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PART II

Statutory Notifications (S.R.O.)

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 2nd March, 2018

S.R.O. 410 1(4) (I)/2018-LAW.— In exercise of its powers conferred under section 239 read with sub-section (4) of section 122 of the Elections Act, 2017 (Act No.XXXIII of 2017), as in force in the Federally Administered Tribal Areas, the Election Commission is pleased to direct that following amendments shall be made in the Election Rules, 2017 namely:—

In the Election Rules 2017—

- (A) **After Chapter VII the following new Chapter shall be inserted, namely:—**

**[“CHAPTER VIIA
SPECIAL PROCEDURE FOR VOTING AND COUNTING**

133A. Special procedure relating to election by certain voters.— Nothing contained in rule 112, rule 113 or the rules 118 to 129, shall apply to the election of members of the Senate by the members from the Federally Administered Tribal Areas in the National Assembly and the following rules in this Chapter shall apply to such election.

(813)

Price Rs : 3.00

133B. **Voting Procedure.**—(1) A voter on receipt of the ballot paper shall forthwith —

- (a) proceed to the voting booth;
- (b) record his vote in accordance with rule 133C;
- (c) fold the ballot paper so as to conceal his vote; and
- (d) insert the ballot paper into the ballot box.

(2) No voter shall be allowed to enter into the voting booth when another voter is inside it.

(3) A voter shall vote without undue delay and shall leave the polling station immediately after he has inserted his ballot paper into the ballot box.

133C. **Manner of recording vote.**—(1) A voter shall vote by putting a mark on the ballot paper against the names and symbols of as many candidates as there are seats to be filled.

(2) The marks shall be put at any place within the space containing the names and symbols of the contesting candidates so as to clearly indicate the contesting candidates for whom he wishes to vote.

(3) The marks against the names of the candidates of the voter's choice shall be put with the rubber stamp provided for the purpose by the Returning officer at the polling station.

(4) No marking aid or rubber stamp except the rubber stamp supplied by the Returning Officer for the purpose shall be used by the voter for marking his ballot paper.

(5) A voter shall not put marks against the names of more candidates than the number of seats to be filled.

133D. **Procedure on the close of the poll.**—(1) The Returning Officer shall immediately, after the close of the poll, proceed to—

- (a) open the ballot box and take out the ballot papers from it;
- (b) count the votes in favour of each candidate in the presence of such of the candidates or agents as may be present.

(2) A ballot paper shall be rejected by the Returning Officer if it bears—

- (a) no mark indicating the contesting candidate for whom the voter wishes to vote;
- (b) marks against the names and symbols of more candidates than the number of seats to be filled;
- (c) no official mark or initials of the Returning officer; or
- (d) any writing or mark other than the mark referred to in sub-rule (2) of rule 133C or if it has attached to it some piece of paper or any other object of any kind; or
- (e) any mark from which it is not clear for whom the voter has voted: Provided that:
 - (i) a ballot paper shall not be invalid if more than one mark has been put against the name and symbol of any one candidate, but only one vote shall be counted for that candidate;
 - (ii) a ballot paper shall be invalid in respect of those candidates only against whose names and symbols the mark is so placed as to render it doubtful for which candidate the voter has voted;
 - (iii) a ballot paper shall be deemed to have been marked in favour of a candidate if the whole or more than half of the area of the mark appears clearly within the space relating to the name and symbol of that candidate; and, where the mark is divided equally between two such spaces, the ballot paper shall be deemed not to show clearly for whom the voter has voted.

133E. **Declaration of result.**—(1) The Returning Officer shall prepare a return of election in Form 57 showing therein the number of valid votes cast in favour of each contesting candidate:

(2) The Returning Officer shall by public notice declare to be elected such number of candidates, in order of the number of valid votes obtained by them, as is equal to the number of seats to be filled.

133F. **Equality of votes.**— If after the counting, it is found that there is equality of votes between two or more candidates and that the addition of one vote for one such candidate would entitle him to be declared elected, the Returning Officer shall forthwith draw a lot and the candidate on whom the lot falls shall be deemed to have been elected:

