

PRESENTATION ON COUNTING OF VOTES

Disclaimer: Pl note this PPT is made as training aid and shall in no manner be taken as substitute of Statutory provisions and ECI directions . In case of doubts, please refer to them.

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1 MAJOR LEGAL PROVISIONS RELATED TO COUNTING

3

MAJOR LEGAL PROVISIONS RELATED TO COUNTING AND ELECTION RETURN

R.P. ACT 1951

Sec 64: Counting of Votes

- Counting under supervision and direction of the Returning Officer
- Contesting candidate /election agent/ /counting agents have a right to be present.

Sec 64A: Destruction, loss etc. of ballot papers at the time of counting

- RO shall immediately report the matter to ECI who may direct the counting to be stopped.
- ECI may further declare poll to be void, order re-poll for that polling station.
- Or if satisfied the result of election will not get materially affected, may allow counting to be completed.

MAJOR LEGAL PROVISIONS RELATED TO COUNTING AND ELECTION RETURN

RP ACT 1951 (Contd)

Sec 65: Equality of Votes

- Result to be decided by draw of lot by RO.

Sec 66: Declaration of Results

- In the absence of any direction to the contrary from ECI, RO to declare the result on completion of counting.

Sec 67: Report of the Result

- RO to report result to ECI & to Appropriate Authority (i.e. Secretary State Legislature/ Parliament, who shall get it published in official Gazette immediately.

MAJOR LEGAL PROVISIONS RELATED TO COUNTING AND ELECTION RETURN

Sec 128: Maintenance of secrecy of voting

- Applicable to officer/clerk/agent/person performing duty in connection to Election (during poll or counting).
- RO/ARO should take an oath to maintain secrecy of voting & read it out aloud before the commencement of counting of votes.
- Violation punishable with 3 months imprisonment or fine or with both.

Sec 129: Officers, etc. at elections not to act for candidates or to influence voting

- Applicable to DEO/RO/AROs/Polling staff.
- Imprisonment up to 6 months /fine/both .

Sec 136: Other offences and penalties thereof [Sub sections to (1)-(4)]

- Guilty of electoral offence: tampering with EVM/ballot box or ballot paper /nomination paper etc fraudulently
- Imprisonment up to 6 months or 2 years /fine /both

MAJOR LEGAL PROVISIONS RELATED TO COUNTING AND ELECTION RETURN

CONDUCT OF ELECTIONS RULES, 1961

Rule 66A: In relation to counting of votes where EVMs used, the provisions of Rules 50-54 have been made applicable. And in lieu of Rule 55, 56 and 57, Rules 55C, 56C and 57C have been made applicable.

MAJOR LEGAL PROVISIONS RELATED TO COUNTING AND ELECTION RETURN

Conduct of Elections Rules, 1961

Rule 51: Time and place for counting

- To be fixed by RO at least one week before date of poll
- Notice to be given in writing to each candidate/his election agent

Rule 52 : Appointment of Counting Agents

- Subject to ECI directions, a candidate may appoint counting agents which shall not exceed 16 for each place of counting
- Appointment to be made in FORM 18, in duplicate. One copy for RO for record and other copy to agent for production before RO, not later than one hour before the time fixed for counting
- No entry in counting hall unless second copy of FORM 18 is given to RO after signing the declaration
- Revocation in FORM 19

MAJOR LEGAL PROVISIONS RELATED TO COUNTING AND ELECTION RETURN

Rule 53: Admission to the place of counting

- No body else except RO/ARO, counting staff, candidates, their election agents and counting agents public servants on duty, persons authorized by ECI
- Whosoever misconducts himself or fail to obey lawful direction of RO shall be removed from counting hall.

Rule 54: Secrecy of voting

- RO to **read** out provision of section-128 **aloud** before commencement of counting.

MAJOR LEGAL PROVISIONS RELATED TO COUNTING AND ELECTION RETURN

Rule 55C: Scrutiny and inspection of EVMs before counting

Counting staff and counting agents to inspect and ensure that the CU is not tampered and all seals are intact. In case not, report matter to ECI

Rule 56C: Actual counting

1. Press the result button and see the display of votes count.
2. Note down the same in part-II of form 17C. Counting supervisor to sign on it along with candidates or their election agents or counting agents
3. Corresponding entries to be made in form-20

Rule 57C: EVMs after counting.

After, result is recorded in part-II of form 17C, the CU to be sealed with the seals of the RO and candidates/ counting agents.

