

[AS PASSED BY 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), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act shall be called the Elections (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Insertion of new section 72B, Act XXXIII of 2017.- In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the said Act, after section 72A, the following new section 72B, shall be inserted, namely:-

"72B. Effect of section 72A.- The provisions of section 72A inserted under section 2 of the Elections (Amendment) Ordinance, 2021 (XX of 2021), which stands omitted on the repeal of the said Ordinance by virtue of proviso to sub-paragraph (i) of paragraph (a) of clause (2) of Article 89 of the Constitution, shall always be deemed to have been omitted and shall have no, and shall always be deemed to have no, effect whatsoever at any point of time."

3. Amendment in section 94, Act XXXIII of 2017.- In the said Act, in section 94, for sub-section (1), the following shall be substituted, namely:-

"(1) The Commission may conduct pilot projects for voting by Overseas Pakistanis in bye-elections to ascertain the technical efficacy, secrecy, security and financial feasibility of such voting and shall share the results with the Government, which shall, within fifteen days from the commencement of a session of a House after the receipt of the report, lay the same before both Houses of *Majlis-e-Shoora* (Parliament)."

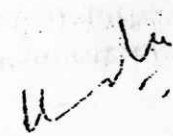
4. **Amendment in section 103, Act XXXIII of 2017.**- In the said Act, for section 103, the following shall be substituted, namely:-

"103. Electronic voting and biometric verification.- The Commission may conduct pilot projects for utilization of electronic voting machines and biometric verification system in bye-elections in addition to the existing manual procedures for voter verification, casting and counting of votes to assess the technical efficacy, secrecy, security and financial feasibility of the electronic voting machines and biometric verification system and shall share the results with the Government, which shall, within fifteen days from the commencement of a session of a House after the receipt of the report, lay the same before both Houses of *Majlis-e-Shoora* (Parliament)."

STATEMENT OF OBJECTS AND REASONS

Sections 94 and 103 of Elections Act 2017 were amended vide Act No.LV of 2021, for using I-Voting and Electronic Voting Machines (EVMs) from next general elections. The Election Commission of Pakistan (ECP) faces technical difficulties to embark upon conducting of elections as per amended provisions *ibid*. Since Article 218(3) of the Constitution obligates upon ECP to conduct free, fair & transparent election, the instant Bill proposes to restore the amendments of Act No. LV of 2021 to their original contents for conducting more pilot projects before using I-Voting and EVMs in general elections.

2. The Bill is aimed at achieving the above objectives.


(MURTAZA JAVED ABBASI)
Minister for Parliamentary Affairs