

# ELECTION COMMISSION OF PAKISTAN

\*\*\*\*\*

## Code of Conduct for Political Parties, Contesting Candidates, Election Agents and Polling Agents during Bye-Elections, 2018

**No.F.2(13)/2018-Cord.**— In pursuance of Article 218(3) of the Constitution of the Islamic Republic of Pakistan read with Section 233 of the Elections Act, 2017 and all other powers enabling it in that behalf, the Election Commission of Pakistan is pleased to hereby issue and publish the Code of Conduct for political parties, contesting candidates and election agents (Part-I) and the Code of Conduct for polling agents (Part-II) for the forthcoming bye-elections, 2018 with the direction that in pursuance of sub-section (3) of the section 233 of the Elections Act 2017, all political parties, candidates, election agents and polling agents shall follow the Codes of Conduct during the conduct of bye-elections:

### **PART-I** **CODE OF CONDUCT FOR POLITICAL PARTIES, CONTESTING CANDIDATES AND ELECTION AGENTS**

#### **(a) GENERAL CONDUCT**

- 1- The political parties, candidates and election agents shall at all times uphold the rights and freedom of the people of Pakistan as guaranteed by the Constitution and law.
- 2- The political parties, candidates and election agents shall not propagate any opinion, or act in any manner prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality or public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan.
- 3- The political parties, candidates and election agents shall abide by all directions, instructions and regulations issued by the Election Commission, from time to time, relating to smooth conduct of elections, the maintenance of public order and morality and refrain from maligning the Election Commission in any form whatsoever, violation whereof would entail contempt as contemplated in Section 10 of the Elections Act 2017 (hereinafter referred to as "the Act").
- 4- The political parties, contesting candidates, election agents and their supporters shall not indulge in offering gifts or gratifications or inducements to any person to contest or not to contest as a candidate, or to withdraw or retire or not to withdraw or not to retire from the election. Violation will be treated as corrupt practice.

- 5- The political parties, contesting candidates, election agents and their supporters shall extend cooperation to law enforcement agencies for ensuring the safety and security of election material, election officials and polling agents on polling day.
- 6- The political parties, contesting candidates, election agents and their supporters or other persons shall not encourage or enter into formal or informal agreement / arrangement / understanding debarring men, women and transgender from becoming a candidate for an election or exercising their right of vote in an election. The Political Parties shall emphasize and encourage women participation in election process.
- 7- Contesting candidates and election agents shall dissuade their workers and sympathizers from destroying any ballot paper or any official mark on the ballot paper. Violation will be treated as corrupt practice.
- 8- Contesting candidates, election agents and their supporters shall not solicit the support or assistance of any person in the service of Pakistan or a province or semi-government institution or any public office to promote or hinder the election of a contesting candidate in any manner. Violation will be treated as an illegal practice.
- 9- Incitement to violence or resort to violence during pre-poll campaign or during polling hours shall be strictly avoided by contesting candidates and their supporters. They shall publicly condemn violence and intimidation and not use language that might lead to violence or resort to violence. No person shall in any manner cause injury to any person or damage to any property.
- 10- As provided in section 133, all candidates shall open an exclusive account with any branch of a scheduled bank wherein any donation or subscription shall also be deposited and the candidates shall ensure that:
  - a. All election expenditures are made out of the amount deposited in the aforesaid account; and
  - b. All transactions relating to the election expenses are entered into with GST registered firms / persons, wherever possible.
- 11- The election expenses of a candidate shall include the expenses incurred by any person or a political party on behalf of the candidate or incurred by a political party specifically for the candidate. If any person or party incurs any election expenses on behalf of any candidate for stationery, postage, telegrams, advertisement, transport or for any other item whatsoever, such expenses shall be deemed to be the election expenses incurred by the candidate himself.
- 12- After the publication of final list of contesting candidates, each contesting candidate shall submit to the Returning Officer concerned fortnightly statement of election expenses incurred on his election campaign during the said period.
- 13- The returned candidate shall submit his return of election expenses to the Returning Officer on Form C within ten days of the polling in accordance with sub-section (3) of section 98 of the Act whereas other contesting candidates shall submit their election expenses on Form C to the Returning Officer within thirty days of the publication of the names of the returned candidates as required under section 134 of the Act.

