

Introduction

The Election Commission must publish the official schedule for elections to the National and/or Provincial Assemblies in the National Gazette no more than 30 days after the President announces the election date(s).

The candidate nomination process is the key component of the official election schedule and encompasses the following:¹

- Filing of nomination papers with Returning Officers (ROs) by the candidates;
- Scrutiny of nomination papers by the ROs;
- Filing of appeals against acceptance or rejection of the nomination paper;
- Decisions on appeals by Appellate Tribunals;
- Last date for withdrawal of candidature;
- Last date for publication of revised list of candidates; and
- The date or dates of the poll(s).

Nomination

Once the Election Commission publicizes the election schedule, candidates have six days to file their nomination papers, proof of deposit and supporting documentation with the RO of the constituency.

Every candidate who files a nomination paper for the National Assembly must also deposit Rs. 4,000 in the Government Treasury, or other specified state or national bank, for each seat he/she will contest. Candidates for the Provincial Assembly are required to deposit Rs. 2,000 per seat. To safeguard his/her nomination, a candidate may file as many as five nomination papers at a time in one constituency in case one of the papers is rejected on technical grounds.

Unlike many countries where, in order to be placed on the ballot, candidates must submit petitions with a certain number of registered voters' signatures, in Pakistan candidates only require two signatures on their nomination papers, a proposer and a seconder. Each nomination must have different proposers and seconders who are registered voters in that constituency, and no person can put his/her name on more than one paper as a proposer or a seconder. Candidates can contest seats in as many different constituencies as they desire, and they do not have to be on the voter list in the constituencies in which they are competing. However, candidates for the National Assembly must be registered voters somewhere in Pakistan, and Provincial Assembly candidates must be registered in the province. At the time of nomination, candidates may list their party affiliation on their nomination paper, but the official party endorsement takes place at a later stage.² Previously, a candidate had to file his/her nomination papers in person but in March 2013 Parliament passed an amendment that allows the filing of nomination papers through a proposer, seconder or a person authorized by the candidate.

¹ The Representation of the People Act, 1976 Section 11.

² The Representation of the People Act, 1976 Section 14.

Eligibility criteria

A person is qualified to be elected as a member of the National Assembly or a Provincial Assembly if he/she:³

- is a citizen of Pakistan;
- is at least 25 years of age;
- is enrolled as a voter on the electoral roll in any area of Pakistan (for National Assembly general seats or seats reserved for non-Muslims) or on the electoral roll in any area in the specific province (for Provincial Assembly seats or National Assembly reserved seats for women);
- is of good character, sagacious, righteous, honest and *ameen* (trustworthy).

There are many circumstances listed in Article 63 of the Constitution that disqualify a citizen from serving as an elected member of a Provincial Assembly or Parliament. Of these, the most prominent are:

- the candidate may not hold dual nationality or cease being a citizen of Pakistan;
- he/she should not have been convicted of acting against the solidarity, integrity or sovereignty of Pakistan within five years;
- the candidate, spouse or any of his/her dependents may not have defaulted on or written off a loan of Rs. 2 million or more for more than one year;
- the candidate, spouse or any of his/her dependents may not have defaulted on payment of utility bills or government dues in excess of Rs. 10,000 for over six months at the time of filing nomination papers.

Scrutiny

As soon as the deadline for submitting nomination papers has passed, the RO scrutinizes all nomination papers he/she has collected, checking the candidates' National Identity Cards, the extracts of the voter list on which the candidates are registered, and verifies that the candidates meets all the qualifications for being elected as outlined in Article 62 of the Constitution, and are not disqualified under Article 63. In March 2013, the Election Commission amended the nomination form to ensure that these Articles are effectively implemented. For the upcoming elections, candidates will now have to provide more details about their assets; family members' particulars; the amount of income tax they paid during the last three years; their achievements, if any, during their previous tenure, etc. The ECP plans to coordinate with the State Bank of Pakistan, the National Accountability Bureau (NAB), National Database Registration Authority (NADRA) and the Federal Board of Revenue (FBR) for prompt verification of candidates' information, which will help ROs determine their eligibility.

The candidate, his/her election agents, proposers, seconders and one other person authorized by the candidate may attend the scrutiny. If any voter from the constituency has filed objection with the RO against the candidate's nomination he/she may also attend. To file an objection, a citizen may write a simple request addressed to the RO. Objections are normally filed during the nomination portion of the process. If the RO finds that a candidate does not meet the criteria in the Constitution and law, his/her nomination paper is rejected. For the sake of transparency, ROs must record the reasons for rejecting any candidate.

³ The Constitution of Pakistan, Article 62

Nomination appeals process

The ECP, with approval from the President, establishes a Tribunal in each constituency. The Tribunals consist of two or three Judges of a High Court. After ROs' scrutiny of nomination papers, any candidate who disagrees with an RO's decision may file an appeal with the respective Tribunal. The normal period for filing an appeal is four days, and the Tribunals have seven days to address all appeals. If there is no decision on an appeal within the required deadline, the appeal is deemed rejected.⁴

Publication of list of candidates

After scrutiny of nomination papers, the RO prepares and publishes a list of validly nominated candidates for his/her constituency. If a Tribunal accepts a candidate's appeal, the RO will revise the list of candidates accordingly.

Withdrawal of candidature

Any validly nominated candidate can withdraw his/her candidature by sending a signed notice to the RO on or before the withdrawal deadline set by the ECP. Once a candidate withdraws, he/she may not be reinstated as a candidate.

Final revised list of candidates

Once the withdrawal stage is complete, the RO draws a final list of candidates in Urdu alphabetical order and assigns each candidate an election symbol. At this point, political parties choose their candidates in each constituency and send their certification to the ECP. Candidates belonging to political parties use the election symbol allotted to their party by the ECP, while independent candidates are allowed to choose from the other available symbols.⁵

According to the Representation of the People Act, 1976, polling is held at least 22 days after the lists of candidates are finalized.

Contesting more than one constituency

A candidate may contest multiple seats at the same time, whether in the same assembly or different assemblies. If a candidate wins multiple seats, he/she must resign from all but one within 30 days after the results for the last contested seat are declared. If the candidate does not submit the resignation within that time, all seats to which he/she is elected become vacant except the seat that was last announced. If the candidate is elected to more than one seat on the same day, all but the seat for which his/her nomination was filed last becomes vacant. The ECP then holds by-elections for all the seats that have been vacated.⁶

Many candidates, especially the political party leaders, contest in more than one constituency in General Elections to ensure their success. The seats vacated by multiple seat-holders result in a large number of by-elections immediately following the General Election, causing a heavy burden on the national exchequer. On 18 June 2008, following the February 2008 General Elections, the ECP conducted 21 of these by-elections for 26 vacated seats (five seats were uncontested).

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⁴ The Representation of the People Act, 1976 Section 14

⁵ The Representation of the People Act, 1976 Section 16

⁶ The Constitution of Islamic Republic of Pakistan—Article 223.