THE PRESIDENTIAL ELECTION RULES, 1988

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1. **Short title and commencement:-** (1) These rules may be called the Presidential Election Rules, 1988.

(2) They shall come into force at once.

2. **Definitions:-** In these rules, unless there is anything repugnant in the subject or context,-

(a) "Article" means Article of the Constitution;

(b) "Commissioner" means the Chief Election Commissioner appointed under the Constitution and includes a person acting as Chief Election Commissioner under Article 217;

(c) "Form" means a form appended to these rules.

(d) "Presiding Officer" means an officer appointed to conduct the poll under paragraph 2 of the Second Schedule to the Constitution;

(e) "Published" with its grammatical variations, includes exhibition at a place accessible to the public;

(f) "Returning Officer" means the Commissioner;

(g) "Schedule" means the Second Schedule to the Constitution;

(h) "validly nominated candidate" means a candidate whose nomination has been accepted and who has not withdrawn his candidature;

(i) "voter" means a person who is a member of a House of Parliament or of a Provincial Assembly.

3. **Nomination Paper:-** (1) The nomination paper by which a proposal can be made under paragraph 4 of the Schedule shall be in Form I.

(2) Every nomination paper shall be accompanied by an attested copy of the extract from the electoral roll in which the person nominated is enrolled as a voter and attested copies of the identity cards of the proposer and the seconder issued by the Senate Secretariat, National Assembly Secretariat or, as the case may be, Provincial Assemblies Secretariats.

4. **Procedure on receipt of nomination:-** (1) Every nomination paper shall be delivered by the candidate, his proposer or seconder or an agent authorised in this behalf in writing by the candidate, to the Presiding Officer, who

shall assign each nomination paper a serial number and acknowledge the receipt of the nomination paper in writing specifying the date and time of its receipt.

(2) The Presiding Officer shall endorse on the nomination paper the name of the person presenting it and the date and time of its receipt.

(3) The Presiding Officer shall inform the person presenting the nomination paper of the date, time and place fixed for the scrutiny of nomination papers and endorse the same in the acknowledgement receipt referred to in sub-rule (1).

(4) The Presiding Officer shall cause to be affixed at some conspicuous place in his office a notice of every nomination paper received by him containing the particulars of the candidate and the names of the proposer and seconder as shown in the nomination paper.

(5) The Presiding Officer shall forward all the nomination papers received by him to the Returning Officer so as to reach him before the time fixed for the scrutiny of nomination papers.

5. **Scrutiny.-** (1) The Returning Officer shall give reasonable opportunity to each candidate, his proposer or seconder or his authorised agent for examining the nomination papers forwarded to him under paragraph 4 of the Schedule.

(2) The Returning Officer shall, in the presence of persons attending the scrutiny under paragraph 5 of the Schedule, examine the nomination papers and decide any objection raised by any such person to any nomination.

(3) The Returning Officer may, either of his own motion or upon any objection, conduct such summary inquiry as he may think fit and reject any nomination paper if he is satisfied that -

(a) the candidate is not qualified under the Constitution to be elected as President. *[or is subject to any disqualification from being elected as, and from being, a member of the National Assembly]* **(Omitted)**;

(b) the proposer or the seconder is not a voter;

(c) the signature of the proposer or the seconder is not genuine;

(d) the nomination was not filed before noon on the date fixed for the nomination of candidates;

(e) any provision of rule 3 or sub-rule (I) of rule 4 has not been complied with; or

(f) the same proposer or the seconder has subscribed to more than one nomination paper;

Provided that -

(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;

(ii) the Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature, and may allow such defect to be remedied forthwith; and

(iii) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll, certified copy of which accompanies the nomination, or in the list of voters.

(4) The Returning Officer shall endorse on every nomination paper his decision accepting or rejecting it and shall, in the case of rejection, record a brief statement of reasons therefore.

(5) The decision of the Returning Officer accepting or rejecting a nomination paper shall be final.

