

The Elections Bill, 2017

FAFEN'S REVIEW AND RECOMMENDATIONS

Report

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FREE AND FAIR ELECTION NETWORK

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FAFEN Urges Parliament to Address Critical Weaknesses in Elections Bill, 2017

- **Enhance and clarify Election Commission's powers**
- **Provide for measures to penalize public servants and persons in service of Pakistan under corrupt practices**
- **Withdraw regressive measures to curb transparency**
- **Improve procedure and transparency in appointment of caretaker governments**
- **Increase minority representation**
- **Define regional quota for reserved women representation**
- **Take measures to dilute political monopolies**

Free and Fair Election Network (FAFEN) urges the Parliament to address critical weaknesses in the proposed Elections Bill, 2017 to enhance independence and authority of the Election Commission of Pakistan (ECP), repeal regressive measures to curb transparency, improve procedure of the appointment of caretaker governments and dilute monopolies of a few families on political organization.

An exhaustive parliamentary discussion is required on the proposed electoral reforms in an effort to enact a legislation that reflects the aspiration of all political actors in the country. This will also potentially increase people's trust over election system.

The Elections Bill, 2017 was presented in the National Assembly on August 7, 2017. Though FAFEN appreciates the finalization of the Bill by the multi-party Parliamentary Committee on Electoral Reforms, the network of over 50 leading Pakistani Civil Society Organizations (CSOs) strongly believes that critical improvements are still required in the proposed legislation for future elections to be more inclusive, transparent, accountable and representative of the election outcome.

In particular, the proposed law does not define a procedure for the Commission to penalize any public servant or any other person in the service of Pakistan performing their election duty dishonestly. The Commission has been empowered to only



Free and Fair Election Network's 32 recommendations on the Draft Elections Bill, 2017 presented on December 20, 2016 have been FULLY TAKEN UP by the Parliamentary Committee on Electoral Reforms (PCER); while an **additional seven recommendations have been PARTIALLY ADDRESSED**.

The bill proposes significant improvements related to electoral reforms issue FAFEN has been advocating since 2007, including strengthening the authority of the Election Commission of Pakistan (ECP), promoting women's political and electoral participation, and public access to key election documents and data. It also incorporates positive measures FAFEN has advocated regarding fixing permanent polling places, handling election-related complaints and election result petitions more efficiently, providing legal foundation for election observation, and enforcing declarations and disclosures required by the political parties, legislators and candidates.

withdraw or suspend such officials but does not adequately empower it to penalize them. Even though the bill has empowered the ECP to initiate disciplinary action against officials appointed on election duties, it is still unclear whether officials seconded from subordinate judiciary to perform such duties will also be covered.

Moreover, the proposed legislation has created ECP's dependence on the government when there is any difficulty in giving effect to any of the provisions of the Elections Bill, 2017. The government will forward such provisions to the Parliament, however, there is no timeframe defined for such referrals. The provision is inconsistent with powers granted to the Commission under Section 4(3) which empowers it to take any action that it considers necessary to enforce the law.

The Bill provides for inconsistent powers to the Commission regarding the disqualification of elected Members. The Commission may disqualify a Member for a second violation of the Code of Conduct for Political Parties and Candidates or if the Member is involved in an agreement to bar women from voting. However, it cannot disqualify a Member who has submitted a false return of election expense or wealth statement. The law still allows the ROs to take any action that they deem essential to implement the law, giving them a discretionary space that has often been misused.

The introduction of Results Management System (RMS) may prevent election fraud and irregularities; however, the bill does not provide for Commission's scrutiny of final consolidated result before the gazette notification of the returned candidate to optimize the use of RMS. Similarly, the Elections Bill, 2017 includes some positive measures related to women's participation, but has missed the opportunity to take crucial initiatives on behalf of the electoral rights and political participation of other marginalized communities, including religious minorities, persons with disabilities, and transgendered individuals.

The Bill is particularly regressive on the issue of access to information, which is protected under Article 19-A of the Constitution. Section 195(c) of the Bill restricts access to crucial election information. Such provisions clearly indicate an effort to curb access to information, and are unacceptable. FAFEN strongly recommends the section be withdrawn. Moreover, the Bill also fails to impose time requirements on the Election Commission to make publicly available all the critical documents including nomination papers, election expense returns by the candidates, candidates' wealth statements and all certifications by the political parties.

Other major issues that warrant Parliament's urgent attention are the provision of access to election processes to media. The Bill defines the observers' access to election processes; however, it still remains silent as far as the media is concerned. Moreover, the exclusion of ballots from count at polling stations has not been dealt with as rejected votes, while the recount requests during consolidation proceedings have not been allowed. Canvassing and campaigning on the election-day is not completely banned. The Bill also does not provide for a timeframe for election on reserved seats for Local Governments. Moreover, the Section 238 explaining the accreditation process for election observers also emphasizes on the requirement of security clearance from the Government creating unnecessary hurdles for election monitoring groups. The Bill also does not define the expense limit on political parties. The law should define the election expense limit on political parties proportional to their candidates contesting elections on National and Provincial Assemblies seats. Moreover, the Bill should also further define measures for the use of Biometric Voting Machines (BVMs) and oversees voting ahead of 2018 General Elections.

The presentation of the Elections Bill, 2017 provides for an opportunity to the Parliament to not only consider corrections to the proposed legislation, but also deliberate on finalizing

the required constitutional amendments that could potentially contribute to avoiding post-election tensions between political parties witnessed in 2013. The constitutional amendment pertaining to appointment of caretaker government needs to be amended to make the process for their appointment transparent and broad-based including representation of parliamentary parties in the relevant parliamentary committee. Moreover, public hearings of all potential nominees for the caretaker prime and chief ministerial posts by the parliamentary need to be made mandatory.

In addition, the constitutional amendment is also required to prohibit candidates contesting elections on multiple seats. Such practice burdens the state exchequer due to subsequent by-elections. In 2013 General Elections, as many as 136 candidates contested in multiple National and Provincial Assemblies constituencies due to which 45 by-elections were held. Similarly, the constitutional amendment must review the minorities' quota in elected houses that is on the decline. For example, 10 minority seats were reserved for National Assembly of 210 members between 1988 and 1997. In 2002, the strength of Lower House increased to 342 members, however, the quota for Pakistan's minority population remained the same. Currently, there are 10 seats for minorities in the incumbent 14th National Assembly with a majority, seven seats are occupied by members from the Hindu community, while three belong to the Christian community. Other religious minorities are not represented in the assemblies at all.

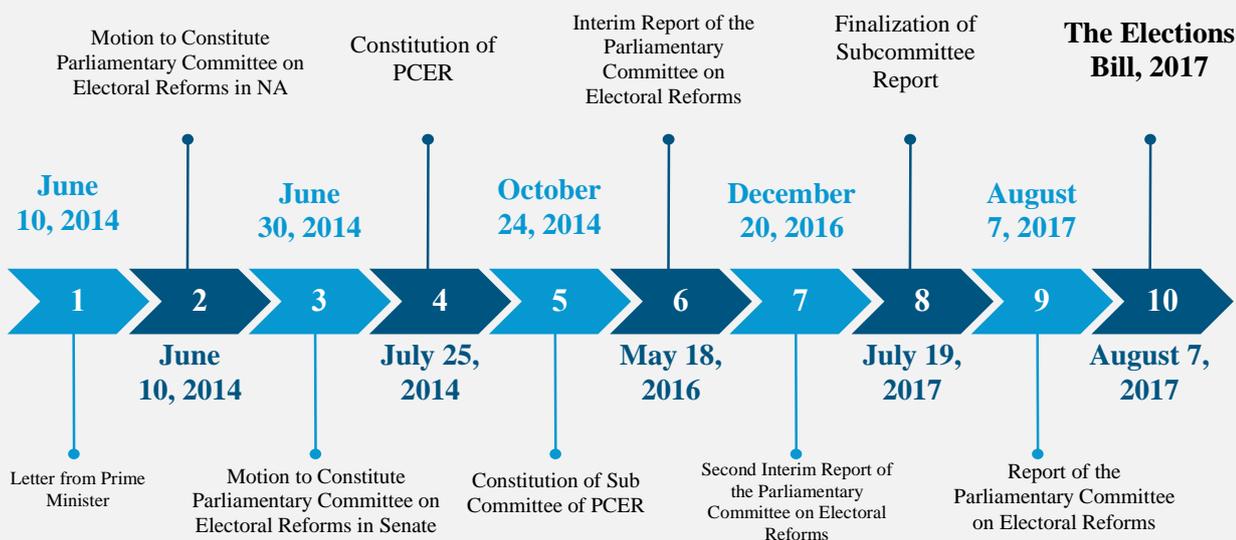
Another important consideration for the Parliament is to look into the issue of political monopolies and control of some families over political parties. Stricter measures are required to make political parties more representative through term restrictions, transparent inner-party elections, etc. Similarly, indirect elections to the Senate must be replaced with direct elections as it will restrict the ability of party leaders to induct members based on nepotism and not merit.

FAFEN strongly believes that the enactment of the new Election Bill should be swift allowing time for the ECP to ensure its timely and effective operationalization, and political parties and other stakeholders to fully understand it. However, critical amendments to the new electoral framework are needed to enable the proposed reforms to be fully realized and to prevent further problems. Once the Bill is approved by the Parliament, it will become an Act, and if passed in its present condition, the ECP will encounter various challenges in conducting free and fair elections, while other stakeholders including voters, political parties and contesting candidates will also confront issues concerning their participation, representation and inclusiveness.

