

PILDAT comments on the Draft Elections Bill, 2017

1. Section 9 of the proposed bill, which stipulates a minimum percentage of the female vote cast for the election to be declared valid may be revisited. Rather, the elections bill should list as an offence to compel any person to vote or refrain from voting, directly or indirectly, through an agreement or otherwise, as originally stipulated under Section 81 of Representation of People Act, 1976. In addition, strong measures should be taken to enforce this.
2. The declarations in the candidates' nomination forms should include a declaration about the residential status in foreign countries such as 'Green Card' of the US, 'Iqama' of Saudi Arabia etc. at the time of filing nomination forms.
3. ALL the sources of income of political parties should be required to be specifically stated with names and addresses and amounts received as a part of the statements of audited accounts to be submitted to the ECP every year
4. All statements of accounts and returns of election expenses submitted by the elected members of the legislatures, candidates and political parties shall be uploaded on the website of the ECP
5. Maintaining an updated roster of members and members of General Council should be made a legal requirement, which ECP should be able to inspect. This roster should be divided as per the electoral college requirement in accordance with section 207 (3) of the proposed draft elections bill, 2017 Political parties be required to place the updated list of their General Council and Executive Committee and all national, provincial and local office bearers on their website, if they have a website.
6. Definition of 'local' as used in section 206 of the draft elections bill, 2017 may be outlined clearly.
7. Ref section 209 of the draft bill, the ECP should be authorized to scrutinize the statements of accounts submitted by political parties in the same way as the ECP has been authorized to scrutinize the statements of wealth submitted by legislators as per section 137 of the draft bill
8. Section 210 of the proposed bill: the limit of Rs. 100, 000 is too high. There should be no limit and ANY contributor should be identified by the parties otherwise all contributions will end up being less than 100,000 as the Indian experience shows.
9. Use of Electronic media for election advertisements should be prohibited both for candidates and parties.
10. Provisions of Section 212 (3) (definition of foreign-aided political party) be applicable not only to the party itself but all foundations or NGOs whose leadership or board membership includes office bearers of political parties
11. Section 214 re Code of Conduct has kept the matter as vague as it was before. Why a code of conduct to be developed by ECP? All such things be included in the law. Additional things may be voluntarily agreed among political parties and after these are agreed, ECP may oversee their enforcement.
12. Sub-clause 2(c) of Article 56 of Elections Bill 2017 stipulates only 7 days for the review of nomination papers. This unfortunately is not enough to carry out a thorough review of information included in the Nomination Form. This time limit should be increased to at least 28 days.
13. Interpretation and implementation of Article 62 and 63 of the Constitution, in the context of a candidate qualifying for an election still remains ignored

in the Elections Bill 2017. This may again lead to confusion at the level of the Returning Officer as to what these constitutional provisions entail. The Bill should categorically state that each person qualifies under Article 62 and 62 of the Constitution until and unless the Supreme Court decides against that person.

14. During General Election 2013, it was observed that the ink that was to be used to obtain thumb impression of voters for verification was faulty. As a result, the election tribunals could not verify a significant number of votes. The ECP should particularly be careful in this regard with regards to the upcoming elections.
15. With regards to voter verification, it is suggested that a provision may be added that the ECP through random selection, shortlists 20% of the constituencies of and General Election, and amongst each shortlisted constituency verify 20% of the vote.
16. With regards to Election Tribunals, it has been observed that extending a case beyond 4 months is in the interest of the retired members of the judiciary, since they are getting remuneration for it. PILDAT believes that Article 139 should be amended such that once 4 months lapse, a new tribunal should be constituted, with another former or current member of the judiciary heading it, to act against this impulse.
17. There should be a complete ban on transfer and postings of, including senior civil servants and security officials, after the announcement of the election program.
18. In Section 200, clause (1), which defines important elements that should be carried in a party constitution, it may also be added that powers and functions of the Party Head be clearly defined in the constitution in order to avoid giving him/her blanket powers in the party.
19. While it has been mentioned under Section 206 that a political party shall convene at least one general meeting at the federal, provincial and local levels within the party, it may also be added that the Central Executive Committee/Central Working Committee of a party should be required to meet at least 4 times in a year.
20. Section 239 states that the Commission would have the power to make rules 'with the approval of the government'. PILDAT believes that this clause diminishes the independence of the Election Commission of Pakistan and hence, should be removed. The Commission should be allowed to make rules and procedures as it deems fit and should not be required to seek any authority's approval in the execution of its powers and functions.