(6) The Returning Officer shall draw up a list of candidates whose nominations have been accepted and publish it in Form II.

6. **Withdrawal and retirement.-**(1) A candidate who has been validly nominated may withdraw his candidature by a notice in writing in Form III duly signed by him and delivered to the Returning Officer or, in his absence, to the Officer of the Election Commission designated by him at any time before noon on the last day fixed for the purpose by the Returning Officer.

(2) After the Returning Officer has satisfied himself that the signature on the notice of withdrawal is that of the candidate concerned, he shall cause a copy of the notice to be affixed at some conspicuous place in his office.

(3) A candidate may retire from contesting election by a notice in writing signed by him and delivered to the Returning Officer on any day not later than three days before the polling day either by himself in person or by an authorized agent appointed by the candidate in writing in this behalf.

(4) The Returning Officer shall, upon receiving of notice of retirement under sub-rule (3), cause a copy thereof to be affixed at some conspicuous place in his office and also to be published in such manner as he may think fit.

(5) A person who gives notice of withdrawal under sub-rule (1) or for retirement from contesting election under sub-rule (3), shall not be allowed to cancel or withdraw such notice.

7. **List of validly nominated candidates.-** (1) Immediately after the expiry of the period fixed for withdrawals, the Returning Officer shall, by notification in the official Gazette. publish in Form IV the names of validly nominated candidates who have not withdrawn their candidature.

(2) The names in the list of validly nominated candidates shall be written in Urdu and shall be drawn up in alphabetical order in accordance with that language.

8. **Uncontested election.-** (1) When, as a result of scrutiny under rule 5 or as a result of withdrawal under rule 6, only one validly nominated candidate is left, the Returning Officer shall declare by public notice such candidate to be elected to the office of the President.

(2) The Returning Officer shall submit to the Federal Government a return of election for notification in the official Gazette.

9. **Fixing place and time of polling.-** If there are two or more validly nominated candidates who have not withdrawn, the Returning Officer shall -

(a) inform the Speaker of the National Assembly and of each Provincial Assembly of the place, date, time and hours fixed for the poll; and

(b) the Speaker shall summon Parliament to meet in a joint sitting, and the Speaker of a Provincial Assembly shall summon the Provincial Assembly to meet, at the place and time and on the date fixed for the purpose of taking the poll.

10. **Appointment of Presiding and Polling Officers.-** (1) The Returning Officer shall appoint a Presiding Officer to conduct the poll with the assistance of such officers as he may, with the approval of the Returning Officer appoint.

(2) The Presiding Officer shall conduct the poll in accordance with these rules and be responsible for maintaining order during the poll.

(3) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend the Presiding Officer or any other officer and appoint another person to be the Presiding Officer or, as the case may be, other officer.

11. **Ballot Paper. -** (1) The Returning Officer shall supply sufficient number of ballot papers to the Presiding Officers.

(2) The names of the validly nominated candidates shall be printed on the ballot papers in Urdu in the alphabetical order in accordance with that language.

12. **Ballot Boxes.-** The Returning Officer shall provide the Presiding Officers with such number of ballot boxes approved by him as may be necessary.

13. **List of voters.-**(l) The Returning Officer shall provide the Presiding Officers with a list of voters entitled to vote at the poll.

(2) The list of voters shall be arranged in the alphabetical order showing separately the names of the members of the National Assembly and the Senate or, in the case of a Provincial Assembly, of that Assembly.

14. **Identity cards.-**(l) Every voter shall carry with him his identity card issued by the National Assembly Secretariat or, as the case may be, the Senate Secretariat or the Secretariat of the Provincial Assembly.

(2) Before receiving a ballot paper to cast his vote, a voter shall, if required for the purpose of proving - his identity, produce his identity card *before* the Presiding Officer.

15. **Appointment of an agent.-**(l) A validly nominated candidate may, before the commencement of the poll, appoint not more than one agent for observing the poll and the count, and given notice thereof in writing to the . Presiding Officer. .

