



India International Institute of Democracy and Election Management

Election Commission of India

TOPIC -NOMINATION PROCESS



Nomination Process

Filing of nomination starts on the date of notification by the President/Governor under Section 14/15 of the R.P. Act, 51.

- RO must issue public notice of election (under Sec. 31) in [Form -1](#) (appended to CE Rules, 61)
- Public notice has to be **under the signature of the RO only**. No other authority can issue this public notice.



Case

A Case where the election notification was rescinded on account of improper public Notice.

- In a bye-election to the Lok Sabha in Uttar Pradesh, the Public Notice was issued by the DM whereas the ADM was the RO.
- When this error was noticed, **ECI cancelled the election notification and issued a fresh notification subsequently.**



Public Notice

Particulars to be specified [in Form 1]

- Specify the election.
- Mention the place at which nominations are to be filed (normally at the headquarters of RO) .
- Specify the ARO who will receive nomination paper in addition to RO. In normal circumstances, only one ARO should be so specified.
- Mention the last date of filing nomination, date, time and place of scrutiny, withdrawal and date & hours of poll.



Public Notice-Publishing

- Public notice to be published in the morning of the date of notification well before **11:00 AM** (time for commencement of nomination filing).
- Notice shall be in English and the official language of the State.
- Notice to be displayed on the notice board of RO, AROs and in other prominent public offices. (O/o Panchayat Samiti, Gram Panchayat, etc.)



FORM 1

NOTICE OF ELECTION

Notice is hereby given that :-

(1) an election is to be held of a member to the House of the People
/.....

Legislative Assembly/.....Legislative Council in the
..... constituency;

OR



FORM 1

(1) an election is to be held of a member(s) to the Council of State / legislative Council/ by the elected members of the Legislative Assembly.

(2) nomination papers may be delivered by a candidate or any of his proposer to the Returning Officer or to Assistant Returning Officer, at between 11 A.M. and 3 P.M. on any day (other than public holiday) not later than the



FORM 1 Contd..

(3) forms of nomination paper may be obtained at the place and times aforesaid;

(4) nomination paper will be taken up for scrutiny at
 on
 at

(5) notice of withdrawal of candidature may be delivered either by a candidate or his proposer or his election agent 2[who has been authorised in writing by the candidate to deliver it] to either of the officers specified in paragraph (2) above at his office before 3 P.M. on the



FORM 1 Contd..

(6) in the event of the election being contested, the poll will be taken on between the hours of and...
.....

Place

Date

.....Returning Officer.]



Restriction on Number of vehicles and people at the time of Filing of Nominations



- ✓ Maximum **three vehicles** in the convoy of a candidate or accompanying him to be allowed to come within a periphery of 100 meters of ROs/AROs Office
- ✓ Maximum **five persons** (including the candidate) can be allowed to enter the Office of ROs/AROs at the time of filing nomination.
- ✓ Any violation of this instruction at the time of filing nomination papers will be seriously viewed by the Commission and actions will be taken against DEO/RO or such other person including candidate and or his party responsible for violation.





Instructions on Videography

- Process of filing nomination to be videographed.
- Continuous/unedited videography in the last hour of filing nomination (2 PM onwards on the last day)
- Keep all papers securely. Avoid misplacing.
- RO/Specified ARO to be available at the place of filing throughout the nomination filing period.





Security Deposit



- Rs.25,000 for Lok Sabha election.
- Rs. 10,000 for Assembly election.
- Half the amount for SC/ST candidates (even in general constituencies).
- To be made either in cash before the RO/ARO or in RBI/ Treasury-***no deposit acceptable by cheque or Bank draft.***
- Deposit to be made when filing the first set of nomination or prior to it.



Requirements for valid nomination [Sec. 33(1)]

- Form of nomination paper – Form 2A for Lok Sabha and Form 2B for Legislative Assembly.
- To be presented before RO/ specified ARO only.
- Can only be filed at the place mentioned in the public notice.
- Can be filed only between **11 AM and 3 PM** during the period for filing as per schedule notified by ECI u/s 30 of RP Act, 51.



Requirements for valid nomination contd.



- Nomination can be filed only by candidate or any of the proposers.
- Cannot be sent by post or filed through any other person.
- To be filed only at the prescribed place(s).
- Nomination to be signed by the candidate and the prescribed number of proposers.
- Cannot be filed on a public holiday.



