Japan Election Observer Mission was considered a positive sign and so was the conformity of election result with professionally conducted Voter Intention Surveys such as the IRI Public opinion Survey, the PEW Survey, the Gallup-PILDAT Survey shortly before the Polling day. Both these parameters received highest score of 4 among the parameters for the Post-Poll phase. A detailed Assessment of the Quality of General Election 2013 and its comparison with 2002 and 2008 Elections is presented in *Appendix A*.

## Concluding Assessments

The overall quality of General Election 2013 indicates a significant improvement over previous elections. Although it appears that different local powerful actors negatively influenced the quality of election in Urban Sindh, especially Karachi, rural Sindh and certain constituencies in the Punjab, there is no evidence at this stage which suggests a planned manipulation of polls by any State institution unlike the strongly suspected government interference in many of the past elections. Many past elections suffered from a deeply flawed pre-poll phase when government of the day and the intelligence agencies heavily rigged the process.

The Pre-poll phase of General Election 2013 is a notable improvement when several significant improvements took shape and some of them were implemented for the first time. In a significant departure from the past, no major complaint was heard regarding the new Electoral Rolls. Both the ECP and the NADRA should be commended for this accomplishment.

The ECP should dispassionately analyse the weaknesses and shortcomings experienced during the polling-day and post-poll phases and initiate actions to address the flaws wherever these exist.

Political parties and unsuccessful candidates who have complaints about the quality of election should focus on legal and constitutional remedies and fight their cases in the election tribunals and superior judiciary with all the proofs and evidences available with them instead of resorting to street agitation. Timely decision by the election tribunals within the stipulated period of four months will greatly reinforce public confidence in the electoral and judicial systems.

The ECP and the Election Tribunals should take full advantage of the available technology, especially the identification of bogus voters, if any, by matching voters thumb impressions affixed at the time of polling with the impressions available in NADRA databank.

The audit of thumb impressions will be a scientific solution to the problem of bogus voting and impersonation of voters. Such audit and strict disciplinary action, where warranted, is essential to maintain and further enhance the new found credibility in the electoral system expressed through a higher voter turn-out despite threats by the terrorists.

## Recommendations for Future Elections

In view of the experience of General Election 2013 and based on the past experience, PILDAT recommends the following measures for the future:

1. The ECP should provide better facilities for definitive voter identification at the time of polling. Thumb Impression should be used for fool-proof identification.
2. Electronic Voting Machines (EVMs) be introduced to minimize the possibility of tempering and human error at the time of consolidation of results.
3. Returning Officers are appointed from the district judiciary. The Judicial Policy announced by the Chief justice of Pakistan disallowed the appointment of District and Session Judges and Additional session Judges as Returning Officers but an exception was made for General Election 2013 at the request of the ECP. A satisfactory alternative arrangement needs to be made by the Election Commission well in time before the next General Election. The ECP may consider appointing its own staff as Returning and District Returning Officers.
4. Qualifications of the CEC and Members of the Election Commission, as fixed under the 18<sup>th</sup> Constitutional Amendment, may be reviewed to open the possibility of appointment in these positions of any person with integrity and administrative experience rather than confining the qualification to former judges alone. Conduct of Election is mainly an administrative exercise and administrative qualities are important for the CEC and the EC members.
5. Polling Staff is the weakest link in the election chain. As a minimum requirement, polling staff from one division or district should be appointed in another division or district so that it may perform functions free from local powerful elements. Some arrangement may need to be made to counter the influence of the outgoing provincial governments which have the possibility of re-election.
6. Training of Returning Officers and Polling Staff needs to be improved.
7. Permanent Polling Stations in greater numbers be established in suitable premises keeping in view that greater number of voters may turn up in future elections.
8. There should be no last minute changes in the polling scheme.
9. Time for the scrutiny of candidates' nomination

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papers be extended to at least 3 weeks instead of present 7 days.

10. The system of appointing caretaker governments under the 20<sup>th</sup> Constitutional Amendment should be reviewed in the light of experiences gained during the recent appointment of caretaker governments. A coalition partner political party may part ways with the government immediately before the election and may win the position of leader of the opposition leading to appointment of a caretaker government which excludes the real opposition from consultative process. Furthermore, in most cases, the caretaker governments did not prove to be neutral and effective.