(2) The appointment of an agent under sub-rule (1) may at any time be revoked by the validly nominated candidate, and when it is so revoked, or the agent dies, such candidate may appoint another person to be an agent and given notice thereof in terms of sub-rule (1).

16. **Absence of candidate, etc., not to invalidate acts, etc.**- Where any act or thing is required or authorised to be done in the presence of a candidate or an agent, the failure of such person to attend at the time and place appointed for the purpose shall not invalidate any act or thing otherwise validly done.

17. **Adjourned poll.**-(l) If, at any time, the poll is interrupted or obstructed for reasons beyond the control of the Presiding Officer, he shall stop the poll and inform the Returning Officer that he has done so.

(2) Where a poll is stopped under sub-rule {I), the Returning Officer shall

(a) as soon as may be, appoint a day for a fresh poll; and

(b) fix the place at which and the hours during which such fresh poll shall be taken.

(3) All voters shall be allowed to vote at the fresh poll under sub-rule (2) . and no vote cast at the poll stopped under sub-rule (1) shall be counted.

18. **Admission to the place of poll.**- The Presiding Officer shall, subject to such instructions as the Returning Officer may give in this behalf, regulate 'the number of persons other than voters to be admitted to the place of poll and exclude therefrom all other persons except

(a) the polling officers or any other person on duty in connection with the poll;

(b) the contesting candidates and one representative authorised in writing by each such candidate; and

(c) such other persons as may generally or specifically be permitted by the Returning Officer.

19. **Maintenance of order.**-(1) Any person who fails to obey any lawful orders of the Presiding Officer may immediately, by order of the Presiding Officer, be removed from the place of the poll and the person so removed shall not, without the permission of the Presiding Officer, re-enter such place.

(2) The powers under sub-rule (1) shall not be so exercised as to deprive a voter otherwise entitled to vote of an opportunity to vote.

20. **Procedure before commencement of the poll**.-(1) Immediately before the commencement of the poll, the Presiding Officer shall

(a) ensure that the ballot box to be used is empty;

(b) show the empty ballot box to such contesting candidates or their agents as may be present; ,

(c) after the ballot box has been shown to be empty, close and seal it so that its slit is open; and

(d) place the ballot box within his sight for the purpose of poll.

(2) If one ballot box is full or cannot further be used for receiving ballot papers, the Presiding Officer shall seal the ballot box and use another ballot box in the manner laid down in sub-rule (1)

(3) The, Presiding Officer shall make arrangements so that every voter may be able to mark his ballot paper in secret before the same is folded and inserted in the ballot box.

21. **Voting procedure.**-(1) As soon as the' poll commences, the Presiding Officer shall regulate the entry of voters in the alphabetical order of their names as entered in the lists of voters so that, at a time, only one voter enters the place reserved for marking ballot papers.

(2) When a voter presents himself to vote, the Presiding Officer shall, after satisfying himself as to the identity of the' voter, give him a ballot paper.

(3) Before a ballot paper is issued to a voter

(a) a mark shall be placed on the list of voters against the name of the voter to indicate that the ballot paper has been issued to him;

(b) the ballot paper shall, on its back, be stamped with the official mark and initialed by the Presiding Officer;

(c) the voter shall put his signature or thumb impression on the counterfoil of the ballot paper; and

(d) the voter shall, if so requested by any contesting candidate or his agent, show to him the official mark on the back of the ballot paper.

(4) The voter on receiving the ballot paper shall-

(a) forthwith proceed to the place reserved for marking ballot papers;

(b) secretly put on the ballot paper against the name of the contesting candidate of his choice one cross-mark and no other mark, with a copying pencil to be provided by the Presiding Officer and not with any other marking aid ; and

(c) after he has put the mark, fold the ballot paper and insert it in the ballot box without undue delay.