Prescribed number of proposers

Recognized Party*	For all other candidates*
One proposer**	10 proposers**

Note :

- ✓ ***Recognized Party**-Recognized National Parties or one of the recognized State Parties of the State concerned.
- ✓ ****Proposers should be electors of the constituency concerned.**
- ✓ **# Authorized person**- Administrative Officer not below the rank of SDO authorized by ECI.

Illiterate proposers:

- ✓ Proposers' thumb Impression to be affixed in front of and attested by the RO, ARO or an officer authorized# by ECI.



Proposers-clarifications

- Under rule 2 (2) of C.E. Rules, 1961, in case of proposers who are illiterate persons, their thumb Impression has to be attested by the RO or an officer authorized by ECI.
- Therefore Thumb Impression has to be affixed in the presence of the RO or the authorized officer (an Administrative Officer not below the rank of SDO has been authorized for the purpose by ECI) .
- Form of nomination paper – [Form 2A](#) for Lok Sabha and [Form 2B](#) for Legislative Assembly maybe seen for reference.



For Reserved Constituencies



- For reserved constituencies, candidates have to give a declaration specifying the caste/tribe to which he/she belongs.
- Such caste/tribe should be included in the list of SC/ST .
- It is desirable to obtain certificate to prove SC/ST status.



Other Documents to be filed with Nomination Papers

1. For a person dismissed from an office under govt. of India/any State Govt., to contest election within 5 years of dismissal:

Submit along with nomination paper, a certificate from ECI stating that the dismissal was not on account of corruption or disloyalty to State. [S. 33(3)]

2. Candidate who is an elector of a different constituency:

Certified extract of entries in the relevant roll to be submitted –[S.33(5)]

If not filed with nomination, this can be filed by the time of scrutiny. RO to give a notice - in the check-list in the format as per *ECI letter No.*

576/3/ECI/LET/FUNC/JUD/SDR/2013 dated 12th January 2017.



Affidavits by candidate

3. Affidavit:

Candidate is required to file affidavit in Form-26 (revised vide ECI letter No. 3/4/2017/SDR/Vol.II dated 10th October 2018.)

The affidavit to be filed along with nomination paper or up to 3:00 pm on the last date of filing nomination.

All the columns in the affidavit must be filled in. No column should be left blank

If candidate does not have information to be filled in a column, he/she should fill – Not Applicable / Nil/Not Known

Non- furnishing of affidavit is defect of substantial character.



Clarifications on Affidavits by candidate

- ✓ Affidavit to be sworn before notary public/oath commissioner/magistrate of the first class. Affidavit to be typed or written legibly and no columns to be left blank.
- ✓ If the affidavit has not been filed with nomination, in that case notice to be given (as per check list).



Affidavit in Form-26 (revised)

- ✓ As per the directions given in the judgments of the Hon'ble Supreme Court in writ petition (c) No. 784 of 2018 (Lok Prahari Vs. Union of India & Others) and writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.) Ministry of Law & Justice has amended Form-26, which has been sent by ECI letter no. 3/4/2017/SDR/Vol.II dated 10th October, 2018. Further explanations and FAQ on it can be seen from ECI [Letter No. 3/4/2017/SDR/Vol.II dated 5th November, 2018.](#)



Affidavit in Form-26 (revised)

As per the revised Form-26

- A. Candidates who have criminal cases against them –either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, in Format C-1 in Newspapers (in Font size of at least 12) with wide circulation in the constituencies area on at least three different dates from day following the last date for withdrawal of candidatures and up to two days before the date of Poll.

This declarations is also to be published on TV channels on three different dates during the above mention period. However should be completed before the period of 48 hrs. ending with the hour fixed for conclusion of Poll.



Affidavit in Form-26 (revised)

- B. In the case of all candidates, who have criminal cases as per the declarations in item 5 & 6 of Form-26, the RO shall give a written reminder in **Format C-3** for publishing declaration about the criminal cases in Newspapers and TV Channels.
- C. Candidates shall submit the copies of Newspapers and proof of publishing in TV Channels to the DEO in **Format C-4** along with the account of their expenses.