**(b) CAMPAIGN**

- 14- The Political parties, candidates and election agents shall firmly restrain their workers from exerting undue pressure against the print and electronic media,

including newspapers' offices and printing presses, or resorting to violence of any kind against the media.

- 15-** There will be a complete ban on carriage and display of all kinds of weapons and fire arms in public meetings and processions as well as on the polling day and until twenty four hours after the consolidation of official results by the Returning Officers and official regulations in respect thereof shall be strictly observed. Violation will be treated as an illegal practice:

Provided that this condition shall not apply to persons deputed to provide security to the leaders of political parties or candidates however such persons shall have valid license for the carriage of weapons together with proper permission from the concerned authority.

- 16-** All types of firing including aerial firing, use of crackers and other explosives at public meetings and at or near the polling stations by any person shall not be allowed. Violation will be treated as an illegal practice.
- 17-** The President, Prime Minister, Chairman / Deputy Chairman Senate, Speaker / Deputy Speaker of an Assembly, Members of the Senate or an Assembly, Federal Ministers, Ministers of State, Governors, Chief Ministers, Provincial Ministers and Advisors to the Prime Minister and the Chief Ministers, Mayors/ Chairman/ Nazim, their deputies and other public office holders shall not participate in election campaign in any manner whatsoever.
- 18-** There shall be a complete ban on convening, holding or attending any public meeting, or promoting or joining in any procession, within the area of a constituency during a period of forty-eight hours ending at midnight following the conclusion of the poll and as such the election campaign in all respect shall come to an end before the said hours Violation will be treated as an illegal practice.
- 19-** The political parties shall endeavour to take necessary steps to instill discipline within the party, its candidates, employees and supporters and guide them to follow this Code, comply with laws and regulations, commit no election irregularities and adhere to election regulations.

**(c) PUBLICITY**

- 20-** No political party shall run a publicity campaign in print and electronic media at the cost of public exchequer and in this regard, no public money shall be used for issuing of advertisements in the newspapers and other media. Similarly, misuse of official mass media during the election campaign for partisan coverage by the Federal, Provincial and Local governments shall be prohibited.
- 21-** The political parties, candidates and election agents may exercise door-to-door canvassing and, besides party manifesto, voter's perchee containing complete detail of voters as per electoral rolls can also be distributed during such door-to-door canvassing provided that the distribution of voter's perchee shall be prohibited on polling day and such perchee shall not bear the name and election symbol of the candidate and its appearance shall in no case reflect any political party.
- 22-** No person or a political party shall affix or distribute posters, handbills, pamphlets, leaflets, banners or portraits, larger than the sizes prescribed by the Election Commission as under:

- |                                    |                       |
|------------------------------------|-----------------------|
| a. Posters                         | 18 Inches x 23 inches |
| b. Handbills/ pamphlets / leaflets | 9-inches x 6 inches   |
| c. Banners                         | 3-feet x 9-feet       |
| d. Portraits                       | 2-feet x 3-feet       |

The candidates / political parties shall ensure that the name and address of the concerned printer / publisher are printed on the face of the posters, handbills, pamphlets, leaflets, banners and portraits. Violation will be treated as an illegal practice.

- 23- In order to preserve the sanctity of Quranic verses, the Sayings of the Holy Prophet (Peace Be Upon Him) or holy scriptures pertaining to other religions, the political parties, candidates and election agents are expected to avoid the printing thereof on aforesaid publicity material and they shall also instill discipline among their members to preserve the aforesaid sanctity in true letter and spirit.
- 24- In no case, the political parties, contesting candidates, election agents or their supporters shall affix posters on walls or any building.
- 25- There shall be complete ban on hoardings, billboards, wall chalking, and panaflexes of any size. Violation will be treated as an illegal practice.
- 26- In no case the picture of government official shall be printed on any publicity material by any political party / candidate/ election agent.
- 27- Posters, portraits and banners affixed by one party shall neither be removed nor distribution of handbills and leaflets be prevented by workers of another party. Violation will be treated as an illegal practice.
- 28- No person or political party or a contesting candidate and their supporters shall hoist or fix party flags at any public building or any other public property in any case.
- 29- No political party or candidate shall permit its / his followers to make use of any private land, building, compound wall etc. without permission of owner for erecting flag-staffs, pasting notices etc.
- 30- The executive authorities in the federation and in the provinces and elected representatives of a local government shall neither use state resources in any constituency where election is being held for unfair advantage of a particular candidate or political party nor exercise undue influence affecting the interest of a candidate or party for participating in any election.

