

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 22nd September 2023

No. F.18(1)/2023-Law **WHEREAS**, the Elections Act, 2017 was promulgated on 2nd October 2017, Section 239 whereas empowers the Election Commission to make Rules for carrying the purposes of the Act. Aforesaid section 239 is reproduced as under: -

“239. Power to make rules-(1) The Commission may, by notification in the official Gazette and publication on the website of the Commission, make rules for carrying out the purposes of this Act.
(2) The Commission shall make the Rules under sub-section (1) subject to prior publication and after hearing and deciding objections or suggestions filed within fifteen days of the publication.”

WHEREAS, the Election Commission framed the Election Rules, 2017 in pursuance of Section 239 *ibid* and notified the same on 9th November, 2021 and thereafter, in view of different scenarios and to resolve the predicaments arisen with time, the Election Commission has carried out various amendments in rules.

WHEREAS, the present situation so warrants and it is expedient to carry out further amendments in Rules 51, 52(3), 56(3), 66(4), 71(2), 84(4), 85(2), 87(2), 134(1), 134(2), 134(2A), 134A, 137(1), 143(1), 143(4) 158(1), 158(3), 161(1), Form 41(g), Form 41(h)(ii), Form 67, Form 68, and Annexures, and Form 69. These amendments are required to be published for inviting objections or suggestions to be filed within fifteen days of the publication which will be decided by the Commission after hearing as aforesaid.

NOW THEREFORE, in exercise of its powers conferred under Section 239 of the Elections Act, 2017 and all other powers enabling it in that behalf, the Election Commission is pleased to publish the aforesaid draft amendments inviting objections or suggestions in respect of any amendment may be filed in ECP Secretariat, Islamabad by 7th October, 2023 which will be decided by the Commission after hearing. The draft amendments are being uploaded on the official website of the Commission i.e. www.ecp.gov.pk.


(Saima Tariq Janjuha)
Deputy Director (Law)

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 20th September, 2023

S.R.O. No. 18(1)/2023-Law— In exercise of its powers conferred through section 239 of the Elections Act, 2017 (Act No. XXXIII of 2017), the Election Commission is pleased to make following amendments in the Election Rules, 2017, namely—

In the Election Rules, 2017—

A. After rule 51, the following proviso shall be inserted, namely:

“Provided that a candidate shall open an exclusive bank account or dedicate an existing bank account already opened with a scheduled bank to maintain transactions of election expenses and shall attach a statement of the said bank account starting with entries of seven days prior to the election schedule with the nomination papers for election to an Assembly or the Senate on Form A. The bank account so opened or dedicated shall not be a joint signatory account.”

B. Sub-rule (3) of rule 52 shall be substituted with the following provisions, namely:

(3) The sum deposited by a candidate under Section 61 shall be non-refundable and shall be deposited in the Government Treasury in the receipt head “CO2-Receipts from Civil Administration and other functions, CO21-General Administration Receipts – Organs of state CO2166 - Receipts of Election Commission of Pakistan under Elections Act, 2017” of the Election Commission.”

And thereafter sub-rule (4) of rule 52 shall stand omitted.

C. Sub-rule (3) of rule 56, shall be substituted with the following provisions, namely:

“(3) The Returning Officer shall publish the list of contesting candidates with their respective symbols at some conspicuous place in his office and furnish a copy thereof to the contesting candidates, District Election Commissioner, Provincial Election Commissioner and to the Commission, which shall upload it for display on its website.”

D. Sub-rule (4) of Rule 66, shall be substituted with the following provisions, namely:

“(4) After the ballot papers have been issued to all the voters referred to in sub-rule (1), the Returning Officer shall place all the counterfoils of the postal ballot papers in one or more packets and sign and seal the same and record on the packet(s) a brief description of its contents, the number of counterfoils contained therein, the name of the constituency and the date on which he seals it.”