2. Elections Bill, 2017: Brief Overview and Background

On June 10, 2014, Pakistan's Prime Minister, Mian Muhammad Nawaz Sharif, wrote a letter to Speaker, National Assembly for the constitution of cross-chamber Parliamentary Committee on Electoral Reforms (PCER) with the mandate to propose recommendations in respect of electoral reforms required for free, fair and transparent polls responding to the political predicaments and ongoing post-2013 elections tensions. Headed by Federal Minister for Finance, Mr Ishaq Dar, the cross-chamber multi-party committee comprised of 34 members, from all parliamentary parties [except for Balochistan National Party (BNP) and National Party (NP)¹]. PCER initiated work by seeking stakeholder opinions on electoral reforms, and formed a sub-committee, under the chairmanship of the Minister for Climate Change and Law and Justice, Mr Zahid Hamid, which worked to prepare the necessary constitutional amendments and unify the existing elections law. During May, 2016, the PCER submitted its first interim report to the Parliament proposing the constitutional amendments necessary for the appointment of new election commissions. The Parliament's response to these amendments was swift as it was promptly passed by the National Assembly and Senate. By the end of 2016, the committee published its second interim report on December 20 along with the Draft Elections Bill, 2017 proposing unification of the primary legislations governing Pakistan's elections into one Act. This draft was made publically available for public scrutiny and comments for 30 days till January 19, 2017. Subsequently, the Committee took another six months to finalise the bill, and successively Mr Zahid Hamid presented the Elections Bill, 2017 on August 7, 2017 in the National Assembly. A major step forward in the form of this Elections Bill, 2017 unifies nine election laws, including the five chief executive's orders under military governments². Following figure illustrates the timeline of PCER on electoral reforms:

Figure 1: Timeline of PCER on Electoral Reforms



¹ BNP and NP are single-member parties in the 14th National Assembly.

² According to the Elections Bill, 2017, the Electoral Rolls Act 1974, the Delimitation of Constituencies Act 1974, the Senate (Election) Act, 1975; the Representation of Peoples Act 1976; the Election Commission Order 2002; the Conduct of General Elections Order 2002; the Political Parties Order 2002; and the Allocation of Symbols Order 2002 will be repealed.

3. FAFEN's Overarching Recommendations

The following is a summary of further crucial improvements required to enable Pakistan's elections to be more inclusive, transparent, responsive and representativeness. Since, reforms is an ongoing process and given the soon-approaching general elections scheduled for August 2018, the Parliament should enact the bill at the earliest allowing time for the operationalization to be fully effective. The following list is non-exhaustive. These are overarching recommendations for the mandated constitutional amendments, and for incorporation in the Elections Bill, 2017.

Table 1: Summary of Overarching Recommendations for Reforms

Election Officials

The elections officials including Presiding Officers (PrOs), Assistant Presiding Officer (APOs) and Polling Officers (POs) are usually deputed at the polling station where their vote is registered. Similarly, Returning Officers (ROs) are also deputed within their resident constituencies.

FAFEN's Recommendation: PrOs, APOs and POs should be deputed at polling stations where their votes are not registered to ensure their neutrality. Moreover, the ROs should also be deputed in constituencies other than their home constituency.

Electoral Participation of Women and Marginalized People

The bill includes commendable provisions to promote and protect women's electoral and political participation, including the power of the Election Commission to require a re-poll in polling stations or constituencies where women's voter turnout is less than 10% of the polled votes. The mandatory requirement for political parties to award 5% of tickets for contestation on general seats to women, however, is cosmetic and should be increased. The bill also requires the Commission to take special measures to improve women's voter registration nationwide and in specific constituencies where women's under-registration is stark. The law does not include substantial initiatives to enhance the electoral and political participation of other marginalized communities, including religious minorities, persons with disabilities, and transgendered individuals. The right for persons with disabilities to cast their vote through postal ballot is positive, but not sufficient.

FAFEN's Recommendation: The bill should grant the ECP authority to take all necessary measures for the full electoral and political empowerment of members of marginalized communities. The bill should also amended to require political parties to award 5% of tickets for contestation on general seats to people belonging to religious minorities.

4. Powers to the Election Commission of Pakistan

The Elections Bill has broadened and defined the powers of the ECP empowering it to frame and approve its own rules. Moreover, the bill restricts caretaker governments to post or transfer public officials without consent of Election Commission. However, the bill stops short of providing complete independence and authority to ECP that is required to ensure an

election that is free of government's interference. Section 240 of the draft bill has created dependence of the ECP on the government when there is any difficulty in giving effect to any of the provisions of the bill. The government will forward such provisions to the parliament, and there is no timeframe for such referrals. This provision is yet another measure that will undermine the independence of the Commission, and it is in direct conflict with Section 4 (3), which empowers the Commission to take any measure to do anything for carrying out the purposes of this bill "for which no provision or sufficient provision exists". FAFEN strongly recommends repealing of Section 240 from the Elections Bill, 2017 in order to ensure the independence of the Commission.

Other inconsistent powers of the Commission in the law are regarding the disqualification of elected Members. The Commission may disqualify a Member for a second violation of the Code of Conduct for Political Parties and Candidates or if the Member is involved in an agreement to bar women from voting. However, it cannot disqualify a Member who has submitted a false statement of election expenses or wealth statement. The Commission must refer such cases to the session court under corrupt practice provisions (section 232), which may allow Members who have submitted false information to continue their membership until the exhaustion of all appeals. This weakness of the Commission's power also conflicts with Section 4 (2) of the draft bill, which grants that any direction and order of the Commission shall be treated as it has been given by a high court. FAFEN strongly recommends that the powers of the Election Commission to disqualify a Member should be made consistent throughout the new election law.

The law also does not bring Returning Officers (ROs) under the supervision of the Commission. According to Section 54 (1), an RO "shall do any such acts as may be necessary for effectively conducting the poll in accordance with the provisions of this act and the rules", rendering ROs practically independent, without a supervising higher authority. District Returning Officers (DROs) are subject to the "superintendence, directions and controls" of the Commission [section 50 (1)], but similar language has not been used for the Returning Officers [Section 54 (1)]. FAFEN strongly recommends that ROs shall also be made subject to superintendence, directions and controls of the Commission, with appropriate enforcement mechanisms, to establish ECP's control over critical election processes between the announcements of the election schedule (or "programme") and 45 days after the announcement of final election results, which are the responsibility of the ROs. Annexure-A shows the specific-article wise FAFEN's recommendations regarding conduct of elections.

5. Delimitation of Constituencies

The earlier version of the bill (presented with the PCER's second interim report in December, 2016) defined the delimitation of constituencies could have been conducted on the basis of electoral rolls data after every ten years in the absence of census. However, the new Elections Bill, 2017 presented to the National Assembly on August 7, 2017 does not have this provision. FAFEN recommends that this provision may be reincorporated in the new bill.

Article 19(2) and (5) of the Elections Bill, 2017 defines that an entire province will be a single constituency for all seats reserved for women and non-Muslims. FAFEN recommends that the subsections may establish regional quotas within province for reserved seats for women and non-Muslims. In order to ensure homogeneity in the creation of constituencies, the bill under Section 21(1) categorically defines the aspects on which the ECP will conduct the

delimitation process. These include distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors. FAFEN recommends that the sub-section should define the cognate factors in order to limit the Commission's discretion. Similarly, bill's Section 21 (4) does not grant the right of appeal to a voter aggrieved by the Commission's decision on delimitation representation(s). FAFEN recommends that such provision should be incorporated in the bill to provide for this right of appeal to Supreme Court by a voter aggrieved by Commission's decision on delimitation representation(s).

6. Electoral Rolls

The bill recognizes the need for special measures to enhance electoral participation of women, minorities, persons with disabilities and transgender persons. Similarly, it has simplified voter registration process. However, section 41(2) of the bill is particularly problematic as it disregards the privacy of voters, in specific of women voters. This Section allows candidates or election agents to obtain a hard and searchable soft copy of the final electoral roll with photographs of voters. FAFEN strongly recommends that this subsection should be repealed as the privacy of voters, specifically of women voters will be breached. Provision of searchable soft copies is also subject to misuse. Annexure-A shows the specific-Section wise FAFEN's recommendations regarding electoral rolls.

7. Conduct of Elections

Section 51 (1) allows ECP for the appointment of Returning Officers (ROs) and Assistant Returning Officers (AROs) from its own cadre, or any government officers or from the judiciary. Following the Supreme Court's verdict in Workers' Party Case in 2012, FAFEN recommends that the subsection may restrict appointment of ROs and AROs from amongst federal government and federal institutions alone.

According to the Section 55(2), ECP is authorized to initiate disciplinary action against election officials. However, it unclear whether officials seconded from subordinate judiciary will be also be covered under this provision. FAFEN recommends that the subsection may clarify Commission's power and responsibility to initiate direct disciplinary actions against officials seconded from subordinate judiciary. Similarly, Section 55(3) allows the Commission to suspend or withdraw any public servant or person in the service of Pakistan but does not provide for a procedure to penalize them. FAFEN recommends that a subsection may be added to provide for Commission to refer such matters to the court of competent jurisdiction against public servants or any other official in the service of Pakistan who have been suspended or withdrawn by the ECP and the offences mentioned [section 55 (3)] should be classified as corrupt practices.

The Elections Bill, 2017 under Section 59(1) explains that the Commission will furnish the list of proposed polling stations for each constituency to the ROs. FAFEN recommends that along with information prescribed in this Section, the subsection should be amended to require Commission to provide the list of proposed polling stations with (i) electoral area(s) assigned to each polling station (ii) the number of female and male booths proposed for each station and (iii) the number of registered voters assigned to each station and booth.

Section 84 (9) pertaining to voting procedure for voters with disabilities acknowledges voters with disabilities may need assistance in the exercise of their right to vote. This is problematic as persons with Disabilities (PWDs) are not a single homogenous group, and their special needs even while exercising their right to vote are characterized by the nature of different disabilities. However, the section 47 (1) lumps them together. Moreover, voters with intellectual disabilities are not specifically mentioned and there is a likelihood that such voters could be discriminated. The use of the word 'incapacitated' is also problematic as the focus should be on removing the barriers in the exercise of the right to vote and not on the capacities or impairments of voters.

Another welcome development is section 93 which explains that voters with disabilities can cast their votes through postal ballots. However, it should be noted that the option of postal ballots supplements and does not supplant the right to vote of PWDs in public. Specific criteria for the selection of polling stations allowing greater level of accessibility for wheel chair users should be formulated.

Although the bill defines the principle of establishing a polling station with a radius of one kilometer for registered voters, it does not provide for the maximum distance in exceptional cases.