22. **Voting by incapacitated** voters.-(l) Where a voter is blind or is otherwise so incapacitated that he cannot vote without the assistance of a companion, the Presiding Officer shall allow him such assistance and, in case the disability is such that the voter cannot mark the ballot paper himself, the person accompanying the voter may mark the ballot paper as indicated by the latter:

Provided that the person allowed to accompany the voter shall not himself be a candidate or an agent of a candidate.

(2) If the ballot paper is to be marked by the companion, the Presiding Officer shall make it clear to him that he must mark the ballot paper for the candidate of the voter's choice and that he must maintain the secrecy of voting by not divulging to anyone the voter's choice of candidate.

(3) The Presiding Officer or a polling officer shall in no case mark the ballot paper on behalf of a blind or otherwise incapacitated voter.

23. **Spoilt ballot paper.**-(I) A voter who has inadvertently so spoilt his ballot paper that it cannot be used as a valid ballot paper may, upon proving the fact of inadvertence to the satisfaction of the Presiding Officer and returning the ballot paper to him, obtain another ballot paper and cast his vote by such other ballot paper.

(2) The Presiding Officer shall forthwith cancel the ballot paper returned to him under sub-rule (I), make a note to that effect on the counterfoil over his own signature and sign the cancelled ballot paper, and place it in a separate packet labelled Spoilt Ballot papers.

24. **Voting after close of poll.**-No voter shall be given any ballot paper or be permitted to vote after the hours fixed for the close of poll, except the voters who at that hour are present within the building or room where the poll takes place and have not voted but are waiting to vote, including those who were called upon earlier to vote according to their turn by the Presiding Officer but were not present. .

25.. **Procedure on the close of the poll.**-(I) Immediately after the close of the poll, the Presiding Officer shall, in the presence of such of the contesting candidates or their authorised representatives as may be present,

(i) open the used ballot box *of* ballot boxes and count the ballot papers taken out therefrom;

(ii) after counting the total number of ballot papers, proceed to separate the ballot papers, which are invalid under paragraph 16 of the Schedule from the other ballot papers;

(iii) after excluding the invalid ballot papers under clause (ii), separate the ballot papers cast in favour of each contesting candidate and count" such ballot papers in favour of each candidate, separately;

(iv) put the invalid ballot papers in a separate packet and so also the valid ballot papers cast in favour of each contesting candidate;

(v) record on each such packet a certificate of the number of ballot papers put in it and indicate the nature of the contents thereof, specifying except in case of the packet containing invalid ballot. papers, the name of the contesting candidate concerned; and

(vi) put the packets mentioned in clause (iv) in a principal packet and seal it. .

26. **Completion of statements of the count and other packets.**-(1) The Presiding Officer shall prepare in Form V a statement of the result of the count and send it forthwith to the Returning Officer.

(2) The Presiding Officer shall seal into separate packets

(i) the un-issued ballot papers with the counterfoils;

(ii) the spoilt ballot papers;

(iii) the marked copies of the lists of voters;

(iv) the counterfoils of the issued ballot papers; and

(v) such other papers as the Presiding Officer may direct.

(3) The Presiding Officer shall immediately after the count under rule 25 prepare in Form VI a ballot paper account showing

(a) the number of ballot papers entrusted to him;

(b) the number of ballot papers taken out of the ballot box and counted;

(c) the number of issued ballot papers and spoilt ballot papers; and

(d) the number of invalid ballot papers.

(4) The Presiding Officer shall, if so requested by any contesting candidate or his agent, give him a certified copy of the statement of the count or the ballot paper account.

(5) The Presiding Officer shall obtain on each statement and packet prepared under this rule the signatures of such of the contesting candidates or their agents as are present and desire to sign it.

(6) The Presiding Officer shall, immediately after the close of the proceedings under this rule, cause the statement's, packets, ballot paper 'account and all the other connected documents to be sent to the Returning Officer.

