

Problem Solving and Election Dispute Resolution

There are no perfect elections or electoral systems, and while inevitably there are irregularities in every election, these do not necessarily threaten an election outcome. However, sometimes these irregularities can reach a level where the credibility and legitimacy of an election are threatened. For this reason, an effective electoral dispute resolution system is essential, not only to provide legitimacy to an electoral process, but also to serve as a peaceful alternative to violence or unrest.



Electoral laws (including local government election laws) set out violations relating to the pre-election period, Election Day and the post-election period which are the basis for complaints.

Pre-election: For example, complaints regarding delimitation of constituencies, voter registration, scrutiny of candidate nomination papers, polling scheme, intimidation against campaign activities, violations of code of conduct, etc.

Election Day: For example, complaints regarding the security of polling material, ballot stuffing, undisciplined polling procedure, intimidation or barred access to polling, multiple voting, incorrect counting etc.

Post-election: For example, complaints regarding the transmission of results, tallying process, and results forms, aggregation and certification of results, etc.

Who can file a Complaint?

In Pakistan, any aggrieved party, a voter or contesting candidate, his/her election agent, polling agent or observer or political party may file a complaint with concerned authority. The complainant must have a legitimate right and interest in the particular remedy. Among the rights protected are safeguards against breaches of the Constitution, election laws and rules, which affect the basic electoral right. An example list of who can file a complaint is listed below:

- An elector in the constituency/ward may file a complaint against delimitation
- Political party may file a complaint against allotment of symbol to the party
- An elector or contesting candidate may file a complaint in a form of objection against the nomination
- A contesting candidate may file an appeal with Appellate Authority against nomination
- A contesting candidate may file a complaint against allotment of symbol to him/her
- An elector or contesting candidate or election agent may file a complaint against violation of regulations/code of conduct
- An accredited observer may file a complaint if he/she is not given legitimate access or is intimidated
- An elector or polling agent may file a complaint during voting process at polling station
- An official performing in connection with election may file a complaint
- A contesting candidate may file a post result complaint with Election Commission of Pakistan (ECP)
- A contesting candidate may file election petition

Where can a Complaint be filed?

To ensure the timely resolution of complaints, it is necessary to file complaints with the correct authority, which is dependent upon the type of alleged violation. The points of entry for lodging different types of complaints are as follows:

Pre-election:

- Election Commission of Pakistan, Provincial Election Commissioners (PECs), Regional and District Election Commissioners (RECs and DECs)
- District Returning Officers and Returning Officers (DROs/ROs)

On Election Day:

- DRO or RO offices or any person authorized by the Commission;
- Presiding Officer; or
- ECP or PEC or REC or DEC

Between Election Day and before the publication of official results:

- At DRO and RO offices
- At the ECP Secretariat or filed offices
- Post-election complaints and petitions before ECP and Election Tribunal/Authorities after publication of official results in the Gazette:

How to file a Complaint?

Any aggrieved person with a legitimate right can file a complaint with the relevant authority (identified above), using the complaint form devised by the ECP or on plain paper stating all facts and required particulars.

A complaint should contain:

- Name and contact information of complainant
- Precise description of the alleged violation, including date, location and number and name of constituency, polling station, if applicable
- Evidence to substantiate the allegation
- Remedy to be sought
- Declaration of the truth about the information contained in the complaint

The complaint should not be based on rumors or from unidentified individuals who would not meet the threshold to initiate proceedings. Testimonies shall generally be provided by eye/direct witnesses. Complainants should recognize that intentionally making false or incorrect declaration to adversely affect or promote the election of a candidate is a violation punishable under the election law.

Assistance by election officials

DROs, ROs, the ECP Secretariat or any other concerned election official shall assist the complainants with obtaining and completing the ECP complaint form in a proper manner. On Polling Day, the Presiding Officers is required to facilitate and assist the complainant in filing and receiving the complaint.

Receipt of complaints

It is important for a complainant to get an acknowledgement of the complaint filed with any authority in the form of receipt. When the complaint form is filed in person, the officials shall give the complainant a receipt of the complaint/petition with the case number, the date and both their names and signatures. If a relevant official refuses to register a complaint and/or a violation was not remedied, the complainant may refer the matter to the RO, DRO, or to the ECP/PEC.