Affidavit in Form-26 (revised)

- D. The Political parties (Recognized and Registered Unrecognized both) which set up candidates with criminal cases, either pending cases or cases of past conviction, have to publish declaration in Format C-2 on their website, TV Channels and Newspapers on at least three different dates during the period mentioned above.

- E. The Political parties shall submit a report to the CEO of the state concerned in **Format C-5** within 30 days of completion of Election.

- F. In Form-26 item (6A) has been newly inserted, in which the candidates are required to declare before the RO that they have informed their Political party about the criminal cases against them.



- Only those candidates, who have either pending criminal cases or who have been convicted in the past are required to published the declaration.
-
- It is reiterated that RO is not supposed to enquire into correctness of declaration published by candidates/political parties
- ECI has made it clear that any failure in publicizing in the manner prescribed, by the candidates or political parties may be a ground for post-election action like election petition or contempt of Hon'ble Supreme Court.
- The Provisions for the additional affidavit in respect of dues against govt. accommodation, if any have now been incorporated in Form-26 itself under item (8). Accordingly the candidates are now not required to file additional affidavit as the provisions are now in Form-26 itself.



Action on Affidavits

- ✓ Copy to be displayed on notice board of RO and also notice board of ARO if his office is in a different place. If office of both RO and AROs are outside the boundary of constituency, one set of copies of affidavits to be displayed in a prominent public place within constituency limits.
- ✓ Copies to be supplied free of cost to whoever requests for it. Copy to be uploaded on website of CEO within 24 hours of filing.
- ✓ If anyone files affidavit pointing out false statements in any affidavit, that also to be displayed on notice board.
- ✓ RO is not required to conduct enquiry into correctness of statements in the affidavits.



Photographs of Candidates

- ✓ As per revised Form (sent vide letter dated 7th July, 2017), each candidate has to affix a photograph on the nomination paper
- ✓ Photographs of candidates is to be printed on ballot paper
- ✓ Candidates required to submit stamp size photograph.(2 cm x 2.5 cm).



Preliminary Examination

- ✓ Preliminary examination from technical standpoint at the time of receiving nomination paper. [S. 33(4)]
- ✓ Entries relating to electoral roll details to be compared.
- ✓ Clerical errors in names, Sl. No. etc. can be allowed to be corrected or even ignored.
- ✓ Defects, if any, to be pointed out to candidate.



Forms “A” and “B” by Pol. Parties

- ✓ Paragraph 13 of Symbols Order provide requirements for treating a candidate as a candidate set up by political party.
- ✓ Forms A and B to be filed latest by 3 PM on the last day of filing nomination.
- ✓ Both Forms A and B to be submitted to RO.
- ✓ Forms A & B to be signed in ink in original. Photocopy not acceptable. Form received through Fax / e-mail also not acceptable.



Forms 'A' & 'B'.....

- ✓ There is provision in Form B to cancel the notice given in favour of a candidate by submitting a fresh Form B (by 3 PM on last date of filing nomination) mentioning the name of the new candidate, and **specifically rescinding** the notice given earlier in favour of the first candidate.
- ✓ If you receive Form B from the same party in favour of more than one candidate, duly signed by the authorized office-bearer, and there is no cancellation/rescinding of Form B for any candidate, then among such candidates, the one who filed **nomination paper first** shall be treated as the candidate sponsored by that Party (**para 13A of Symbols Order**).



All About Oath/Affirmation

- ✓ Oath had to be made and subscribed by the candidate in person **after** the submission of nomination paper to RO and by the day before the date of scrutiny of nominations. ***(Latest by mid-night of the date preceding the date of scrutiny)***
- ✓ One oath is sufficient for all nomination papers if candidate is contesting from same house.
- ✓ Two separate oaths are required for contesting to different houses (Lok Sabha/Legislative Assembly).
- ✓ Oath to be made only after filing nomination and before the day of scrutiny



All About Oath/Affirmation-Contd

- ✓ Candidate required to make oath or affirmation in the prescribed format in person. Certificate of oath to be given to the candidate without his applying for it.
- ✓ Onus is on candidate to produce Certificate of Oath before the RO (wherever taken before a different authority).
- ✓ RO/ARO are authorized authorities before whom oath can be made.
- ✓ Oath can also be taken before certain other authorities prescribed by ECI



Authorities before whom Oath or Affirmation to be made

AUTHORITIES BEFORE WHOM OATH OR AFFIRMATION TO BE MADE

- i. RO or any of the Assistant ROs of the constituency.
- ii. All stipendiary Magistrates of the first class, District Judges and persons belonging to judicial service of the State.
- iii. Superintendent of the prison if the candidate is confined in a prison.
- iv. Commandant of the detention camp if the candidate is under preventive detention.
- v. Medical Superintendent/Medical Practitioner attending to the candidate in case candidate is admitted in hospital.