27. **Stray ballot paper**.-Any ballot paper which has been issued to a voter and has not been inserted by him into the ballot box and is found outside the ballot box or elsewhere shall be cancelled and accounted for as a spoilt ballot paper.

28. **Count by the Returning Officer.**-(l) Immediately after the receipt of documents relating to the poll sent to him under sub-rule (6) of rule 26, the Returning Officer shall open the packets received by him in the presence of such of the contesting candidates or their representatives as may be present.

(2) The Returning Officer shall count the votes recorded for each candidate, excluding from the count the ballot papers which are invalid under paragraph 16 of the Schedule.

(3) The Returning Officer shall determine the result of the election in the manner laid down in paragraph 18 of the Schedule.

29. **Return of election.**-After the result has been determined under sub-rule (3) of rule 28, the Returning Officer shall declare the candidate who has obtained the largest number of votes to be elected to the office of President and shall submit a return of election in Form VII to the Federal Government.

30. **Drawing of lots.** - Where there is equality of votes amongst two or more candidates, the selection of the candidate to be elected shall be by drawing of lots.

31. **Powers to issue instruction etc.** - Save as otherwise provided, the Commissioner may issue such instructions and exercise such powers as may, in his opinion, be necessary for ensuring that the election is conducted honestly, justly and fairly and in accordance with the provisions of the Constitution and these rules.

32. **Direction by the Commissioner in certain matters**. - Subject to the provisions of the Constitution, anything required to be done under these rules for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Commissioner may direct.

FORM 1

(See rule 3)

NOMINATION FOR ELECTION TO THE OFFICE OF PRESIDENT OF THE ISLAMIC REPUBLIC OF PAKISTAN

(To be filled in by the proposer)

I hereby nominate …….. as a candidate for election to the office of President of the Islamic Republic of Pakistan.

(a) Full name and address of the proposer……

(b) Returned to the National Assembly/Provincial Assembly from …… Constituency.

Returned to the Senate from ……. Province/Federally Administered Tribal Areas/Federal Capital.

(c) Name of candidate's father/husband ……..

(d) Full postal address of the candidate ……

(2) I certify that the candidate is duly qualified to be elected to the office of President of Pakistan and that he is not subject to any disqualification from being elected, or from being a candidate for election, to the said office and that he has consented to this nomination.

Dated…….. Signature of proposer.

(To be filled in by the seconder)

I hereby second the nomination of the above mentioned candidate

a) Full name and address of the seconder……..

b) Returned to the National Assembly/Provincial Assembly ……. From …… Constituency.

Returned to the Senate from …… Province/Federally Administered Tribal Areas/Federal Capital.

Dated…….. Signature of Seconder.

(Statement by the person nominated as required by paragraph 4 of the Second Schedule to the Constitution)

I, …… son/daughter/wife of ……. Registered as a voter at serial No. ……. In the electoral roll for …….. electoral area in ……. Tehsil in ……. District do hereby consent to the above nomination and affirm that I am duly qualified to be elected to the office of President of Pakistan and that I am not subject to any disqualification from being elected, or from being a candidate for election, to the said office.

Signature of the person nominated.

(To be filled in by the Presiding Officer)

Serial number of nomination paper ……

This nomination papers was delivered to me at my office at …….. (hours) on ……. (date) by ……. Being the *candidate/proposer/seconder/agent authorized in writin gin this behalf by the candidate.

Date…… Presiding Officer

(Decision of Returning Officer accepting or rejecting the nomination paper on the day fixed for scrutiny)

I have examined this nomination paper in accordance with the provision of the Second Schedule to the Constitution and decide that the nomination paper be accepted/rejected.

(In case of rejection, state brief reason)

Date……. Returning Officer

RECEIPT

Serial number of nomination paper…….

The nomination paper of …….. a candidate for election to the office of President of Pakistan was delivered to me at my office at …….. (Hours) on …… (date) by …… being the * candidate/proposer/seconder/agent authorized in writing in this behalf by the candidate.