8. Elections on Reserved Seats in National Assembly, Senate and Provincial Assemblies

Political parties are required to submit lists for seats reserved and submit nomination papers, however section 104 (1) does not provide for scrutiny of nomination papers of the candidates on the reserved seats. Law should apply section 64 dealing with scrutiny on the nominations for reserved seats as well. FAFEN recommends that the lists submitted by the political parties to the ECP for reserved candidates should be publically made available on the Commission's website.

9. Political Finance

The bill does not adequately mention the duration in which expenses incurred by the candidate will be deemed as election expenses. It also does not cover election expenses incurred by the party on behalf of the candidate. Similarly, Section 137 (1) does not set a deadline for annual submission of wealth statements including assets and liabilities by Members of the Assemblies and the Senate. FAFEN recommends that the subsection should re-include requirement for annual submission and deadline for annual submission of wealth including assets and liabilities. The candidates should also be required to submit wealth statement of all biological children and, in case of more than one spouse, of all spouses.

The earlier limit on political parties of 50 million rupees for election campaign has been repealed in the Elections Bill, 2017. This may be problematic as the political parties now will have a carte blanche to make as many expenses as they deem fit. The Elections Bill, 2017 also allows candidates for reserved seats to make Rs. 4m campaign expenses. These candidates are selected through closed lists, which are not made public. Hence, these candidates do not participate in campaigning for their reserved seats. FAFEN recommends

that this provision of allowing candidates for reserved seats to make Rs. 4m campaign expenses should be removed from the bill.

10. Local Governments

The bill does not provide a timeframe for election on reserved seats in Local Governments (LGs). FAFEN recommends that Section 226 should be amended to provide for a timeframe for election on reserved seats in LGs. It also does not provide a timeframe for by-election on an LG seat falling vacant. The bill also does not define the delimitation of constituencies for LGs. FAFEN recommends the subsection 221 (1) should clarify the situation in which provincial law(s) does not provide for delimitation by the Commission.

11. FAFEN's Review and Recommendations for Improvements in the Elections Bill, 2017

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
Chapter 2: Election Commission of Pakistan		
3 (1)	In the performance of its functions, and duties and exercise of its powers, the Commission shall regulate its own procedure.	Minimum quorum requirement may be established in the law
3 (2)	The Commission may exercise its powers and perform its functions notwithstanding that there is a vacancy in the office of any one of its members or that any one of its members is, for any reason, unable to attend its proceedings and the decision of the majority of the members shall have the effect of the decision of the Commission.	Minimum quorum requirement may be established in the law
3 (3)	If, upon any matter requiring a decision of the Commission, there is difference of opinion amongst its members, the opinion of the majority shall prevail and the decision of the commission shall be expressed in terms of the opinion of the majority: Provided that- a) Where the members attending the proceedings of the Commission are four and they are equally divided in their opinion; or b) where the members attending the proceedings of the Commission are three and there is difference of opinion amongst them; the matter shall be placed for decision before the full Commission, comprising all its members.	Minimum quorum requirement may be established in the law
4 (3)	Anything required to be done for carrying out the purpose of this Act, for which no provision or no sufficient provision exists, shall be done by such	Subsection may be repealed

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
	authority and in such manner as the Commission may direct.	
5 (4)	After the Election Programme has been issued and till the publication of the names of the returned candidates in the official Gazette, the Federal, a Provincial or a Local Government or authority shall not post or transfer any official appointed or deputed in connection with an election without prior approval of the Commission, including a posting or transfer the decision in respect whereof has not been implemented, and the Commission may itself issue necessary directions to any such government or authority for the posting or transfer of any official.	Any transfers and postings of officials after the issuance of election program may be subject to Commission's approval in writing, based on valid and documented reasons
7 (4)	Where any vehicle, vessel or other means of transportation is requisitioned under subsection (1), there shall be paid to the owner thereof compensation the amount of which shall be determined by the Provincial Government or the officer requisitioning the vehicle, vessel or other means of transportation on the basis of the fares and rates prevailing in the locality for its hire.	Commission may determine and standardize the rate of compensation to the owners of requisitioned vehicles
7 (5)	Where the owner of the vehicle, vessel or other means of transportation, being aggrieved by the amount of compensation so determined makes an application to the Provincial Government within a period of thirty days from the date the amount has been determined, for the matter being referred to an arbitrator agreed upon the parties, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by Provincial Government may determine.	Commission may determine and standardize the rate of compensation to the owners of requisitioned vehicles
8 (b)	(b) review an order passed by an officer under this Act or the Rules, including rejection of a ballot paper; and	Except where law does not specify any redress mechanism in the Act or Rules, Commission may review an order passed by an officer under this Act or the Rules and that too in a defined timeframe.
9 (1)	Notwithstanding anything contained in this Act, if, from facts apparent on the face of the record and after such inquiry as it may deems necessary, the Commission is satisfied that by reason of grave illegalities or such violation of the provisions of this Act or the Rules as have materially affected the result of the poll at one or more polling stations or the whole	The phrase "In the manner provided for bye-elections" may be deleted

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
	constituency including implementation of an agreement restraining women from casting their votes, it shall make a declaration accordingly and call upon the voters in the concerned polling station or stations or in the whole constituency as the case may be, to recast their votes in the manner provided for bye-elections.	
9 (2)	Notwithstanding the powers conferred on it by subsection (1), the Commission may order filing of complaint under this Act before a court of competent jurisdiction against person who entered into the agreement referred to in subsection (1).	Preventing any women from contesting elections or exercising her right to vote or entering into formal or informal agreement or understanding debarring women from doing so, may be considered as corrupt practice as specified in ROPA Amendment Act No. XXIV of 2017 in Section 78.
11 (1)	The remuneration payable to the Commissioner, members and other officers and staff of the Commission and all administrative expenses and other expenditure relating to the Commission shall be expenditure charged upon the Federal Consolidated Fund, within the meaning of Article 81.	An amendment in the Constitution is required to cover the Commission instead of the Commissioner.
12 (a)	Conduct training programs for election officials including of the Commission, the Federal and Provincial Governments, local governments or corporations, and autonomous or semi-autonomous bodies controlled by any of these Governments and officers from the judiciary, if any, deputed or selected in connection with an election in accordance with procedure laid down under this Act or the Rules;	Training of security officials may be emphasized under the law.
12 (c)	Conduct public awareness programmes and media campaigns, regarding the importance of maximum voter enrolment and participation in elections, especially by women, dissemination of information regarding procedure of casting vote, and the importance of maintaining the integrity of the electoral process; and	The section may be amended to include reference to non-Muslims, persons with disabilities and transgendered individuals
12 (d)	Examine laws, rules and regulations in force which are relevant to the conduct of elections and recommend to the Federal Government amendment in such laws,	The words "rules and regulations"

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
	rules or regulation, as the case may be, in order to increase transparency and fairness and eliminate corrupt practices.	may be removed to make the subsection consistent with Section 239 which empowers the Commission to make its own rules.
13 (3)	The Returning Officer shall send to the Commission: a) Scanned copy of the provisional results compiled under subsection (1); and Scanned copies of the Consolidated Statement of the Results of the Count, Final Consolidated Results together with Results of the Count and Ballot Paper Accounts, as received by him from the Presiding Officers under subsection (18) of section 89.	Required timelines for RO's electronic communication to the Commission of provisional and consolidated results may be provided in the law
13 (4)	The Returning Officer shall also send to the Commission original copies of documents mentioned in subsections (2) and (3) through special messenger or any other swift means of communication including urgent mail service or courier service, as may be directed by the Commission.	Timeline may be defined for dissemination of original copies of results documents
13 (5)	On receipt of the results from a Returning Officer, as aforesaid, the Commission shall publish the results on its website.	Section 13 (5) may include all documents covered under subsection 3 before gazette notification of returned candidates
14 (2)	The Commission shall carry out a post-election review of implementation of the Action Plan to ascertain shortcomings, if any, with suggestions to further improve the electoral system.	Section 14 (2) may require that post-election review be subject to a multi-stakeholder consultative process and completed within a specified time
15 (1)	Any person aggrieved by any decision or action taken by the Commission or its subordinate authority or any directive issued by it or any act of a political party or a candidate in violation of Code of Conduct may, within fifteen days of such decision, action, issuance of directive or violation, submit a complaint to the Commission pertaining to matters other than relating to election disputes falling under Article 225.	Section 15 (1) may allow any registered voter to file a complaint without having to show he was "aggrieved"

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
Chapter 3: Delimitation of Constituencies		
17 (2 a)	The Commission shall delimit constituencies: a) after every census; or	Section may require delimitation a minimum of six months before notification of election programme except in case of re-description of a constituency
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2nd Interim Report published on December 20, 2016.	Section 17 (2b) concerning delimitation in absence of census, after every ten years on the basis of electoral rolls. Sub-section may be reincorporated
19 (2)	A Province shall be a single constituency for all seats reserved for women which are allocated to each Province in Article 51	Subsections may establish regional quotas within province for reserved seats for women
19 (5)	The Constituencies for the seats reserved for women and non-Muslims in the Provincial Assemblies shall be such that each Province forms one constituency with as many such seats as are allocated to that Province in Article 106.	Subsections may establish regional quotas within province for reserved seats for women
20 (1)	All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.	Subsection needs to define 'cognate factors'
21 (4)	The Commission shall, after hearing and considering the representations, if any, received by it, make such amendments, alternations or modifications in the preliminary list of constituencies published under subsection (1) as it thinks fit or necessary, and shall publish in the official Gazette the final report and list of constituencies showing the areas included in each constituency.	New subsection may be added to grant right of appeal to Supreme Court by a voter aggrieved by Commission's