Authorities before whom Oath or Affirmation to be made-Contd

AUTHORITIES BEFORE WHOM OATH OR AFFIRMATION TO BE MADE

- vi. Diplomatic or Consular Representative of India in the country, if the candidate is out of India.
- vii. Any other person nominated by the ECI, on application made to it.

Note:

1. Certificate of oath to be given to the candidate without his applying for it.
2. If taken before a different authority-Onus is on candidate to produce Certificate of Oath before the RO



Action by RO on receipt of nomination

Step 1: Enter date & time & initials.

Step 2: Give running serial number in order of presentation.

Step 3: Fill up Part-VI of nomination form & handover to candidate/proposer as acknowledgement.

Step 4: Give a notice of time, date & venue of allotment of symbol.

Step 5: Fill up check list (See ECI letter No. 576/3/ECI/LET/FUNC/JUD/SDR/2013 dated 12th January 2017) & handover copy to candidate/proposer filing nomination.



Action by RO on receipt of nomination

Step 6: Point out defects, specifically mention documents not filed and/or found defective in any manner in the second part of checklist as notice to candidate for filing the same within prescribed time limit.

Step 7: Obtain specimen signature of candidate

Step 8: Ask candidate to write down his name in the language in which ballot paper to be printed.

Step 9: Handover to candidate/proposer-

- i. **The Register prescribed for maintaining day-to-day account of election expenses with all connected documents & obtain acknowledgment.**
- ii. **An extract of Section 127A.**

Step 10: Advise the candidate to make and subscribe oath.



Check List

Original/Duplicate

(Original to be kept with nomination paper and duplicate to be handed over to candidate)

Check List of documents in connection with filing of nomination

Name of constituency :

Name of the candidate :

Date and time of filing nomination paper:

Sl.No. of nomination paper :



Check List Contd..

Sl. No	Documents	Whether filed (write Yes/No) [if there is any defect/shortcomings in the documents, the same should be specified]
1.	Affidavit in Form 26:- <ol style="list-style-type: none"> a) Whether all columns are filled up b) If not, which are blank columns(Please specify) c) Whether the affidavit is sworn before the oath commissioner/first class magistrate/ Notary Public 	



Check List Contd..

Sl. No	Documents	Whether filed (write Yes/No) [if there is any defect/shortcomings in the documents, the same should be specified]
2.	Additional Affidavit as required under Election Commission's Order No. 509/11/2004-JS.I dated 03-02-2016 regarding public dues.	
3.	Certified extract of electoral roll (when candidate is an elector of a different constituency)	



Check List Contd..

Sl. No	Documents	Whether filed (write Yes/No) [if there is any defect/shortcomings in the documents, the same should be specified]
4.	Form A and B (applicable in the case of candidates set up by political parties)	
5.	Copy of caste certificate from competent authority, if the candidate claims to belong to SC/ST)	
6.	Security deposit (whether made)	
7.	Oath/affirmation (whether taken)	



Check List Contd..

The following documents which have not been filed should be filed as indicated below:

(a)should be filed latest by.....

(b) Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a revised Affidavit with columns duly filled up before the commencement of scrutiny of nominations, failing which the nomination paper will be liable to be rejected

(c) should be filed latest by.....

Received:

.....

(Signature of candidate)

.....

Signature of RO/ARO

Date & Time :

Place:



Check List Contd..