E. In Form-41, instruction (g), after the expressions “reaches the Returning Officer before the” the following provision shall be inserted, namely:

“before the poll day under sub-section (4) of section-93”

And thereafter the expressions "time fixed for consolidation of the results by the Returning Officer under sub-section (1) of section 95" shall stand omitted.

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F. In Form-41, instruction (h)(ii) shall be substituted with the following provision, namely:

"ii. If the cover does not reach the Returning Officer before the poll day under sub-section (4) of section-93, your vote will not be counted."

- G. In sub-rule (2) of rule 71, the expressions "sub-section (1) of section 95" shall be substituted with the expressions "sub-section (4) of section-93"**

- H. In first proviso to sub-rule (4) of rule 84, after the expressions "day immediately following the polling day" the following expressions shall be inserted**

"and if, for any reason, the results are incomplete by 02:00 a.m. on the day immediately following the polling day, the Returning Officer shall communicate to the Commission provisional results as consolidated till that time along with reasons for the delay, in writing, while listing the polling stations from which results are awaited and thereafter shall send the complete provisional results as soon as compiled but not later than 10:00 a.m."

and thereafter second proviso to the said sub-rule (4) shall stand omitted.

- I. In sub-rule (2) of rule 85, after the expressions "the Returning Officer shall" the following expressions shall be inserted, namely:**

"in presence of contesting candidates and one of their election agents duly authorized by such candidate as may be present"

- J. In Rule 87, after sub-rule (2), following new sub-rule 2A shall be inserted, namely:**

"(2A) The provisional and final consolidated statement of results of the count and final consolidated results, as referred to, in clause (da) of sub-section (1) of section 99 to be prepared on Form-47, 48 and 49 respectively shall be sealed by Returning Officer in TEB-II before sealing the same in TEB-III."

- K. Sub-rule (1) of rule 134, shall be substituted with the following provisions, namely:**

"(1) A candidate shall maintain a register of receipts and payments (cashbook), record/details of bills, invoices, deliveries challans, receipts, acknowledgements and vouchers in support of every payment made in respect of election expenses."

- L. Sub-rule (2) of rule 134, shall be substituted with the following provisions, namely:**

"(2) The contesting candidate shall, as provided under section 134 (1) & (2) and a returned candidate as provided under section 98 or section 124, as the case may be, shall submit to the Returning Officer detail of election expenses in Form C appended to the Act as well as detail of election expenses and detail of campaign finance in Form 67 & 68 appended with these Rules in accordance with section 132 (1).

Provided that if a candidate permitted a person to incur election expenses on his behalf, the candidate shall abide by the code of conduct and also maintain record/details of election expenses incurred for his election campaign by that person showing his name, copies of

N. After Rule 134, following new Rule 134A shall be inserted, namely:

“134A. Bank account for election expenses and record thereof– (1) For the purpose of election expenses, a candidate shall open an exclusive account or dedicate his existing bank account with any branch of a scheduled bank before submission of nomination paper (Form A) for election to an Assembly or Senate.

Provided that the bank account so dedicated shall be an active bank account and in case of its dormancy, it should be restored 07 days prior to the issuance of election schedule by the Commission.

(2) A candidate shall maintain the said bank account in accordance with Section 133 of the Act and shall also maintain separate record relating to transactions made through said bank account pertaining to counterfoils of cheque book(s), bank statement, bills, invoices challans and receipts.”

O. In sub-rule (1) of rule 137, at the end, after the expressions “Form B appended to the Act” the following provisions shall be inserted, namely:

“along with detail of each item on the Annexure 1 to 9 appended to these Rules.”