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
		decision on delimitation representation(s)
Chapter 4: Electoral Rolls		
23 (1)	The Commission shall prepare the electoral rolls for election to the National Assembly, Provincial Assemblies and local government and shall revise such rolls periodically in the prescribed manners.	Subsection may specify that time between two revisions does not exceed one year
25 (1)	In such manner as may be prescribed, the National Database and Registration Authority shall transmit relevant data of every fresh National Identity Card issued by it to the Commission for registration of the card-holder as a voter in the electoral roll of the electoral area in which his permanent or temporary address is located, in accordance with the option indicated by him in the application for issuance of the National Identity Card.	NADRA Ordinance 2000 (VIII of 2000) be amended for enactment of this subsection
31	A person may apply for transfer of his name from the electoral roll of one electoral area to the electoral roll of another electoral area with the appropriate Revising Authority if it is preferred before the final publication of the electoral roll under section 35, or, if it is filed after such final publication, with appropriate Registration Officer under section 37 by filling an application in the prescribed form for the inclusion of his name in the electoral roll of an electoral area where he is resident and wishes to enroll himself as voter with the request to delete his name from the electoral roll in which his name is currently enrolled.	Section may refer to section 27 for the meaning of resident
37 (f)	a person aggrieved by the order of the Registration Officer made under this section may, within thirty days of such order, appeal to the Appellate Authority to be appointed by the Commission and the decision of such Appellate Authority shall be final.	Subsection may define Appellate Authority
41 (2)	A candidate or an election agent may obtain a hard and searchable soft copy of the final electoral roll with photographs of the voters in accordance with section 79.	Subsection may be repealed since privacy of voters specifically of women voters may be breached. Provision of searchable soft copies is subject to misuse.
Section 5: Conduct of Elections		

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
50 (1)	<p>For election to an Assembly, the Commission shall appoint a District Returning Officer for each district or a specified area-</p> <ul style="list-style-type: none"> a) from amongst its own officers subject to availability; b) by selection from a list of officers provided by the Government or a Provincial Government; or c) from the subordinate judiciary in consultation with Chief Justice of the concerned High Court. 	<p>Subsection may restrict appointment of DROs from among ECP cadre only</p>
51 (1)	<p>The Commission shall appoint, from amongst its own officers or officers of any Government or corporations, autonomous or semi-autonomous bodies controlled by any Government, or from the subordinate judiciary in consultation with the Chief Justice of the concerned High Court, a Returning Officer for each constituency.</p>	<p>Subsection may restrict drawing DROs and ROs from amongst federal government and federal institutions alone, following the spirit of SC verdict in Workers Party Case (2012)</p>
52	<p>The Commission shall make appointment under section 50 and 51 at least sixty days prior to the issuance of Election Programme save for bye-election or in exceptional circumstances for reason to be recorded, in which cases the Commission shall make the appointment simultaneously with the issuance of the Election Programme.</p>	<p>Section maybe amended to include the complete tenure of DROs, ROs and AROs</p>
54 (1)	<p>A Returning Officer shall do all such facts and things as may be necessary for effectively conduct the poll in accordance with the provisions of this Act and the Rules.</p>	<p>Subsection may be amended to include supervision, superintendence, direction and control of Commission or any of its designated officials over ROs</p>
54 (3)	<p>A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the Rules, and shall be responsible for maintaining order at polling station and shall report to the Returning Officer any fact or incident which may affect the conduct or fairness of the poll.</p>	<p>Subsection may be amended to bind Presiding Officers to conduct elections as per instructions provided by the Commission or any of its designated officials</p>
54 (5)	<p>The Returning Officer shall authorize one of the Assistant Presiding Officers to act in place of the Presiding Officer if the Presiding Officer is, at any time during the poll by reason of illness or other cause, not</p>	<p>Subsection is inconsistent with section 53 (4) that provides for</p>

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
	present at the polling station, or is unable to perform his functions.	substitute from reserved staff. Subsection maybe amended to provide for substitution from reserved staff
54 (6)	The Returning Officer may, at any time during the poll, for reasons to be recorded, suspend any Presiding Officer, Assistant Presiding Officer or Polling Officer, and make such alternate arrangements as he may consider necessary for the performance of the functions of the officer so suspended, whose matter shall be referred to the Commission for initiation of disciplinary proceedings.	Subsection may clarify that alternate arrangements shall be made only from within the trained reserved staff
55 (2)	Notwithstanding anything to the contrary contained in any other law, the Commission may initiate and finalize disciplinary action and impose any penalty against any election official for any act of misconduct provided in the Efficiency and Discipline Rules as applicable to such election official or under any provision of misconduct under this Act, and for this purpose, the Commission shall be deemed to the Competent Authority under the said Efficiency and Discipline Rules or this Act.	Subsection may clarify Commission's power and responsibility to initiate direct disciplinary actions against officials seconded from subordinate judiciary
55 (3)	<p>The Commission may, at any time, for reason to be recorded in writing, suspend or withdraw any election official, a public servant or any other person in service of Pakistan who-</p> <ul style="list-style-type: none"> a) obstructs, or prevents, or attempts to obstruct or prevent, the conduct of a fair and impartial poll; or b) interferes or attempts to interfere with a voter when he casts his vote; or c) influences or attempts to influence in any manner the polling staff or a voter; or d) does any other act calculated to influence the result of the election; or e) disobeys any order, or avoids to carry out any instruction issued by the Commission or any officer authorized to issue any order or instruction or violates any provision of this Act. 	A Subsection may be added to provide for Commission to refer the matter to the court of competent jurisdiction against public servants or any other official in the service of Pakistan who have been suspended or withdrawn under sub-section & the offences mentioned therein be classified as corrupt practices.
55 (6)	The Commission may impose any penalty provided in the Efficiency and Discipline Rules as applicable to the election official concerned or any penalty provided under this Act.	Subsection may provide for Commission to refer the case of the concerned officials to the court of

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
		competent jurisdiction under corrupt practices.
57 (2)	As soon as may be after the announcement under subsection (1), the Commission shall, by notification in the official Gazette, call upon the voters of the notified Assembly constituencies to elect their representatives in accordance with an Election Programme, which shall stipulate.	Subsection may provide timeline for filing objections in line with section 62 (1)
57 (2)		The subsection be numbered 57 (3)
57 (3)	A Returning Officer shall, within three days after the publication of a notification under subsection (2), give public notice of the dates specified by the Commission in respect of the constituency or constituencies of which he is the Returning Officer; and shall publish the public notice at some prominent place or places within the constituency to which it relates.	The subsection be numbered 57 (4). Cross reference may be corrected as subsection (3) instead of subsection (2).
59 (1)	Within one week after appointment of Returning Officer, the Commission shall provide, in the prescribed format, a list of proposed polling stations for each constituency to the Returning Officer of the constituency.	Subsection may be amended to require Commission to provide list of proposed polling stations with (i) electoral area(s) assigned to each polling station (ii) the number of female and male booths proposed for each station and (iii) the number of registered voters assigned to each station and booth
59 (2)	The Commission shall, as far as practicable, retain the polling stations established for the preceding election but it may add to or alter the list as may be required to reduce the distance preferably to one kilometer between a polling station and the voters assigned to it.	Subsection may provide criteria for maximum distance of voters from polling stations in exceptional cases
59 (4)	Within fifteen days of the receipt of the list of polling station, the Returning Officer- a) shall personally verify the proposed polling stations; b) may add to or alter the list as the may deem necessary; and	Subsection may describe potential alternate verification process in cases of early

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
	c) shall publish the preliminary list of polling stations, inviting objections and suggestions, if any, to be filed within twenty-one days of its publication.	elections and bye elections &
59 (6)	The District Returning Officer may, after hearing the objections or considering the suggestions, if any filed with him and making such summary inquiry as he may deem necessary, make alternations in the list of polling stations as may be required and shall, at least thirty days before the polling day, publish in the official Gazette the final list of polling stations of each constituency in the district.	Subsection may list the following required details for entries of each polling station on gazette: Name and number of polling station Name(s) and number(s) of electoral area(s) assigned to each polling station Type of polling station Number and type of polling booth(s) Number of voters assigned to each booth
59 (7)	The Commission shall determine the date or dates required for completion of the actions mentioned in this section.	The subsection is unnecessary as dates and timelines under section 59 are clearly defined.
59 (9)	The Returning Officer shall establish in each constituency polling stations according to the final list published under subsection (6).	Subsection may also mention subsection 8 along with subsection 6 'for the final list of polling stations'
59 (10)	A polling station shall be situated in a Government building in the constituency and, where no Government building is available, a polling station may be established in a building owned by a private educational institution registered with the concerned education authorities or an improvised polling stations shall be set up on a public property.	Subsection may be amended to prohibit establishment of a polling station at a private school owned by any office bearer of any political party

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
59 (11)	A polling station shall not be located in any premises which belongs to or is under the direct or indirect control of a candidate.	Subsection may be amended to prohibit establishment of a polling station at a private school owned by any office bearer of any political party
59 (12)	While finalizing the list of polling stations of a constituency, if the District Returning Officer declares a polling station as highly sensitive, the Commission may, in addition to appropriate security measures as may be taken, install or direct any Government to install a surveillance camera in each polling booth of such polling station to record poll proceedings, counting of vote process and preparation of results by the Presiding Officer.	Subsection may include the provision to exclude footage of voters stamping ballots
60 (2 c)	A declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or by his spouse or dependent, or any business concern mainly owned by him or by his spouse or dependent, stands unpaid for more than one year from the due date, or has got such loan written off;	Subsection 60 (2 c) be made clear the two million ceiling of loan unpaid or written off means a sum of all loans obtained by the candidate or his spouse or his dependent(s)
60 (2 e)	a statement specifying his educational qualifications, occupation and National Identity Card number along with attested copies of these documents, where applicable; and	Subsection may include income tax status (filer or non-filer) of candidate
60 (2 f)	a wealth Statement including assets and liabilities of his spouse and dependent children as on the preceding thirtieth day of June on the form prescribed under the Income Tax Ordinance, 2001 (XLIX of 2001).	The clause may include submission of latest return of income, if any, of candidate.
Explanation	Authorization in favour of an advocate shall be attested by Notary appointed under the Notaries Ordinance 1961 (XIX of 1961) or an oath commissioner appointment under the Oath's Act 1873 (X of 1873) or any government servant in basic pay scale 17 and above.	The provision for attestation by a public servant (government official) may be removed
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2nd Interim Report published on December 20, 2016.	Clause be restored with mention of uploading of

