

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Representation of the People Act, 1976

WHEREAS it is expedient further to amend the Representation of the People Act, 1976 (LXXXV of 1976) for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. **Short title and commencement.**- (1) This Act may be called the Representation of the People (Amendment) Act, 2014.
(2) It shall come into force at once.
2. **Amendment of section 2, Act LXXXV of 1976.**- In the Representation of the People Act, 1976 (LXXXV of 1976), hereinafter referred to as the said Act, in section 2,-
 - (i) in sub-section (iii), the words and comma "electrometer, any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes," shall be omitted; and
 - (ii) sub-section (xxiv) shall be omitted.
3. **Amendment of section 24, Act LXXXV of 1976.**- In the said Act, in section 24, for the words and comma "in the ballot box, a ballot paper in prescribed form", the words "on the electrometer in the prescribed form", shall be substituted.
4. **Insertion of section 24-A, Act LXXX of 1976.**- After section 24, for the following new section shall be inserted, namely:-

"24A. Electrometer in elections.- Notwithstanding anything contained in this Act or the rules made there under, the giving and recording of votes by electrometers in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Election Commission may, having regard to the circumstances of each case, specify. Explanation- For the purpose of this section, electrometer" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made there under shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election."
5. **Amendment of section 30, Act LXXXV of 1976.**- In the said Act, in section 30,-
 - (i) in sub-section (1), for the words "with such number of ballot boxes as may be necessary" the words "with such number of electrometers as may be necessary", shall be substituted;
 - (ii) for sub-section (2), the following shall be substituted, namely:-

"(2) The electrometers shall be of such design and configuration as may be approved by the Commission."

- (iii) in sub-section (3), for the words "ballot box" the words "electrometer," shall be substituted;
- (iv) sub-section (4) and sub-section (5) shall be omitted; and
- (v) for sub-section (6), the following shall be substituted, namely:-
 "(6) A Presiding Officer shall make such arrangements at the polling station that every elector may secretly indicate his vote on the electrometer before submitting it."

6. **Amendment in section 33, Act LXXXV of 1976.**- In the said Act, in section 33.-

- (i) in sub-section (1), for the words "ballot paper" the word "electrometer", shall be substituted;
- (ii) in sub-section (2), in clauses (c), (d), for the words "ballot paper" the word "electrometer" shall be substituted; and clauses (cc) and (e) shall be deleted;
- (iii) in sub-section (3), for the words "ballot paper" the word "electrometer" shall be substituted and clauses (b), (c) and (d) shall be omitted;
- (iv) for sub-section (4), the following shall be substituted, namely:-

"(4) Each electrometer shall be assigned a unique serial number in accordance with the constituency and polling station where it is being used. If a contesting candidate or his election agent or polling agent alleges that the electrometer is already in use, the Presiding Officer may take such steps as necessary to make sure the said electrometer is not used."

- (v) for sub-section 5, the following shall be substituted, namely:-
 "(5) On receiving the electrometer, the elector shall.-
 (a) forthwith proceed to the place reserved for marking the electrometer"
 (b) indicate on the electrometer at the place indicating the name and symbol of the contesting candidate for whom wishes to vote; and
 (c) after he has so marked the electrometer, submit his vote."

- (vi) for sub-section 6, the following shall be substituted, namely:-

"(6) the elector shall vote without undue delay and shall leave the polling station immediately after he has indicated his vote on the electrometer."

7. **Omission of section 34, Act LXXXV of 1976.**- In the said Act, section 34, shall be omitted.

8. **Omission of section 35, Act LXXXV of 1976.**- In the said Act, section 35, shall be omitted.

9. **Omission of section 36, Act LXXXV of 1976.**- In the said Act, section 36, shall be omitted.

10. **Omission of section 37, Act LXXXV of 1976.**- In the said Act, section 36, shall be omitted.

11. **Amendment of section 38, Act LXXXV of 1976.**- In the said Act, in section 38.-
- (i) in sub-section 4, for clause (a), the following shall be substituted, namely:-
- (a) "see the overall count recorded by the electrometer for each contesting candidates" clauses (b), (c) and (d) shall be omitted.
- (ii) sub-sections 5, 6, 7, 8, 9, 10, 11 and 12, shall all be omitted.
12. **Amendment of section 39, Act of LXXXV 1976.**- In the said act, in section 39.-
- (i) in sub-section (3), for the words "ballot paper" the word "electrometer", shall be substituted;
- (ii) in sub-section 6, for the words "ballot papers" the words "votes on the electrometers," shall be substituted.
13. **Omission of section 46, Act LXXXV of 1976.**- In the said Act, section 46 shall be deleted.

STATEMENT OF OBJECTS AND REASONS

It is proposed to replace the use of ballot papers with electronic voting machines to registrar elector's vote in the election process in Pakistan. The counting and re-counting of ballot papers is not only archaic and tedious but leaves a strong element of human error in reaching the fair and acceptable election results. Electronic voting technology can speed the counting of ballots and can provide improved accessibility for disabled voters. The vote-counting is very fast and it is said that the results can be declared within 2 to 3 hours as compared to 30-40 hours, on an average, under the ballot-paper system. In countries like Pakistan, where literacy is still a factor, illiterate people will find it easier to use electrometers than the ballot paper system, where one has to put the voting stamp on the symbol of the candidate of his/her choice, fold first vertically and then horizontally and put it into the ballot box. With electrometers the voter has to simply press a specified colored button against the candidate and symbol of his choice and the vote is recorded. If an electrometer goes out of order then, the Election Officer, in-charge of the polling booth, can replace the defunct electrometer with a spare one. The votes recorded until the stage when the electrometer went out of order remain safe in the memory of the Control Unit and it is not necessary to start the poll from the beginning.

Electronic voting systems for electorates have been in use since the 1960s when punched card systems debuted. Their first widespread use was in the USA where 7 countries switched to this method for the 1964 presidential election. Charles Stewart the Manassacherts Institute of Technology estimated that 1 million more ballots were counted in the 2004 USA presidential election than in 2000 because electronic voting machines detected votes that paper-based machines would have raised. Elections Voting Machines are also being used in Indian General and State Elections to implement electronic voting in part from 1999 elections and in total since 2004 elections. It will also be easier to transport the EVMs compared to ballot boxes as EVMs are lighter, portable and come with polypropylene carrying cases. It reduces to a great extent the quantity of paper used thus saving a large number of trees making the process eco-friendly.

Sd/-
Dr. Shireen Mazari,
Dr. Arif Alvi,
Members, National Assembly