

Introduction

Election management bodies are generally divided into three categories: those that are completely independent from the government, those that are completely under government control, and those that are semi-autonomous. The Election Commission of Pakistan (ECP) falls in the first category. While it is independent from the Government in its decision-making in control of its finances, Election Commission members are selected by a parliamentary committee and appointed by the President. Also, changes in election rules are sent to the President for approval.

Terminology

In Pakistan, the Election Commission is the constitutional entity, made up of one Chief Election Commissioner (CEC) and four Election Commission Members¹, that has the authority and responsibility of conducting elections. The ECP is the organization responsible to assist the Election Commission in implementing its policies and decisions. The ECP has offices throughout the country at the federal, provincial, divisional and district levels. While the Election Commission is headed by the CEC, the executive side of the ECP is headed by the Secretary of the ECP.

Mandate of the Election Commission

The Constitution of Pakistan charges the Election Commission with organizing and conducting elections in an honest, just and fair manner, in accordance with the law. The Commission is required to take steps to guard against corrupt practices in the electoral process.² The Election Commission's specific responsibilities include the following:

- Preparing electoral rolls for National Assembly, Provincial Assembly and local government elections and revising them annually;
- Delimitation of constituencies;
- Organizing and holding general elections to the National Assembly, Provincial Assemblies and the local government bodies.³
- Organizing and conducting elections to the Senate and by-elections to fill vacancies in the National and Provincial Assemblies and the Senate;
- Appointing Election Tribunals; and
- Holding election to the office of the President.

Terms and qualifications for the Election Commission

The CEC and the Members of the Election Commission are appointed for five-year terms and cannot be removed, except through the Supreme Judicial Council; the same procedure used to remove Judges of the Superior Courts.⁴

A person may be appointed as Chief Election Commissioner if he or she is (or has been) a Judge of the Supreme Court or a Judge of a High Court and is qualified to be appointed as a Supreme Court

¹ The Election Commission Order, 2002.

² Constitution of Pakistan, Article 218.

³ Ibid. Article 219.

⁴ The Constitution of the Islamic Republic of Pakistan, Articles 209 & 215.

Judge. To be a Member of the Election Commission, a person must be a former Judge of a High Court. There are four High Courts in Pakistan – one in each of the four provinces.

Appointment process

Previously, the CEC and the Members were appointed at the sole discretion of the President. After the 18th Amendment to the Constitution, the Members and the CEC are now selected through a consultative process between the government and opposition and approved by the President.

The Parliamentary Committee is constituted by the Speaker of the Assembly, and consists of 12 Members of Parliament, half of whom are nominated by the government and half by the opposition. Nominees are recommended by the parliamentary leaders of the political parties. At least four of the members of the committee must be from the Senate; if the National Assembly has been dissolved; all members of the committee will come from the Senate.

When there is a vacancy, the Prime Minister, in consultation with the Leader of the Opposition in the National Assembly, forwards three names to a Parliamentary Committee for hearings and confirmation. If the Prime Minister and the Leader of the Opposition do not agree on the list of three proposed names, each of them will send a separate list of names to the Parliamentary Committee for consideration.⁵

The Parliamentary Committee makes its selection by a simple majority vote and forwards the name of the agreed upon candidate to the President for appointment.

If at any time the office of the CEC is vacant or he is absent or unable to perform his functions for any reason, the Chief Justice of Pakistan nominates one of the Judges of the Supreme Court to act as an acting CEC until the appointment process is complete or the regular CEC returns.⁶

The present Election Commission

The current members of the election commission are:

Chief Election Commissioner	Mr. Justice Sardar Muhammad Raza
Member, Punjab	Mr. Justice (Retd) Riaz Kiyani
Member, Sindh	Mr. Justice (Retd) Muhammad Roshan Essani
Member, Khyber Pakhtunkhwa	Mr. Justice (Retd) Shahazad Akbar Khan
Member, Balochistan	Mr. Justice (Retd) Fazal-ur-Rehman

⁵ Ibid Article 213.

⁶ Ibid Article 217

ECP organizational structure

The Election Commission is the five-person team within the ECP that has the legal and constitutional powers to conduct elections. They also have the authority to appoint persons to positions in the ECP and to run the organization.

The Election Commission offices are at the ECP Secretariat.

Election Commission

The ECP Secretariat is located in Islamabad and headed by the Secretary of the ECP, assisted by the Additional Secretary.

The Secretariat consists of several wings: Elections, Administration, Budget and Finance, Local Government Elections, Training and Research, Information Technology and Public Relations. Each Wing is headed by a Director General, and staffed by a number of officers.

The ECP's training facility, the Federal Election Academy (FEA) is located in the Secretariat.

ECP Secretariat

4 offices in Karachi, Lahore, Peshawar and Quetta
Headed by Provincial Election Commissioners (PEC)
Assisted by Joint Provincial Election Commissioners

Provincial Election Commission Offices

24 divisional offices
Managed by Regional Election Commissioners (REC)

Divisional Election Commission Offices

118 district offices
Managed by District Election
Commissioners (DEC)
Assisted by Election Officers

District Election Commission Offices

7 agency offices
Managed by Agency Election
Commissioners

Agency Election Commission Offices (FATA)

Financial and administrative autonomy

Financial and administrative autonomy is an important strategic issue for election management bodies and largely determines their degree of independence from the Government. As a constitutionally independent body, the ECP receives its required operational funding from the annual federal budget through the Ministry of Finance. Apart from its regular expenses, the ECP also has a

supplementary budget for electoral activities and special projects, including conduct of elections, preparation/revision of electoral rolls, IT infrastructure etc. The ECP can re-appropriate its allotted funds as it sees fit. The current financial autonomy that the ECP enjoys is based on an Office Memorandum of the Finance Division, but no concrete legislation is in place.

The Election Commission has the power to upgrade or re-designate any post and promote its staff. However, it does not have the power to create new or abolish existing posts as its needs change. New posts are created by the Finance Division and sometimes require the approval of the Prime Minister. The ECP establish a committee under the chairmanship of the CEC comprised of representatives of the Finance, Establishment and other divisions to recommend the creation of new ECP posts. Their recommendations are then approved by the government.

Five-Year Strategic Plan

In 2010, the ECP released its first Five-Year Strategic Plan 2010-2014. The plan was developed by the ECP based on consultations with voters, political parties, civil society and international stakeholders working under the umbrella of the Election Support Group.

The ECP's strategic plan consists of 15 goals that cover various aspects of electoral operations and procedures, legal reform, stakeholder outreach, and internal organizational reform and capacity building. According to IFES' assessment, by December 2012, three years into the five year implementation period, the ECP had achieved approximately 80% of their strategic plan.

Gender diversity

There is a striking gender imbalance within the ECP; however, it has committed itself to addressing the imbalance as part of its Strategic Plan. Objective seven of Strategic Goal #7 aims to increase the representation of eligible women within the ECP to at least 10%. In the months leading up to the 11 May 2013 general elections, the ECP has recruited 31 new female employees at various levels, bringing the total number of female staff to 42. Despite this progress, women still account for only 1.8 percent of the ECP's 2,228 employees, and there are no women in senior management positions.

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