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
		nomination papers on Commission's website before the start of the scrutiny process
60 (1)	Any voter of a constituency, may propose or second the name of any qualified person to be a candidate for Member for that constituency: Provided that no voter shall subscribe to more than one nomination papers either as proposer or seconder.	Subsection should require deposit of nomination fee through cross-cheque in favour of an account specified by the Commission
62 (2)	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2nd Interim Report published on December 20, 2016.	Subsection may explicitly provide for access of media, observers, advocates of objecting voters and general public to scrutiny process
62 (3)	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2nd Interim Report published on December 20, 2016.	Subsection may explicitly provide for access of media, observers, advocates of objecting voters and general public to scrutiny process
62 (10)	Notwithstanding anything contained in subsection (9), where a candidate deposits any amount of loan, tax or government dues and utility expenses payable by him of which he is unaware at the time of filling of his nomination paper, such nomination papers shall not be rejected on the ground of default in payment of such loan, taxes or government dues and utility expenses. Provide that where the Returning Officer is satisfied that the candidate has willfully concealed such loan, tax or government dues and utility expenses, he shall reject his nomination papers.	Subsection should clarify how RO will determine that candidate was unaware of default
64 (3)	The Returning Officer shall, on the second day following the last date for decision of appeals by the Appellate Tribunal, prepare and display in the prescribed manner the revised list of validly nominated candidates.	Subsection may include display of revised list of validly nominated candidates on ECP website

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Explanation	Authorization in favour of an advocate shall be attested by Notary appointed under the Notaries Ordinance 1961 (XIX of 1961) or an oath commissioner appointment under the Oath's Act 1873 (X of 1873) or any government servant in basic pay scale 17 and above.	The provision for the attestation by a public servant (government official) should be removed
65 (3)	On receiving a notice of withdrawal under subsection (1), the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate, cause a copy of the notice to be affixed at conspicuous place in his office.	Subsection may be amended to make satisfaction of RO subject to necessary inquiry
67 (3)	A candidate not nominated by any political party (hereinafter called as "independent candidate") shall choose and shall be allotted one of the symbols not allocated to any political party, in the following manner- a) Where a symbol has been chosen by only one independent candidate, that symbol shall be allotted to that candidate and to no one else; b) If a symbol is chosen by more than one independent candidates and one of them has previously been a Member of the Parliament or Provincial Assembly, such symbol shall be allotted to that former Member; c) If more than one independent candidates have chosen the same symbol, the Returning Officer shall allot the symbol to such candidate according to his preference, indicated at the time of scrutiny of nomination papers; and d) If more than one independent candidates have given preference for the same symbol, that symbol shall be allotted by drawing of lots.	Sub-clause b of Subsection may be deleted, and allocation of symbols may follow procedure defined under sub-clause c and sub-clause d
68 (2)	The Returning Officer shall supply a copy of list of contesting candidates to each candidate and shall exhibit the list at prominent place in each polling station on the day of poll.	Subsection may include publishing of list on ECP website
72 (1)	A contesting candidate may retire from the election by notice in writing signed by him and delivered to the Returning Officer on any day not later than four days before the polling day by candidate himself or by an advocate authorized in writing by the candidate.	Subsection may provide for necessary scrutiny by RO to verify retirement
Explanation	Authorization in favour of an advocate shall be attested by a Notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) or an Oath Commissioner appointed under the Oaths Act, 1873 (X of 1873) or a Government servant in basic pay scale 17 and above.	The provision for the attestation by a public servant (government official) should be removed

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75 (3)	The Commission shall, after such summary enquiry as it may deem necessary in any case, publish in the official Gazette the name of the candidate declared elected under subsection (2)	Subsection may be amended to provide for necessary inquiry instead of summary inquiry
77 (1)	The contesting candidate or his election agent may, before the commencement of the poll, appoint for each polling station as many polling agents as may be prescribed and shall give notice in writing to the Presiding Officer communication the appointment.	Subsection may provide for appointment of polling agent at any time during polling hours
78 (3)	Not more than one ballot box shall be used at a time for the purpose of the poll any polling station, or where there are more than one polling booths at a polling station, at any polling booth.	Subsection may be amended to say one ballot box shall be used at a time for each election (each seat) being contested
78 (4)	<p>Before the time fixed for the commencement of the poll, the Presiding Officer shall-</p> <ul style="list-style-type: none"> a) Ensure that every ballot box to be used is empty; b) Show the empty ballot box to the contesting candidates and their election agents or polling agents whoever may be present, and record their statement in this behalf in the prescribed form and obtain their signature on the form; c) after the ballot box has been shown to be empty, close and seal it with his own seal and with seal of such of the candidates, or their election agents or polling agents as may be present and may desire to put their own seals on it; and d) place the ballot box so as to be conveniently accessible to the voters, and at the same time within his view and within the view of such candidates or their election agents or polling agents as may be present. 	Sub-clause c of the subsection may be amended to remove mention of seals of candidates or agents
78 (5)	If one ballot box is full or cannot further be used for receiving ballot papers, the Presiding Officer shall seal that ballot box with his own seal and with seals of the candidates or their polling agents who may wish to seal it and keep it in a secure place in the polling station and use another ballot box in the manner laid down in subsection (4).	Subsection may be amended to remove mention of seals of candidates or agents
79 (3)	On the application of a candidate or his election agent, the District Election Commissioner or any officer authorized in this behalf by the Commission shall provide to a candidate or an election agent a	Subsection may be repealed since privacy of voters

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	hard and searchable soft copy on universal serial bus (USB) in portable document format (PDF) or any other tamper-proof format of the final electoral roll with photographs of the voters and shall ensure that the copy is the same as provided to the Returning Officer and Presiding Officer.	specifically of women voters may be breached. Provision of searchable soft copies is subject to misuse.
80	The Commission shall provide the Returning Officer of a constituency with requisite number of ballot papers in the manner as may be prescribed.	Subsection may be amended to replace 'as may be prescribed' with 'as prescribed under section 71 (1).
81 (1)	An election under this Act shall be held by secret ballot and, subject to the provision of section 93, 94 and 103, every voter shall cast his vote by inserting, in accordance with provision of this Act, in the ballot box, a ballot paper in the prescribed form.	Subsection should be amended to include exceptions related to sections 85 (tendered ballot) and 86 (challenged ballot) also
83 (4)	All official posted at a polling station including officials of law enforcing agencies shall render their fullest cooperation to the Presiding Officer for maintenance of order and for ensuring uninterrupted voting at the polling station.	Subsection may be amended to establish the supervision and authority of RO over all staff, including security officials
85 (4)	The Presiding Officer shall send the Tendered Votes List along with copies of the National Identity Cards and other documents if any produced by the voters to the Returning Officer, and the Returning Officer shall send the same along with the electoral roll and counterfoils bearing the thumb impressions to the Commission.	Subsection language used in Dec 16 draft maybe restored.
86 (1)	If, at the time, a person applies for ballot paper for the purpose of voting, a candidate or his polling agent declares to the Presiding Officer that he has reasonable cause to believe that person has already voted in the election at the same or another polling station, or is not the person whose name is entered in the electoral roll and undertakes to prove the charge in a court and deposits with the Presiding Officer in cash a sum of one hundred rupees, the Presiding Officer may, after warning the person of the consequences and obtaining on the counterfoil, his thumb impression and if he is literate, also his	New subsection may be added to include personation inquiry by NADRA as provided in section 85 (5) for challenged ballots

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	signature, issue a ballot paper (Challenged Ballot Paper) to the person.	
90 (4 a)	<p>The Presiding Officer shall-</p> <p>a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom;</p>	<p>Subsection 90 (4 a) may be amended to read: "count the ballot papers first, using the following method: (i) open the used ballot box or ballot boxes from all female polling booths for each election (seat) and count the entire lot of ballot papers; (ii) follow the same procedure for used ballot box(es) from all male polling booths for each election (seat) separately, (iii) record the number of ballots from female and male boxes separately on the prescribed form for each election (seat), and only then (iv) thoroughly mix ballots from female and male (seat) together into one pile or box for each election separately."</p>
90 (8)	<p>The ballot papers excluded from the count shall be put in a separate packet indication on the packet the total number of the ballot papers contained in the packet both in letter and figures.</p>	<p>Subsection may be amended to mark ballots excluded from the count as rejected</p>
90 (10)	<p>The Presiding Officer shall, immediately after the count, prepare a Result of the Count in such form as may be prescribed showing therein the number of the valid votes polled by each contesting candidates and the ballot papers excluded from the count.</p>	<p>Subsection may be amended to specify whether challenged and tendered ballots shall be included in</p>

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		the result of the count
90 (12)	The Presiding Officer, after preparation of the Results of the Count and the Ballot Paper Account, shall sign them and obtain thereon the signature of the senior-most Assistant Presiding Officer and an accredited observer, a candidate or his election agent or polling agents as may be present in token of the said documents having been prepared in their presence and if any such person refuses to sign it, the Presiding Officer shall record a note on the result of the count and the ballot paper account to that effect.	Subsection may be amended to remove neutral observers from amongst the persons required to sign result of count and ballot paper account forms
90 (13)	The Presiding Officer shall give a copy each of the Result of the Count and the Ballot Paper Account signed by him and the senior most Assistant Presiding Officer to such of the candidates, their election agents or polling agents as may be present and obtain a receipt for such copy and if any such person refuse to sign it, the Presiding Officer shall record a note to that effect.	Subsection maybe amended to provide a copy of the result of the count to accredited observer as well
90 (15)	The Presiding Officer shall seal in separate packets- (a) the un-issued ballot papers; (b) the Tendered Ballot Papers; (c) the Tendered Votes List; (d) the Challenged Ballot Paper held to be valid and counted by the Presiding Officer; (e) the Challenged Ballot Papers considered doubtful and excluded from the count by the Presiding Officer; (f) the Challenged Votes List; (g) the Spoilt Ballot Papers; (h) the marked copies of the electoral rolls; (i) the counterfoils of used ballot papers; and (j) such other papers as the Commission or Returning Officer may direct.	Sub clause b of subsection may clarify fate of counted tendered ballots
90 (18)	After the close of the proceedings under this section, the Presiding Officer shall, in compliance with such instruction as may be given by Commission in this behalf, cause the packets, the Result of the Count and Ballot Paper Account prepared by him to be sent to the Returning Officer and such other officer as may be authorized by the Commission, together with such other records as the Commission may direct.	Subsection may be amended to only require transmission of packets and forms to the Returning Officer. Electronic copies of the forms may be transmitted to the officers authorized by the Commission.
91 (2)	The Presiding Officer shall send the gender disaggregated statement of voters to the Returning Officer and to the Commission at the time of	Subsection maybe amended to cover electronic transmission of