**(d) MEETINGS, PROCESSIONS ETC.**

- 31- The Political Parties and candidates shall hold public rallies and processions only at the place or places and through the routes specified for the purpose. Such places and routes shall be pre-determined in every city and town by district / local administration in consultation with respective candidates or their authorized representatives and be notified for public information.
- 32- A political party or candidate or election agents while organizing a procession shall decide in timely manner its starting point and termination point along with its route and timelines and communicate the same to the district administration or local authority and shall in no case deviate from the programme.
- 33- The organizers in consultation with the District administration shall take steps in advance to arrange for passage of the procession so that there is no blockage of or

hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held-up traffic could be allowed by stages thus avoiding heavy traffic congestion and inconvenience of the general public.

- 34- If two or more political parties or candidates intend to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or hinder the traffic. Appropriate arrangements in this regard shall be made with the assistance of the local police.
- 35- The use of effigies purporting to represent leaders or members of other political parties, burning such effigies, posters and flags of other parties in public shall be avoided at all cost.
- 36- Public meetings or public jalsas shall be regulated in such manner that right of the road is not hampered with. The direction and advice of police on duty in this regard shall be complied with in letter and spirit.
- 37- The political parties or candidates or election agents shall, to the extent possible, ensure that the participants of the processions do not carry such articles which may be misused by undesirable elements especially in moments of charged crowd.
- 38- The political parties or candidates shall ensure that the persons disturbing a meeting or otherwise attempting to create disorder in the meeting or procession are not allowed to meet their ulterior motives. However, the organizers themselves shall not take action against such persons rather they will seek the assistance of the police on duty in this regard.
- 39- Car rallies shall be prohibited; however prearranged corner meetings will be allowed at specific designated places. These meetings shall be notified to the ordinary public through local administration. The local administration shall ensure that all candidates are accommodated indiscriminately.
- 40- The political parties and candidates shall convey their schedule of public rallies / processions / public jalsas at least three days in advance. District / Local Administration shall be responsible for making appropriate security arrangements and regulating such public rallies / processions / public jalsas in such a manner that equal opportunities are provided to those interested in holding public rallies / processions / public jalsas.
- 41- Candidates and election agents shall hold corner meetings wherein use of loudspeaker /sound system will be permissible.
- 42- Political parties, candidates, their supporters, government / local government functionaries or elected representative, shall not announce or inaugurate, openly or in secret, their overall development schemes or development work or do anything which tends to influence the results of an election in favor of or against a particular candidate or political party after the announcement of the election programme till the day of polling and shall not give any subscription or donation, or make promise for giving such subscription or donation, to any institution of their respective constituency or to any other institution as well:

Provided that individual cases already in process or sanctioned before the announcement of election programme shall be continued.

- 43- Contesting candidates, election agents and their supporters shall refrain from speeches intended to arouse parochial and sectarian feelings and controversy of conflicts between genders, sects, communities and linguistic groups.
- 44- Political parties, contesting candidates, election agents and their supporters shall not propagate against the participation of any person in the elections on the basis of gender, ethnicity, religion or caste.
- 45- Criticism of other political parties and opponent candidates shall be confined to their policies and programmes, past record and work. Parties and candidates shall refrain from criticism of any aspect of private life, not connected with the public activities of the leaders or workers of other parties. Criticism based on unverified allegations and distortion of facts shall be avoided.
- 46- The political parties, contesting candidates, election agents and their supporters shall refrain from deliberate dissemination of false and malicious information and shall not indulge in forgeries and disinformation to defame other political parties / leaders. The use of abusive language against the leaders and candidates shall be avoided at all costs.
- 47- The right of every individual for peaceful and undisturbed private life shall be respected, irrespective of any resentment that a political party or a candidate may have against such individual for his political opinion or activities. Organizing demonstrations or picketing before the house of such individual with a view to protest against his political opinion or activities shall be prohibited under all circumstances.