All nomination papers will be taken up for scrutiny at ……. (hours) on ……. (date) at …….. place.

Date…….. Presiding Officer

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*Strike off inappropriate alternatives.

FORM II

[See rule 5(6)]

LIST OF CANDIDATES WHOSE NOMINATIONS ACCEPTED

(Election to the office of President of the Islamic Republic of Pakistan)

S #	Name of Candidate	Name of * Father/Husband	Address
1	2	3	4

Place…… Returning Officer

Date……

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*Strike off inappropriate alternative.

FORM III

[See rule 6(1)]

NOTICE OF WITHDRAWAL

To,

The Returning Officer for
Election to the Office of President of Pakistan

I, …… son/daughter/wife of …… …….. a candidate at the above-mentioned election do hereby give notice that I withdraw my candidature.

Place…… Signature of Candidate

Date……

FORM IV
[See rule 7(1)]

LIST OF VALIDLY NOMINATED CANDIDATES FOR ELECTION TO THE OFFICE OF PRESIDENT OF THE ISLAMIC REPUBLIC OF PAKISTAN REQUIRED TO BE NOTIFIED VIDE PARAGRAPH 8 OF THE SECOND SCHEDULE TO THE CONSTITUTION

S #	Name of Candidates in Urdu duly arranged in alphabetical order in that language	Name of * Father/Husband	Name of Proposers and Seconders	Address
1	2	3	4	5

The poll will taken between the …….. (hours) on …… (date) at …… (place).

Place…… Returning Officer
Date……

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*Strike off inappropriate alternative.

FORM V
[See rule 26(1)]

RESULT OF COUNT BY PRESIDING OFFICER AS REQUIRED TO BE PREPARED UNDER PARAGRAPH 17 OF THE SECOND SCHEDULE TO THE CONSTITUTION

S #	Name of Candidate	No. of valid votes polled	Remarks
1	2	3	4

Total number of valid notes polled ……..
Total number of invalid votes ……..

Place…… Presiding Officer

FORM VI
[See rule 26(3)]

BALLOT PAPER ACCOUNT

Election to the office of President of the Islamic Republic of Pakistan.

1	Ballot papers received from the Returning Officer.	From Sl. No. …….. to ……. Total ……
2	Total number of ballot papers taken out of the ballot box or boxes and counted.	……
3	Total number of ballot papers spoilt and cancelled.	……
4	Total number of ballot papers under items 2 & 3	……
5	Number of un-issued ballot papers.	From Sl. No. ……. To …….. Total……..
6	Total number of items Nos. 4 & 5	……..

Place……. Signature of Presiding Officer

Date …….

Note. – Figures given against item No. 6 should be equal to the figures given against item No. 1

FORM VII

(See rule 29)

RETURN OF ELECTION TO THE OFFICE OF PRESIDENT OF THE ISLAMIC REPUBLIC OF PAKISTAN REQUIRED TO BE SUBMITTED BY THE RETURNING OFFICER TO THE FEDERAL GOVERNMENT

S #	Name of the House / Provincial Assembly	Total votes Polled	Invalid votes	Total valid votes polled	Number of votes cast in favour of								Total votes calculated in accordance with paragraph 18 of the Second Schedule
					Candidate A		Candidate B		Candidate C		Candidate D		
					Valid	Calcu-lated	Valid	Calcu-lated	Valid	Calcu-lated	Valid	Calcu-lated	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	The National Assembly												
2	The Senate												
3	The Provincial Assembly, Punjab												
4	The Provincial Assembly, Sindh												
5	The Provincial Assembly, NWFP												
6	The Provincial Assembly, Balochistan												
	TOTAL												

I declare that Mr./Mrs./Miss …… son/wife/daughter of …….
Of …….. (address) has been duly elected.

Place……..
Date ……

Returning Officer

By Order of the Chief Election Commissioner.

M.M.Kazim
Secretary