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	communication of result to the Returning Officer and the Commission.	copies of statements to the Commission
92	<p>92. Announcement of provisional results. – On receipt of the Results of the Count from all Presiding Officers of a constituency, the Returning Officer shall forthwith prepare provisional Consolidated Statement of Results of the Count of the Constituency (excluding postal ballots) in the prescribed manner, announce the same in the presence of such contesting candidates, their election agents or authorized observers as may be present, affix a copy of the provisional Consolidated Statement of Results signed by him at a conspicuous place in his office and send a copy thereof to the Commission.</p>	<p>Subsection may be amended to address the potential change of result during consolidation process, including requirement of clearer public statements that provisional results can change during final consolidation</p> <p>&</p> <p>Subsection may provide safeguard against expulsion of any candidate, election agent and accredited observers from the proceedings of provisional results</p>
95 (5)	<p>95. Consolidation of results. – (5) Before commencement of the consolidation proceedings, the Returning Officer shall recount the ballot papers of one or more polling stations if a request or challenge in writing is made by a contesting candidate or his election agents and the margin of victory is less than five percent of the total votes polled in the constituency or ten thousand votes, whichever is less: Provided that the recount shall be made by the Returning Officer only once.</p>	<p>Subsection may be amended to allow for recount requests during consolidation proceedings</p>
95 (9)	<p>95. Consolidation of results. – (9) After consolidation of results, the Returning Officer shall give to such contesting candidates and their election agents as are present during the consolidation proceedings a copy of the Consolidated Statement of the Results of the Count and the Final Consolidated Result sent to the Commission against proper receipt.</p>	<p>Subsection may be amended to require copy of final consolidated result to be provided to accredited observer also</p>
96	<p>96. Resealing of packets and supply of copies. – The Returning officer shall –</p>	<p>Sub clause b of the section 96 may be removed as it is</p>

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	<p>a) Immediately after preparing the Consolidated Statement of the Results of the Count and the Final Consolidated Result, reseal in the prescribed manner the packets and statements opened by him for the purpose of consolidation, permitting such of the candidates and their election agents as may be present to sign the packets and affix their seals to such packets; and</p> <p>b) Supply attested copies of the Consolidated Statement of the Results of the Count and the Final Consolidated Result to such of the candidates and their election agents as may be present.</p>	repetition of section 95 (9)
99 (1)	<p>99. Documents to be retained by the Commission. – The Returning Officer shall seal the tamper-evident bags provided to him for the purpose after putting in the bags the following documents. -</p> <p>a) the packets containing the ballot papers each of which shall be sealed with the seal of the Presiding Officer or, if opened by the Returning Officer, with the seal of the Returning Officer;</p> <p>b) the packets containing the counterfoils of issued ballot papers;</p> <p>c) the packets containing the marked copies of the electoral rolls used in the poll;</p> <p>d) the packets containing the Ballot Paper Account;</p> <p>e) the packets containing the Tendered Ballot Papers included in the count; the Tendered Ballot Papers excluded from the count; the Tendered Votes List, and the Challenged Ballot Papers included in the count; the Challenged Ballot Papers excluded from the count; the Challenged Votes List; and the Spoilt Ballot Papers; and</p> <p>f) such other papers as the Commission may direct.</p>	Subsection may also include result of count among documents to be retained
101 (5)	<p>101. Order for production of documents. – (5) The production from proper custody of a ballot paper purporting to have been used at an election and of a numbered counter foil bearing the signature or thumb impression of the voter shall be prima facie evidence that the voter whose vote was given by that ballot paper was the voter who had on the electoral rolls the same number as was written on the counterfoil.</p>	Subsection may be repealed as it may compromise the secrecy of ballot
Chapter VI: Election to a Reserved Seat in an Assembly		
104 (1)	<p>104. Party lists for reserved seats. – (1) For the purpose of election to seats reserved for women and non-Muslims in an Assembly, the political parties contesting election for such seats shall, within the period fixed by the Commission for submission of nomination papers,</p>	Subsection may be amended to designate the authorized official as Returning Officer to receive

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	<p>file separate lists of their candidates in order of priority for seats reserved for women and non-Muslims with the Commission or, as it may direct, with the Provincial Election Commissioner or other authorized officer of the Commission, who shall forthwith cause such lists to be published for information of the public:</p> <p>Provided that the list submitted by a political party shall not be subject to change or alteration either in the order of priority or through addition of new names in the list or omission of any name after expiry of the date of submission of nomination papers.</p>	<p>nomination papers of candidates on reserved seats and conduct scrutiny process as defined under Section 62</p>
<p>104 (3)</p>	<p>104. Party lists for reserved seats. – (3) A candidate to a seat reserved for women or non-Muslims shall file the nomination papers on the Form on or before the last date fixed for filing of nomination papers for the election.</p>	<p>New section may be added to provide for scrutiny process as defined under Section 62</p>
<p>104 (8)</p>	<p>104. Party lists for reserved seats. – (8) Where there is equality of share on a reserved seat between two political parties, the Retuning Officer shall declare both the candidates as returned and each one of them shall be entitled to represent his political party in the respective Assembly for half of its term of office in accordance with provisions of section 97.</p>	<p>Subsection may clarify a situation when more than two parties have equality of share on a reserved seat</p>
Chapter VII: Conduct of Election to the Senate		
Chapter VIII: Election Expenses and Wealth Statement		
<p>132 (2)</p>	<p>132. Restriction on election expenses. – (2) Where any person incurs any election expenses on behalf of a candidate, whether for stationery, postage, advertisement, transport or for any other item, such expenses shall be deemed to be the election expenses incurred by the candidate himself.</p>	<p>New subsection may be added to define expenses incurred on electioneering from the date of issuance of election programme till the issuance of the final consolidated result</p>
<p>132 (3)</p>	<p>131. Restriction on election expenses. – (3) The election expenses of a contesting candidate shall not exceed –</p> <ol style="list-style-type: none"> a) one million and five hundred thousand rupees for election to a seat in the Senate; b) four million rupees for election to a seat in the National Assembly; and c) two million rupees for election to a seat in a Provincial Assembly. 	<p>New subsection may be added to define exceptions from election expenses for expenses incurred on legal services, etc.</p>
<p>133 (1)</p>	<p>133. Bank account for election expenses. – (1) For the purposes of his election expenses, a candidate shall open an exclusive account with any branch of a</p>	<p>Section may provide a</p>

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
	scheduled bank before the date fixed for scrutiny of nomination papers and maintain, or cause to be maintained, a register of receipts and expenditures. expenditures:	procedure to account for the expenses incurred prior to the opening of the account/submission of nomination papers but after the issuance of election programme
134 (2)	<p>134. Return of election expenses. – (2) The return of election expenses of the returned candidate and a contesting candidate shall be submitted to the Returning Officer in the prescribed form containing –</p> <ul style="list-style-type: none"> a) a statement of all payments made by him together with all bills and receipts; b) a statement of all disputed claims, if any, of which the contesting candidate is aware; c) a statement of all unpaid claims, if any, of which the contesting candidate is aware; d) a statement of all moneys, securities or equivalent of money received from, or spent by, any person for the benefit of the candidate, specifying the name of every such person; and e) a bank statement of the account opened by a candidate showing all transactions made by the candidate from that account. 	Subsection may be edited for clarity
134 (2 d)	<p>134. Return of election expenses. – (2) (d) a statement of all moneys, securities or equivalent of money received from, or spent by, any person for the benefit of the candidate, specifying the name of every such person; and</p>	Sub clause may be amended to include political party along with any person
135 (1)	<p>135. Inspection of returns. – (1) Immediately on receipt, the returns and documents submitted under section 134, shall be sent by the Returning Officer to the Commission and shall, for a period of one year from the date of receipt by it, be open to inspection by any person on payment of the prescribed fee.</p>	<p>Rules may provide for explanation of Commission to include District Election Commissioner</p> <p>Subsection may provide for publication of return of expenses of returned candidates on Commission's website</p>

Bill, 2017	Elections Bill, 2017	FAFEN's recommendations
135 (2)	135. Inspection of returns. – (2) The Commission shall, on an application made in this behalf and on payment of the prescribed fee, give any person copies of any return or document or any part thereof kept under subsection (1).	Rules may provide for explanation of Commission to include District Election Commissioner
136 (1)	136. Action relating to election expenses. – (1) The Commission shall, in accordance with such procedure as may be prescribed, scrutinize or cause to be scrutinized the return of election expenses submitted by each contesting candidate including the returned candidate.	Subsection may be amended to specify the timeline for scrutiny
136 (2)	136. Action relating to election expenses. – (2) Where after scrutiny of returns under subsection (1), the Commission is of the view that a candidate has acted in contravention of the provisions of section 132, the Commission shall direct an authorized officer to file a complaint against such candidate for committing the offence of corrupt practice.	Subsection may address the situation in which a notified returned candidate has acted in contravention of Section 132, providing for disqualification proceedings to be initiated against the violator
137 (1)	137. Submission of Wealth Statement. – (1) Every Member of an Assembly and Senate shall submit to the Commission, on or before 31 st December each year, a copy of his Wealth Statement including assets and liabilities of his spouse and dependent children as on the preceding thirtieth day of June on the form prescribed under the Income Tax Ordinance, 2001 (XLIX of 2001).	Subsection may be amended to require submission of income tax returns in addition to wealth statements including assets and liabilities Subsection may require submission of wealth statement of all biological children and, in case of more than one spouse, of all spouses
138 (1)	138. Determination of veracity of Wealth Statement. – (1) The Commission shall publish in the official Gazette the Wealth Statements including assets and liabilities received by it under section 137 and any person may	Subsection may be amended to require uploading of submitted wealth statements on

