

**INTRODUCED ON 16.01.2023.**

**[AS INTRODUCED IN THE SENATE]**

**A  
BILL**

*further to amend the Elections Act, 2017*

**WHEREAS** it is expedient further to amend the Elections Act, 2017 (XXXIII of 2017) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.** - (1) This Act may be called the Elections (Amendment) Act, 2023.

(2) It shall come into force at once.

**2. Amendment of section 2, Act XXXIII of 2017.** - In the Elections Act (XXXIII of 2017), hereinafter referred to as the said Act, in section 2, in sub-section (xli), in paragraph (b),-

- (i) in sub-paragraph (I), after a semi colon ";" occurring at the end the word "and" shall be added;
- (ii) in sub-paragraph (II), for the expression ";and" occurring at the end a full stop "." shall be substituted; and
- (iii) sub-paragraph (III), shall be omitted.

**3. Amendment of section 18, Act XXXIII of 2017.**- In the said Act, in section 18, for sub-section (1), the following shall be substituted, namely:-

"(1) There shall be seats in the National Assembly allocated to each Province, Islamabad Capital Territory and seats reserved for women and non-Muslims, as specified in Article 51."

**4. Amendment of section 19, Act XXXIII of 2017.** In the said Act, in section 19, in sub-section (1), for paragraph (b), the following shall be substituted, namely:-

"b) Islamabad Capital Territory into as many separate territorial constituencies as the number of general seats allocated to the Islamabad Capital Territory in Article 51."

**5. Amendment of section 20, Act XXXIII of 2017.**- In the said Act, in section 20, sub-section (2), shall be omitted.

**6. Substitution of section 105, Act XXXIII of 2017.**- In the said Act, for section 105, the following shall be substituted, namely:-

"**105. Returning Officers and Polling Officers.**- For the purpose of an election to the Senate, the Commission shall appoint a Returning Officer for each Province and the Islamabad Capital Territory and shall also appoint such number of Polling Officers to assist the Returning Officer as it may deem necessary."

**7. Amendment of section 107, Act XXXIII of 2017.-**In the said Act, in section 107,-

- (i) for sub-section (1) the following shall be substituted, namely:-  
“(1) The Commission shall, by notification in the official Gazette, call upon the Members of the Assembly of a Province and the National Assembly to elect such number of Members to the Senate from that Province and Islamabad Capital Territory as is specified in the notification.”
- (ii) for sub-section (3) the following shall be substituted, namely:-  
“(3) A Returning Officer shall, within three days after the publication of a notification under sub-section (1), give public notice of the dates specified by the Commission in respect of election to the Senate from a Province and Islamabad Capital Territory, as the case may be, of which he is the Returning Officer and the public notice shall be published at some prominent place in his office.”

**8. Substitution of section 108, Act XXXIII of 2017.-** In the said Act, for section 108, the following shall be substituted, namely:-

**“108. Supply of list of voters.-** The Commission shall provide the Returning Officer with a list of voters for election to the Senate from a Province or Islamabad Capital Territory, as the case may be.”

**9. Substitution of section 109, Act XXXIII of 2017.-**In the said Act, for section 109, the following shall be substituted, namely:-

**“109. Polling Station.-** The Commission shall provide a polling station for the purpose of election of the Members of the Senate by the Members of each Provincial Assembly, or the National Assembly, as the case may be.”

**10. Amendment of section 110, Act XXXIII of 2017,-** In the said Act, for sub-section (1), the following shall be substituted, namely:-

“(1) A voter may propose or second the name of any person qualified for election to the Senate from a Province or Islamabad Capital Territory, as the case may be.”



**11. Amendment of section 118, Act XXXIII of 2017.-**In the said Act, for sub-section (1), the following shall be substituted, namely:-

"(1) Where, after scrutiny of nomination papers or withdrawal under section 115, the number of validly nominated candidates or, as the case may be, the contesting candidates from a Province or Islamabad Capital Territory is less than or equal to the number of seats to be filled for that Province or Islamabad Capital Territory, as the case may be, the Returning Officer shall, by public notice, declare such candidates to be elected to the seats and send a return of election to the Commission."

**12. Amendment of section 122, Act XXXIII of 2017.-** In the said Act, in section 122,-

- (i) in sub-section (3), for a colon ":" occurring at the end a full stop "." shall be substituted and thereafter, the proviso to sub-section (3) shall be omitted; and
- (ii) for sub-section (4), the following shall be substituted, namely:-

"(4) A voter shall cast his vote in the prescribed manner."

**13. Substitution of section 127, Act XXXIII of 2017.-** In the said Act, for section 127, the following shall be substituted, namely:-

**"127. Casual Vacancies.-** (1) When, before the expiration of the term of the office of a Member elected to the Senate, his seat becomes vacant or is declared vacant or his election to the Senate is declared void, the Commission shall, by notification in the official Gazette, call upon the Members of the Provincial Assembly, or the National Assembly, as the case may be, to elect a person for purpose of filling the vacancy on such date as may be specified in the notification; and the provisions of this Act and the Rules shall apply, in relation to the election of a Member to fill the vacancy."

(2) When the seats of two or more Members, who were elected to the Senate by a Provincial Assembly, or the National Assembly, becomes vacant, as the case may be, and whose term of office was due to expire on the same day become vacant simultaneously, elections to fill such seats may be held together.

(3) When the seats of two or more Members, who were elected to the Senate by a Provincial Assembly, or the National Assembly, becomes vacant, as the case may be, and whose term of office was due to expire on different dates become vacant simultaneously, elections to fill such seats may be held separately."



**14. Substitution of section 130, Act XXXIII of 2017.-**In the said Act, for section 130, the following shall be substituted, namely:-

**"130. Vacancy in electoral college not to invalidate election.-** An election of a Member of the Senate by the Members of a Provincial Assembly or Members of the National Assembly, as the case may be, shall not be called in question on the ground merely of the existence of any vacancy in the membership of the Assembly."

**15. Amendment of section 219, Act XXXIII of 2017.-** In the said Act, in section 219, for sub-sections (1), (2), (3) and (4), the following shall be substituted, namely:-

"(1) The Commission shall conduct elections to the local governments under the applicable local government law, and the Rules framed thereunder, as may be applicable to a Province, Cantonments or Islamabad Capital Territory.

(2) Notwithstanding anything contained in sub-section (1), the voting procedure for direct elections to the local governments in a Province, Cantonments or Islamabad Capital Territory shall be the same as provided for election to the Assemblies under this Act.

(3) Subject to sub-section (4), the Commission shall, in consultation with, the Federal and Provincial Government, make an announcement of the date or dates on which the elections to a local government shall be conducted in a Province, Cantonment or Islamabad Capital Territory.

(4) The Commission shall hold elections to the local governments within one hundred and twenty days of the expiry of the term of the local governments of a Province, Cantonment or Islamabad Capital Territory."

#### **STATEMENT OF OBJECTS AND REASONS**

After the enactment of Constitution (Twenty-fifth Amendment) Act 2018, the erstwhile Federally Administrative Tribal Areas (FATA) stood merged with the Khyber Pakhtunkhwa Province of Pakistan. So, a need was felt to amend various laws for the purpose of clarity and precision, in line with this Constitutional Amendment Act. However, since then, no changes has been made in the Elections Act 2017 for omission of words "Federally Administrated Tribal Areas" wherever written, from the text of the said Act. Hence, this amendment has been brought to serve the afore-cited purpose.

2. This Bill is aimed to achieve the above-said objective.

**SENATOR FAWZIA ARSHAD  
MEMBER IN CHARGE**