N.B.:

- 1. The Affidavit in Form 26, Additional Affidavit and Forms A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.**
- 2. The nomination paper will be rejected if a candidate fails to file a revised affidavit filling the blanks in Form 26 even after reminder by RO by the hour fixed for scrutiny of nomination paper**
- 3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.**
- 4. Certified extract of electoral roll can be filed up to the time of scrutiny.**
- 5. Security deposit should be made either before filing of nomination paper or at the time of filing of nomination paper. Therefore, there is no question of issuing notice for making the security deposit.**



Acknowledgment/Notice



- ✓ Apart from acknowledgement in Part-VI of nomination form, checklist duly filled is a further acknowledgement.
- ✓ All notices for filing various documents shall be given in checklist itself.



Other documents to be handed over to candidates



- ✓ Handover the Register prescribed for maintaining day-to-day account of election expenses, alongwith all other connected documents.
- ✓ Obtain an acknowledgment from the candidate/proposer filing the nomination.
- ✓ Handover an extract of Section 127A (printing/ publishing of pamphlets, posters etc.)



Notice of nomination

- ✓ RO to publish on Notice Board a notice in FORM-3A regarding nominations received up to 3 PM of each day during the nomination filing period.
- ✓ Where the Specified ARO receives nomination in a different place such ARO should also publish such notice in FORM-3A and keep the RO informed on a daily basis.



Preparation of List of nominated candidates



- ✓ To be prepared after 3 PM on last day of filing, as per format given by ECI – Handbook.
- ✓ Candidates to be classified in 3 categories-
 - ✓ (i) Recognized parties,
 - ✓ (ii) Registered unrecognized parties and
 - ✓ (iii) independents.
- ✓ Within each category, names of candidates shall be arranged alphabetically.
- ✓ Recognized parties of other States will be included in the 2nd category (registered unrecognized party).

Risks Associated with General Elections



RISK No 1: Incorrect notification about designation of RO may lead to legal complications.

- It must be doubly checked that the designation of the Returning Officer in all notifications and notices is the same as notified by the Election Commission in the State Gazette.
- It may be desirable to have a new office seal made if so required.



Risks Associated with General Elections



RISK No 2: Hasty receipt of nomination papers and documents may lead to avoidable rejections later.

- Every single nomination and accompanying documents should be checked at the time of submission.
- Deficiencies, if noticed, should be communicated to the candidate/proposer in writing, mentioning specific time and date before which the said defect must be got rectified to the satisfaction of the RO.



Risks Associated with General Elections



RISK No 3: Last hour rush on last date of nomination may lead to complaints about difficulty in access.

- Adequate security should be ensured in the entire campus of the office of the Returning Officer to control people and allow smooth entry of candidates/proposers.



Risks Associated with General Elections



RISK No 4: Frivolous complaints about non-receipt of forms, though claiming to be within time.

- The watch for public view in RO's office should be checked on the last day in particular.
- Videography should be done of the proceedings in the last half an hour, with photos of the people and officers including ECI Observer present at the time of the closure, with a clear view of the watch.



Risks Associated with General Elections



RISK No 5: Undue request to permit submission of documents beyond the hour prescribed.

- The RO must scrupulously follow the statutory rules and ECI guidelines about the time-limits for submitting forms and supporting papers.



**BEYOND
PRESCRIBED
HOURS**



Risks Associated with General Elections



RISK No 6: Lack of pre-check may lead to delay at the time of scrutiny..

- Following a prescribed check-list, all nomination forms and accompanying documents like Affidavit, electoral roll extract, caste certificate where needed, security deposit receipt, etc. must be checked after the nomination time closes.





Do's during nomination process



Do's

- ✓ Double check designation of RO in all Notifications & Notices-to be same as in State Gazette by ECI.
- ✓ Carefully check the documents received with nomination papers & communicate all deficiencies in writing in the checklist.
- ✓ Keep adequate security and arrangements for last day rush and videograph the process in the last hour.
- ✓ Maintain separate file for different candidates



Do's during nomination process-Contd



Do's

- ✓ Follow statutory rules and ECI guidelines and the prescribed checklist.
- ✓ Check every Form A and B at the time of receiving nominations with respect to the office address given in the list of registered political parties issued by the Commission before every general election.
- ✓ Keep all the nomination papers and connected documents filled by a candidate together and in safe custody of RO.



Don'ts during nomination process



Don'ts

- ✓ Hasty receipt of nomination papers.
- ✓ Inadequate arrangements for last day rush.
- ✓ Improper videography of the process.
- ✓ Not following statutory rules and ECI guidelines



*Thank
you*