**(e) POLLING DAY**

- 48- The Political parties, candidates and election agents shall:
  - a. co-operate with the election officials on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstructions;
  - b. provide badges or identity cards to their authorized polling agents containing his name, candidate's name, his NIC No, number and name of constituency and number and name of polling station which shall in no case reflect the party of the candidate; and
  - c. ensure that such authorized agents carry their original National Identity Cards.
- 49- The Political Parties, contesting candidates and election agents should carry out a comprehensive plan for voters' education regarding marking the ballot paper, casting of vote and while doing so voters shall be informed that the secrecy of ballot shall be maintained.
- 50- On Polling Day, there shall be a complete ban on all kinds of campaign, canvassing, persuading of voters for vote, soliciting of vote and not to vote in the election or canvassing for a particular candidate within the radius of 400 meters of a polling station. Violation will be treated as an illegal practice.
- 51- There shall be a complete ban on exhibition of notices, signs, banners or flags designed to encourage the voters to vote or discourage the voters from voting for a particular contesting candidate on the Polling Day in or outside the polling station.

- 52- No candidate, election agent or any of their supporters or a polling agent shall interfere or create hindrance in any manner in official functioning of a presiding officer, assistant presiding officer, polling officer or security personnel appointed to perform duty at a polling station.
- 53- No candidate, election agent or any of their supporters or a polling agent shall resort to violence in any form or manner against a presiding officer, assistant presiding officer, polling officer or security personnel or any other person officially deputed to work at a polling station.
- 54- Contesting candidate, election agent and any of their supporter shall not use any vehicle to transport to or from the polling station any voter except himself and members of his immediate family. This restriction shall also apply to a political party.
- 55- The political parties, candidates, election agents or their supporters may establish camps beyond the radius of 400 meters in rural areas and 100 meters in densely populated urban areas from the polling stations on the polling day, however, these camps must not contain or display anything that may be construed as "campaign" in favour of a political party or candidate and in this regard, the distribution of promotional material such as badges, caps, stickers, reading material etc. shall be prohibited. The Election Commission will provide the SMS 8300 facility to the voters through which, voters can get the information regarding serial number at the electoral roll, name and location of the polling station.
- 56- Except the voters, candidates or duly authorized election agents, no one without a valid pass from the Election Commission or Provincial Election Commissioner, District Returning Officer or Returning officer concerned shall enter the polling station. Foreign / domestic observers and representatives of accredited bodies will also be provided access to witness the election process on production of the accreditation cards / passes issued to them by the Election Commission or by an officer authorized by the Commission.
- 57- There shall be complete ban on engaging election agents from outside the constituency. The election agent must be a registered voter of that constituency.

**(f) MISCELLANEOUS**

- 58- The District Returning Officer and Returning Officer shall be responsible to ensure implementation of the Code of Conduct through District / Local administration, district police or other law enforcing agencies, in the area of their jurisdictions, and violation thereof by any candidate or political party shall tantamount to malpractices as per law and rules and shall entail legal action as per law and rules including disqualification of the candidate.
- 59- Monitoring Teams of the Election Commission shall monitor the entire election campaign of candidates / political parties and violation of any provision of the Act, the Election Rules, 2017 and the Code of Conduct shall be reported by the Team to the officer nominated by the Election Commission for the purpose who shall decide the matter in accordance with the provisions of Section 234 of the Act.
- 60- Article 218(3) of the Constitution empowers the ECP to guard against the corrupt practices i.e. bribery, personation, undue influence, capturing of polling station or polling booth, tempering with papers and making or publishing a false statement or declaration, exceeding the limit of election expenses etc. The violation of code of

conduct shall entail punitive action i.e. declaring an election void for corrupt/illegal practices.

- 61- The general public is also expected to assist the Election Commission for effective implementation of Code of Conduct and violation of any aforesaid provisions, if any, may be brought to the notice of Election Commission of Pakistan for providing peaceful and level playing field to all the political parties and contesting candidates.