# APPENDICES



## Appendix A

### Assessment of the Quality of General Election 2013 and its comparison with 2002 and 2008 Elections

No.	Parameter	Score on a Scale of 1 to 5		
		General Election 2002	General Election 2008	General Election 2013
<b>Pre-Poll Phase</b>				
1	How comprehensive and fair was the Constitutional and Legal Framework for Election?	1	2	4
2	How accurate, complete and upto date were the electoral rolls?	1	1	4
3	How Neutral were the Federal and Provincial Caretaker Governments?	1	1	3
4	How impartial were the Armed Forces and the Intelligence Agencies under their influence?	1	1	3
5	How effective were the Caretaker Governments in supporting ECP?	2	2	3
6	How independent was the ECP?	2	2	4
7	What was the level of Integrity of the ECP as a whole?	1	2	4
8	How effective and fair was the scrutiny of Candidates' nomination papers as per the constitutional provisions?	1	1	2
9	How effective was the ECP monitoring and check on overspending by candidates?	1	1	2
10	How effective was the Framework to monitor and check spending by Political Parties on political advertisement in the media?	1	1	1
11	How far were the Caretaker Governments able to ensure law, order and peace during electioneering?	1	1	1
12	How far was the judiciary independent during the electioneering phase?	2	2	4
13	How far was the media Independent of government influence during electioneering?	2	2	5
14	How far during electioneering was the media Independent of influences by foreign and domestic entities which use carrot and stick to influence the media?	2	2	2
15	How far was the Law and Order conducive for electioneering for all contestants?	4	3	3
16	How competitive was the election as manifested in the number and diversity of contestants (both candidates and political parties)?	1	2	4
17	How satisfactory were the arrangements for voters to know the location of their polling stations?	2	2	4
<b>Sub-total</b>		26	28	53
<b>Percent Score</b>		30.59%	32.94%	62.35%
<b>Polling-day operations</b>				
18	How satisfactory was the training of the Polling Staff and Returning Officers as evidenced in their performance on the polling day?	2	2	2
19	How impartial were the Polling Staff?	2	2	3

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No.	Parameter	Score on a Scale of 1 to 5		
		General Election 2002	General Election 2008	General Election 2013
20	How good was the Management capacity of the ECP?	2	2	2
21	How efficient and accurate was the transmission of election results from Polling Stations to the Returning Officers?	2	2	2
22	How efficient and accurate was the transmission of election results from the Returning Officers to the ECP?	2	2	2
23	How far was it safe and secure for the Polling Staff to do justice to their duty especially in sensitive areas like Karachi?	2	2	2
24	How satisfactory were the arrangements made by the ECP for safe transportation of Polling Staff with Polling Material?	1	1	1
25	How suitable were the Polling Stations premises and their location?	2	2	3
26	How satisfactory was the arrangement to ensure availability of Polling Results to the Polling Agents and display at Polling Station?	3	3	3
27	How transparent was the compilation of Statements of Vote Count at Polling Station and its distribution among candidates or their agents and public display at polling stations?	3	3	3
28	How transparent was the consolidation of Polling Results at RO level?	2	2	2
29	How satisfactory was the law and Order conditions to facilitate participation of Voters?	3	2	2
30	How satisfactory was the arrangement to ensure that Statements of Vote Count are not changed after these are prepared at the polling stations?	2	2	3
31	How far the law enforcement agencies were successful in deterring armed groups from influencing the polling choices of voters?	2	2	2
32	How accessible and transparent were the Polling operations to neutral election observers?	3	3	3
<b>Sub-total</b>		33	32	35
<b>Percent Score</b>		44.00%	42.67%	46.67%
<b>Post-Poll Phase</b>				
33	How acceptable were the election result by the political parties?	2	3	3
34	How acceptable were the election result by the defeated candidates?	2	3	3
35	How acceptable were the election result by the electorate in general?	2	3	3
36	How far did the neutral election observers (both foreign and domestic) declare the election free and fair?	2	3	4
37	How far are the election results in line with the professional public opinion polls conducted shortly before the election?	2	2	4
<b>Sub-total</b>		10	14	17
<b>Percent Score</b>		40.00%	56.00%	68.00%
<b>Total</b>		69	74	105
<b>Percent</b>		37.30%	40.00%	56.76%



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