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	obtain copies of a Wealth Statement on payment of prescribed fee.	Commission's website
138 (3)	<p>138. Determination of veracity of Wealth Statement. – (3) Where the Commission is satisfied that a Wealth Statement is false in material particulars, the Commission may, after providing an opportunity of being heard to the Member, by order direct an authorized officer to file a complaint against the Member who has submitted the Wealth Statement for committing the offence of corrupt practice.</p>	Subsection may provide for termination of member providing false statement, making it consistent with subsection 137 (6)
Chapter IX: Election Disputes		
144 (2 b)	144. Contents of petition. – (2) (b) documentary evidence relied upon by the petitioner in support of allegations referred to in para (b);	Subsection may be amended to refer to section 144 (1 b)
144 (2 c)	144. Contents of petition. – (2) (c) affidavit or service to the effect that a copy of the petition along with copies of all annexures, including list of witnesses, affidavits and documentary evidence, have been sent to all the respondents by registered post; and	Sub clause may be made consistent with section 143 (3) or vice versa
145 (2)	<p>145. Procedure before the Election Tribunal. – (2) If an election petition is not rejected under subsection (1), the Election Tribunal shall issue notice to each of the respondent through –</p> <ul style="list-style-type: none"> a) registered post acknowledgement due; b) courier service or urgent mail service; c) any electronic mode of communication, which may include radio, television, email and short message service (SMS); d) affixing a copy of the notice at some conspicuous part of the house, if any, in which the respondent is known to have last resided or at a place where the respondent is known to have last carried on business or personally worked for gain; e) publication in two widely circulated daily newspapers at the cost of the petitioner; and f) any other manner or mode as the Tribunal may deem fit. 	Subsection maybe amended to not require simultaneously all modes of communications mentioned in sub-clauses of the subsection
148 (4)	148. Procedure before Election Tribunal for trial of petitions. – (4) On filing of reply by the respondent, the Election Tribunal may, with the consent of parties, fix specific dates for trial and disposal of the petition, providing for continuous hearing without adjournment.	Subsection may be amended to require mandatory continuous proceedings Subsection may also provide for disposal of petition within 120 days

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152	152. Advocate-General to assist the Election Tribunal. – The Advocate-General for a Province shall, if an Election Tribunal requires, assist the Tribunal at the hearing of an Election petition in such manner as it may require.	Section may also require the assistance of attorney general to be available to the tribunal
158 (1 a)	158. Ground for declaring election as a whole void. – (1) (a) the failure to comply with the provision of this Act or the Rules in connivance with the returned candidate; or	Subsection may be amended to replace 'returned candidate' with 'any person'
165 (1 a)	165. Additional powers of Election Tribunal. – (1) (a) declaring the election of the returned candidate to be void; and	Section 165 may be repealed
165 (1 b)	165. Additional powers of Election Tribunal. – (1) (b) declaring any other contesting candidate to have been duly elected if any of the conditions specified in section 157 are proved to the satisfaction of the Election Tribunal.	Section 165 may be repealed
165 (2)	165. Additional powers of Election Tribunal. – (2) No order shall be made under subsection (1) unless the returned candidate has been provided an opportunity of being heard.	Section 165 may be repealed
Chapter X: Offences, Penalties and Procedures		
167	167. Corrupt practice. – A person is guilty of the offence of practice if he – a) is guilty of bribery, personation, exercising under influence, capturing of polling station or polling booth, tampering with papers, and making or publishing a false statement or declaration; b) calls upon or persuades any person to vote, or to refrain from voting, for any candidate on the ground that he belongs to a particular religion, province, community, race, caste, <i>bradari</i> , sect or tribe; c) knowingly, in order to support or oppose a candidate, lends, employs, hires, borrows or uses any vehicle or vessel for the purposes of conveying to or from the polling station any voter except himself and members of his immediate family; d) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting; or e) contravenes the polling provisions of section 132.	A sub-clause may be added to cover any of the acts mentioned under section 55 (3) and section 138 (3) in the definition of corrupt practices
172 (2)	172. Tampering with papers. – (2) An election official on duty in connection with the election who is guilty of the offence under subsection (1) shall be punishable with imprisonment for a term which may	Subsection may be amended to provide for

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	extend to six months or with fine which may extend to one hundred thousand rupees or with both.	punishment as provided in Section 174
174	174. Penalty for corrupt practices. – Any person guilty of the offence of corrupt practice shall be punished with imprisonment for a term which may extent to three years or with fine which may extend to one hundred thousand rupees or with both.	Section may be amended to include Commission's power to disqualify any member convicted for corrupt practice
177	177. Canvassing in or near the polling station. – A person is guilty of canvassing in or near a polling station if he, on the polling day – a) within a radius of four hundred meters of a polling station – I. canvasses for votes; II. solicits the vote of any voter; III. persuading any voter not to vote at the election or for a particular candidate; or b) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his election or his election agent beyond radius of one hundred meters of the polling station, any notice, sign or flag designed to encourage the voters to vote or discourage the voters from voting, for any contesting candidate.	Section may completely ban canvassing on election day
180 (3 c)	180. Regulation of publicity. – (3) No person or a political party shall – (c) affix hoardings or panaflexes of any size;	Sub clause may re-include portraits and banners of any size as prohibited publicity material
183	183. Penalty for illegal practice. – A person guilty of the offence if illegal practice shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one hundred rupees or with both.	Section may be amended to include Commission's power to disqualify any member convicted for illegal practice
184	184. Violation of official duty in connection with election. – A person appointed to perform any function in connection with an election is guilty of violation of official duty, if he willfully or negligently – a) tampers with papers as mentioned in section 172; b) fails to maintain secrecy, where he is bound by law to maintain secrecy; c) influences a voter as mentioned in section 186; or	Section may be amended to extend its application to public servants and any person in service of Pakistan

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	d) fails to discharge any duty entrusted to him under this act of Rules or any other law.	
185	<p>185. Failure to maintain secrecy. – An election official or any candidate, election agent or polling agent or a voter attending a polling station or any person attending at the counting of vote is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with may extend to one thousand rupees or with both, if he –</p> <p>a) fails to maintain secrecy or aids in violating the secrecy of voting;</p> <p>b) communicates, except for any purpose authorized by any law to any person before the poll is closed, any information as to the official marks; or</p> <p>c) communication any information obtained at the counting of votes as to the candidate or candidates for whom any vote is given or a preference is recorded, as the case may be, by any particular ballot paper.</p>	Section may be amended to extend its application to public servants and any person in service of Pakistan
186	<p>186. Officials not to influence voters. – An election official or any other person performing a duty in connection with an election, or any member of a law enforcement agency, is guilty of breach of official duty, if he, in the conduct or management of an election or maintenance of order at a polling station –</p> <p>a) persuades any person to give his vote;</p> <p>b) dissuades any person from giving his vote;</p> <p>c) influences in any manner the voting of any person; or</p> <p>d) does any other act calculated to influence the result of the election.</p>	Section may be amended to extend its application to public servants and any person in service of Pakistan
188	<p>188. Penalty for violation of official duty in connection with election. – An election official or any other person on duty in connection with an election who is guilty of an offence under section 184, section 186 or section 187 shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one hundred thousand rupees or with both.</p>	Section may be amended to extend its application to public servants and any person in service of Pakistan
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2 nd Interim Report published on December 20, 2016.	Subsection may be restored to cover offences under section 174, 183 and 195 as cognizable offences
195	<p>195. Information not to be divulged. – Any person who –</p> <p>a) being an employee of the Commission publishes or communicates to any person, any information</p>	Section may be amended to classify information

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	<p>or data acquired by him in the course of such employment without being authorized by the Commission;</p> <p>b) breaches, in any manner, the security or integrity of the information or data contained in the electoral rolls database;</p> <p>c) having possession of any information or data which to his knowledge has been obtained or disclosed in contravention of this Act or in breach of the security, secrecy or integrity thereof, publishes or communicates that information or data to any other person; or</p> <p>d) misuses or abuses, in any manner, the information or data contained in the electoral rolls database;</p> <p>shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one hundred thousand rupees or with both.</p>	
195 (c)	<p>195. Information not to be divulged. – (c) having possession of any information or data which to his knowledge has been obtained or disclosed in contravention of this Act or in breach of the security, secrecy or integrity thereof, publishes or communicates that information or data to any other person; or</p>	Subsection may be deleted
Chapter XI: Political Parties		
200 (4 f)	<p>200. Formation of political parties. – (4) (f) be formed, organized, set-up or convened as a foreign-aided political party.</p>	Subsection may clarify regarding formation of a political party by dual nationals or Pakistanis living overseas
202 (7)	<p>202. Enlistment of political parties. – (7) Where the Government declares that a political party has been formed or is operating in a manner prejudicial to the sovereignty, or integrity of Pakistan, it shall within fifteen days of such declaration refer the matter to the Supreme Court.</p>	Subsection may be amended to provide for referral to Commission for proceedings to cancel the enlistment after due hearing of political party, with right of appeal to Supreme Court
206	<p>206. Selection for elective offices. – A political party shall make the selection of candidates for elective offices, including membership of the Majlis-e-Shoora (Parliament) and Provincial Assemblies, through a transparent and democratic procedure and while making the selection of candidates on general seats</p>	Section maybe amended to require for a condition of certificate for the

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	shall ensure at least five percent representation of women candidates.	compliance with the section to make section consistent with Section 215 (1)
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2 nd Interim Report published on December 20, 2016.	Subsection pertaining to penalization of party in case of non-submission of details of election expenses may be restored
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2 nd Interim Report published on December 20, 2016.	Subsection pertaining to cancellation of enlistment proceedings in case of non-submission of details of election expenses may be restored
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2 nd Interim Report published on December 20, 2016.	Subsection regulating party's campaign financing limit may be restored. The restored section may also require a separate account for a political party to be opened and all expenses incurred on election campaign to be operated from that account
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2 nd Interim Report published on December 20, 2016.	Subsection defining expenditures including campaign expenses may be restored
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2 nd Interim Report published on December 20, 2016.	Subsection requiring submission of return of party