## **PART-II**

### **CODE OF CONDUCT FOR POLLING AGENTS**

- 1- Polling agent should acquaint himself with the election process and relevant Rules and code of conduct so that he does not face any difficulty in the performance of his functions at the polling station in an efficient manner.
- 2- In order to enter the polling station, it is necessary that the polling agent should have authority letter from the candidate or the election agent together with his badge (identity card) and original national identity card. Without having these documents, he will not be permitted to enter the polling station.
- 3- Polling agent shall display the badge (identity card) containing his name, candidate's name, his NIC No, number and name of constituency and number and name of polling station on his chest all the time during the polling day however, the badge or identity card shall in no case reflect the party of the candidate.
- 4- Polling agent shall not solicit the vote from any voter for his candidate in the polling station or within the radius of 400 meters of the polling station.
- 5- After the presiding officer has shown the empty ballot box(es) before the start of poll, the polling agent should record his particulars in Form-42 (Statement regarding inspection of ballot boxes before start of poll), sign against his particulars and put his thumb impression there-against.
- 6- After the ballot box has been sealed by the presiding officer, the polling agent can, if he so desires, put his own seal to the ballot box. Similarly, after a ballot box is sealed by the presiding officer after the same being full cannot be further used to receive ballot papers, the polling agent, if he so desires, can put his own seal to that ballot box as well.
- 7- Polling agent can raise objection on any voter on the ground that the voter has already voted in the election at the same or another polling station, or is not the person whose name is entered in the electoral roll. Polling agent should, after satisfying himself about the challenge, bring the matter into the knowledge of presiding officer or the assistant presiding officer and in front of the presiding officer or as the case may be the assistant presiding officer he should undertake to prove the charge in a court. For each such challenge, he shall deposit a fee of Rs.100 with the presiding officer against proper receipt.
- 8- Polling agent should raise objection only on such person about whom he has reasonable cause to believe that he is not the genuine voter. He should not raise objection on every voter without any reason as this action could cause hindrance in the polling process hence cannot be allowed.



- 9- If polling agent observes any irregularity at the polling station then he may raise objection thereon however, it is necessary for the polling agent to raise such objection in an amicable and civilized manner.
- 10- Polling agent must know that such voters who are blind or otherwise require assistance to vote are permitted by law to select any individual to accompany them into the screened-off compartment to help them mark their ballot paper, however, the law further provides that the candidate or his election or polling agent cannot accompany such voters. Hence, objection on such assistance should be avoided.
- 11- No polling agent shall interfere or create hindrance in any manner in official functioning of the presiding officer, assistant presiding officer, polling officer or security personnel appointed to perform duty at a polling station.
- 12- No polling agent shall resort to violence in any form or manner against the presiding officer, assistant presiding officer, polling officer or security personnel or any other person officially deputed to work at a polling station.
- 13- Polling agents should extend respect for the female voters and he should not do such act which may make it difficult for female voters to cast their vote.
- 14- When polling officer calls out the number and name of the voter as entered in the electoral roll, the polling agent should attentively listen the same so as he is able to strike out the name of that voter from his copy of electoral rolls.
- 15- Polling agent should not create such a situation which may cause hindrance in smooth conduct of poll or which may give rise to a law and order situation at the polling station.
- 16- Polling agent must maintain secrecy of voting and he should not aid in violating the secrecy of voting at any cost.
- 17- Polling agent should be aware of the fact that under the law, the Presiding Officer, if he considers it necessary, may recount the votes of his own motion or upon the request of a contesting candidate, an election agent or a polling agent, however, the recount shall be made by the Presiding Officer only once. Hence, polling agent should not insist on further recount if one recount has been done by the presiding officer.
- 18- When requested by the presiding officer, the polling agent should put his signature on Form-45 (Result of the Count) and Form-46 (Ballot Paper Account) prepared by the presiding officer.
- 19- Polling agent should necessarily receive copy of Form-45 (Result of the Count) and Form-46 (Ballot Paper Account) from the presiding officer and give him a receipt for having received the copies as aforesaid.
- 20- Polling agent should also put his signature on Form-43 (Tendered Votes List) and Form-44 (Challenged Votes List) when requested by the presiding officer.
- 21- Likewise, the polling agent should put his signature on the packets prepared and sealed by the presiding officers as well.
- 22- Polling agent, if he so desires, can put his seal on the packets prepared and sealed by the presiding officer.
- 23- Polling agent shall neither unnecessarily accuse the presiding officer of making biased decisions nor shall level unfounded allegations upon him.

- 24- Polling agent should be fully aware of the fact that the presiding officer is under legal obligation to carry out polling activities in the polling stations in accordance with law, hence, polling agent should avoid undue interference in the affairs of the presiding officer.

By Order of Election Commission of Pakistan

Islamabad, the 20<sup>th</sup> August, 2018