P. After Form-68, following Annexure 1 to 9, shall be added, namely:

Annexure 1						
Immovable Property: Held within Pakistan [item 1 (a) of Form B]						
S. No.	Immovable property held within Pakistan	Details of immovable property held within Pakistan	Area		Cost	Remarks
			Constructed covered area	Area of open plot and agricultural property		
1	Open Plots	Open Plot No.....located at.....City/District.				
		Open Plot No.....located at.....City/District.				
		Open Plot No.....located at.....City/District.				
2	Houses	House No.....located at.....City/District .				
		House No.....located at.....City/District .				
		House No.....located				

		at.....City/District				
3	Apartment ts	Apartment No..... located.....City/District (Residential/Commercial)				
		Apartment No..... located.....City/District (Residential/Commercial)				
		Apartment No.....located.....City /District (Residential/Commercial)				
4	Commercial buildings	Commercial building No.... ..located at.....City/District				
		Commercial building No.... ..located at.....City/District				
		Commercial building No.... ..located at.....City/District				
5	Under constructi on properties	Under construction property No.....located at.....City/District (Residential/comme rcial)				
		Under construction property No.... .located at.....City/District (Residential/comme rcial)				
		Under construction property No.... .located at.....City/District (Residential/comme rcial)				
6	Agricultur e property	Agriculture property at Khasra No..situated at.....City/District.				
		Agriculture property at Khasra No.....situated at.....City/District.				

		Agriculture property at Khasra No...situated at.....City/District.				
7	Any other property					

Annexure 2

Immovable Property: Held outside Pakistan [item 1 (b) of Form B]

S. No.	Immovable property held outside Pakistan	Details of immovable property held within Pakistan	Area		Cost (in foreign currency)	Remarks
			Constructed covered area	Area of open plot and agriculture property		
1	Open Plots	Open Plot No.....located at.....City, Country.....				
		Open Plot No.....located at.....City, Country.....				
		Open Plot No.....located at.....City, Country.....				
2	Houses	House No.....located at.....City, Country.....				
		House No.....located at.....City, Country.....				
		House No.....located at.....City, Country.....				
3	Apartments	Apartment No.....(Residential/Commercial), located.....City, Country.....				
		Apartment No..(Residential/Commercial), located.....City, Country.....				
		Apartment No.....(Residential/Commercial), located.. City, Country.....				
4	Commercial buildings	Commercial building No.....located at.....City, Country.....				
		Commercial building No.....located at.....City,				

		Country.....				
		Commercial building No.....located at.....City, Country.....				
5	Under construction properties	Under construction property No.....(Residential/com mercial), located at.....City, Country.....				
		Under construction property No.....(Residential/comm ercial), locatedat.....City, Country.....				
		Under construction property No.....(Residential/comm ercial), located at.....City, Country.....				
6	Agriculture property	Agriculture property at Khasra No...situated at.....City/District.				
		Agriculture property at Khasra No.....situated at.....City/District.				
		Agriculture property at Khasra No.....situated at.....City/District.				
7	Any other property					

Annexure 3**Assets brought or remitted from outside Pakistan - Bank drafts/ Remittances [item 2(c) (i) of Form B]**

S.No.	Bank draft/Remittance reference	Currency of remittance	Name of Country from where remittance made	Bank account No. where remittance credited	Currency of account maintained	Amount

Annexure 4**Assets brought or remitted from outside Pakistan - Machinery [item 2(c) (ii) of Form B]**

S.No.	Brand name, with country of origin	Type of Machinery	Broader specification	Date of import to Pakistan	Purchased price/Cost of Asset.	Currency of Machinery

Annexure 5**Assets brought or remitted from outside Pakistan - Other [item 2(c) (iii) of Form B]**

S.No.	Name of immovable assets other than remittances and machinery	Type of other assets	Broader specification, with brand name and country of origin	Date of import to Pakistan	Purchased price/Cost of Asset	Currency of movable asset.