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		expenditures along with bills, receipts etc. may be restored
None	Section removed. This section was part of the Draft Elections Bill, 2017 presented with PCER's 2 nd Interim Report published on December 20, 2016.	Subsection providing consequences for non-filing of return of party campaign expenditures may be restored
212 (1)	212. Dissolution of a political party. – (1) Where the Federal Government is satisfied on the basis of a reference from the Commission or information received from any other source that a political party is foreign-aided political party or has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan or is indulging in terrorism, the Government shall, by a notification in the official Gazette, make such declaration.	Subsection may be amended to require for referral to the Commission by the government as well as clearly defining the meaning of 'any other source'
212 (2)	212. Dissolution of a political party. – (2) Within fifteen days of making a declaration under subsection (1), the Government shall refer the matter to the Supreme Court.	Subsection may be amended to allow referral to Commission for proceedings to cancel the enlistment after due hearing of political party in question, with right of appeal to Supreme Court
215 (2)	215. Eligibility of a party to obtain election symbol. – (2) A combination of enlisted political parties shall be entitled to obtain one election symbol for an election only if each party constituting such combination submits the certificates and statements referred to in sections 202, 206, 209 and 210.	Subsection maybe amended to remove requirement for compliance with section 206 as unnecessary
215 (4)	215. Eligibility of a party to obtain election symbol. – (4) Where a political party or combination of political parties, severally or collectively, the provision of section 209, section 210 or section 211, the Commission shall issue to such political party or parties a notice to show cause as to why it or they may not be declared ineligible to obtain an election symbol.	Subsection maybe amended to re-insert word 'contravene' for it to make sense

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Chapter XIII: Conduct of Elections to the Local Governments		
221 (1)	<p>221. Delimitation of local government constituencies. – (1) For the purpose of holding elections to the local governments, the Commission shall delimit constituencies of local governments, including union councils, wards in a union council, a ward in a district council or ward in a municipal committee, as far as possible and subject to necessary modifications, in accordance with Chapter III of this Act and the Rules.</p>	Subsection may clarify the situation in which provincial law(s) do(es) not provide for delimitation by the Commission
221 (2)	<p>221. Delimitation of local government constituencies. – (2) For the purpose of delimitation of a union council –</p> <ul style="list-style-type: none"> a) the area of a union council shall be a territorial unity; b) the boundaries of a union council shall not cross the limits of the local council of which the union council, being delimited, forms part; and c) the population of union councils within a local government shall, as far as possible, be uniform. 	Sub clause c of this subsection maybe amended to include 10% variation in the size of a local council within a district as per Section 20 of this Act
221 (4)	<p>221. Delimitation of local government constituencies. – (4) For the purpose of delimitation of a ward of a union council –</p> <ul style="list-style-type: none"> a) a ward shall consist of a village, one or more adjoining villages or, in case of an urban area, a census block or adjoining census blocks; b) the boundaries of a ward shall not cross the limits of the union council; and c) the population of wards within a union council shall, as far as possible, be uniform. 	Sub clause c of this subsection maybe amended to include 10% variation in the size of a local council within a district as per Section 20 of this Act
221 (6)	<p>221. Delimitation of local government constituencies. – (6) For the purpose of delimitation of a municipal committee –</p> <ul style="list-style-type: none"> a) a ward shall consist of a census block or adjoining census blocks; b) the boundaries of a ward shall not cross the limits of the municipal committee; and c) the population of wards within a municipal committee shall, as far as possible, be uniform. 	Sub clause c of this subsection maybe amended to include 10% variation in the size of a local council within a district as per Section 20 of this Act
221 (7)	<p>221. Delimitation of local government constituencies. – (7) The Commission shall delimit a tehsil council, where required, into as many wards as may be notified by the concerned government for the election on general seats to the tehsil council and district council.</p>	Subsection maybe amended to include District Council along with Tehsil Council
221 (8)	<p>221. Delimitation of local government constituencies. – (8) For the purpose of delimitation of a ward in a tehsil council –</p> <ul style="list-style-type: none"> a) the area of a ward shall be a territorial unity; 	Sub clause c of this subsection maybe amended to include 10% variation in the size

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	<p>b) the boundaries of a ward shall not cross the limits of the tehsil council of which the ward, being delimited, forms part; and</p> <p>c) the population of the ward within the tehsil council shall, as far as possible, be uniform.</p>	<p>of a local council within a district as per Section 20 of this Act</p> <p>Subsection maybe amended to include District Council along with Tehsil Council</p>
224	<p>224. Election officials and polling stations. – The provisions of Chapter VI of this Act relating to the appointment of election officials for the preparation of list of polling stations for an election to Assemblies shall, as nearly as possible subject to necessary modifications, apply to the appointment of election officials and for the preparation of the list of the polling stations for an election to a local government.</p>	<p>Subsection maybe amended to refer to 'Chapter V' concerning the conduct of elections on general seats instead of 'Chapter VI' mentioned in the section.</p>
226 (1)	<p>226. Election against reserved seats. - (1) Subject to the rules, the Commission shall organize and conduct the election to the seats reserved for women, peasants or workers, technocrats, youth and non-Muslims in a local government under the applicable local government law.</p>	<p>Subsection may be amended to provide a timeframe for election on reserved seats in LGs</p>
226 (2)	<p>226. Election against reserved seats. - (2) A contesting candidate or candidates obtaining the highest number of votes in a category shall be declared as elected against the seat or seats specified for the category</p>	<p>Subsection may be amended to provide a timeframe for election on reserved seats in LGs</p>
226 (3)	<p>226. Election against reserved seats. - (3) The Commission shall provide to the Returning Officer a list of elected Members eligible to vote and constituting an electoral college for the election of the indirectly elected Members of a local government under applicable local government law.</p>	<p>Subsection may be amended to provide a timeframe for election on reserved seats in LGs</p>
228	<p>228. By-elections. – When the seat of a Member of a local government becomes vacant and bye-election is required to fill the seat under the applicable local government law, the Commission shall, by notification in the official Gazette, call upon the constituency or electoral college to elect a person to fill the seat on such date as may be specified in the notification and</p>	<p>Subsection may be amended to provide a timeframe for bye election on vacant LG seat</p>

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	the provisions of this Act, the Rules and applicable local government law shall apply to the election to fill such seat.	
Chapter XV: Miscellaneous		
232	232. Disqualification on account of offences. – Where a person has been convicted for any offence under this Act or has been found guilty of any corrupt or illegal practice by a Tribunal, he shall, if the Commission is of the view that circumstances so warrant and makes an order to that effect, be disqualified for such period not exceeding five years as may be specified in the order from being, or being elected as a Member of an Assembly, the Senate or a local government.	Section maybe amended to remove the powers of the Commission to decide whether circumstances so warranted or not for disqualification. Any conviction should automatically follow disqualification
234 (3)	234. Monitoring of election campaign. – (3) If the officer, nominated under subsection (1) receives a report of any violation of the Act or the Rules and, after holding a summary enquiry, finds that the reported violation has been committed and no other punishment is provided under the Act for such violation, he may impose a fine not exceeding fifty thousand rupees.	Subsection maybe amended to restore Dec 16 draft provision
234 (4)	234. Monitoring of election campaign. – (4) if the nominated officer after summary enquiry finds a candidate or a political party guilty of violation of the Act or the Rules for the second time, he shall refer the matter to the Commission for initiation of proceedings against such candidate or political party under the law, including proceedings for disqualification of the said candidate and in case of the political party, its candidate.	Subsection maybe amended to remove the powers of commission to initiate disqualification proceedings Subsection may provide for appeal against Commission's decision
237	237. Protection of actions taken in good faith. – No suit, prosecution or other legal proceeding shall lie against the Commission, the Commissioner or an election official or other person in respect of anything which is done in good faith or intended to be done under or in pursuance of this Act or of any rule or order made or any direction given under the law.	Subsection maybe amended to provide exception to Section 190 & Section 143 (2)
238 (2)	238. Election Observers.- (2) No person shall be allowed to observe the process of conduct of election, if he-	Sub clause may be repealed

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	a) is not accredited as an observer by the Commission or its authorized officer; b) is affiliated with any political party; c) fails to provide his full particulars and documents, including photographs, which may be required by the Commission; d) has been involved in activities prejudicial to the peace and tranquillity of the people of a constituency; e) fails to provide an authorization from the organization of which he is a member; and f) has not obtained security clearance from the Government.	Section may be amended to provide right of appeal against Commission's decision
240 (1)	240 Removal of difficulties. - 1) If any difficulty arises in giving effect to any of the provision of this Act, the Commission may, with the approval of the President, make such provision for the removal of the difficulty as it may deem fit and such order shall be published on the website of the Commission.	Section may be removed
240 (2)	240 Removal of difficulties. - 2) Every provision made under subsection (1) shall be laid, may be after it is made, before each House of Majlis-e-Shoora (Parliament).	Section may be removed



About FAFEN

- FAFEN is one of the most credible networks of civil society organizations working for strengthening citizens' voice and accountability in Pakistan since 2006.
- FAFEN has harnessed information technology for real-time monitoring, facilitation and technical backstopping of partners for effective and result-based program delivery.
- FAFEN is the only civil society group to have been invited by the Judicial Commission to present the evidence of illegalities and irregularities documented through the course of General Elections 2013 Observation. The systemic and procedural issues identified by FAFEN have been acknowledged by the commission in its detailed findings.
- FAFEN's recommendations for electoral reforms have contributed to the work of Parliamentary Committee for Electoral Reforms.
- FAFEN's advocacy for parliamentary transparency, accountability and reforms has shaped public discourse on parliamentary reforms. Improved citizens' access to parliamentary information including daily public release of parliamentarians' attendance records can be directly attributed to FAFEN's work.
- FAFEN deployed 18,000 and 40,000 non-partisan and trained observers for the systematic observation of general election 2008 and 2013, respectively, largest citizens' observation ever undertaken in Pakistan.
- FAFEN's evidence and recommendations for reforms have improved the quality of public and political discourse on elections, its issues and need for reforms. Leading political parties and media houses extensively use FAFEN's election findings and analysis to build a case for reforms.
- With more than 18,700 followers on Twitter and around 117,500 on Facebook, FAFEN is considered one of the most reliable sources of electoral and parliamentary information in the country.



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