Annexure 8					
Jewelry etc. [item 2 (g) of Form B]					
S.No.	Type of jewelry, with categories	Weight	Purchased date	Purchased price	Remarks

Annexure 9									
Cash at Bank (other than Cash in hand) [item 2 (h) of Form B]									
S. No.	Bank account No.	Bank and branch	Current or saving account	Currency of account (Pak Rupees or foreign currency in which account is maintained)	Total amount deposited during the year	Interest earned, if any, during the year	Total withdrawal during the year	Closing balance as on 30th June,	Remarks

Q. In sub-rule (1) of rule 143, the expressions “one hundred and twenty days” shall be substituted with the words “one hundred and eighty days”.

R. In sub-rule (4) of rule 143, at the end, the words “such costs as the Tribunal may determine” shall be substituted with the following provisions, namely:

“One hundred thousand rupees and election petition shall be decided within one hundred and eighty days of its filing and in case petition is not finally decided within one hundred and eighty days the further adjournment sought by a party shall be granted only on payment of special costs ranging from ten thousand to fifty thousand rupees per adjournment and adjournment shall not be granted for more than three days.”

S. Sub-rule (1) of rule 158 shall be substituted with the following provisions, namely:

“(1) The Party Leader of each political party under his signature shall, issue a schedule of the intra-party election and inform the

Commission before fifteen days of the conduct of intra-party election. Further, within seven days of the completion of intra-party elections, Party leader shall submit a certificate to the Commission in Form-65 specifying that the intra-party elections have been held in accordance with the constitution of the party and the provisions of the Act along with a report covering the following aspects:-

- a) The political party shall submit a detailed report on the conduct of intra-party elections to the Commission within seven days of the completion of intra-party elections.
- b) The party shall provide a voter list and details of voter verification mechanisms used to ensure that only eligible members participated in the intra-party election.
- c) The report shall outline the procedures followed during the election, including nomination processes, eligibility criteria for candidates, voting methods, vote counting mechanisms, and dispute resolution procedures.
- d) The party shall make the intra-party election report publicly available, either on their website or by providing copies to interested stakeholders.”

T. After sub-rule (2) of rule 158, following new sub-rule (3) shall be inserted, namely:

“3. The fine so imposed by the Commission under sub-section (5) of Section 208 on the political party, shall be deposited in the Government Treasury in the receipt head “C02-Recepits from Civil Administration and other functions, C021-General Administration Receipts – Organs of state C02166 - Receipts of Election Commission of Pakistan under Elections Act, 2017” of the Election Commission.”

- U. In sub-rule (1) of rule 161, after the words “taking part in a general election” the words “bye-election or Senate” shall be inserted.
- V. In proviso to rule 161, the words “one hundred thousand” shall be substituted with the words “one million”.
- W. In sub-rule (2) of rule 161, after the words “submitted by the political party” the words “in Form-69” shall be inserted.
- X. After Annexure-9, the following new Form-69 shall be added, namely:

**“Form 69
[See Rule 161]**

Submission of Details of Campaign Finance by the Political Party

Name of political party: _____

Election: General Elections/By-Elections/ Senate Election (Tick the relevant)

Date of Election Held: _____

**A. Detail of Receipts relating to election campaign
(Amount in Rupees)**

Sr. No.	Name of Donor/ Contributor	CNIC No./ Address	Date of Donation/ Contribution	Mean of Transaction		*Amount Donated
				Bank	Cash	
1.						
2.						
3.						
4.						
Total:-						

**B. Details of Expenses relating to election campaign
(Amount in Rupees)**

Sr. No.	Constituency No.	Campaign Period	Election Date	Detail of Expenditure**	Amount
1.					
2.					
3.					
4.					
Total:-					

*All details of the receipt and expenditure along with bank statements shall be attached with this form.

Place _____

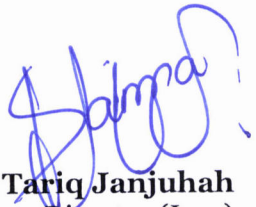
Date _____
party/Authorized Office Bearer

Signature of the Head of

the

By order of the Election Commission of Pakistan.

No. F. 18(1)/2023-Law


Saima Tariq Janjuhah
Deputy Director (Law)