MAJOR LEGAL PROVISIONS RELATED TO COUNTING AND ELECTION RETURN

Rules 60 provides for continuous counting

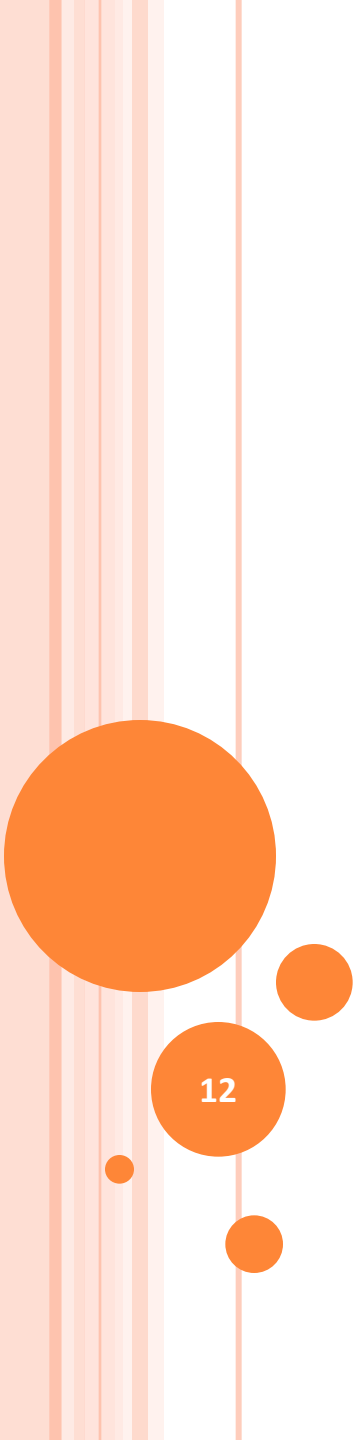
Rule 61 provides for re-commencement of counting after fresh poll

Rule 63 provides for recount of votes

Rule 64 provides for declaration of result of election

Rule 65 provides for counting at 2 or more places for one constituency

Rule 66 provides for grant of certificate of election to returned candidate



2

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTERS

INFRASTRUCTURAL AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- Counting place should be decided in consultation with police authorities at least one week before the date of poll. (If poll being taken in phases then the first date)
- ECI fixes a common date and time of counting which shall have to be intimated to contesting candidates well in advance (As per Annexure 43-A or 43-B)
- Preferably place of counting of a constituency should be in district HQ. No objection if it is outside the area for cogent reasons.

INFRASTRUCTURAL AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- Each constituency should be counted in a separate hall. Under no circumstances more than one AC segment will be taken up for counting simultaneously in the same hall. **(No exception. In case adequate halls are not available, then counting to be done in sequence i.e. first, one AC counting will be completed and thereafter the next one).**
- In simultaneous poll to Lok Sabha and Legislative Assembly, both to be counted in the same hall. Half of the tables for LS and other half for LA i.e. one side for Lok Sabha and the other side for LA.

INFRASTRUCTURAL AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- RO needs to forward the proposal of counting centers in consultation with the observer in in Annexure 42-C of HB of RO to ECI through CEO for approval at the earliest after last date for withdrawal of candidature.
- After ECI has approved the same a mandatory notice to candidates has to be given in Annexure 43-A or 43-B of Hand Book of RO.
- If, for any unavoidable reasons, the RO is unable to conduct counting on notified date /time, he should postpone counting to another date and time after obtaining approval of ECI.
- The counting should not be done in a temporary structure.

(CHAPTER XV, PARA15.5.13)

To
All candidates or their election agents.

ANNEXURE 43-B
(CHAPTER XV, PARA 15.5.3)

**NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND
PLACE FOR COUNTING**

Election to Lok Sabha.....Legislative Assembly Constituency (When Counting takes place at more than one place) In pursuance of rule 51 of the Conduct of Elections Rules, 1961.

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have fixed the date, time and places of counting for the different Assembly segments of this Parliamentary Constituency as specified below:

Name of the Assembly Constituency	Date and Time	Place of Counting

The Postal ballot papers of the entire Parliamentary Constituency will be counted, and the results of poll at all the polling stations will be consolidated at.....(Place) on.... .(date)
.....at.....(time).

Place


Signature Date

.....


Returning Officer

To All
Candidates or their election agents.

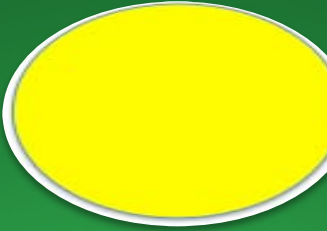
INFRASTRUCTURAL AND SECURITY ARRANGEMENTS AT COUNTING CENTERS




Counting of votes for entire AC to be preferably done at one hall/ place




If more than two halls or places are required, ECI's written prior approval is required



In case 2 halls are approved, allot in advance the PS to be counted in each hall. Intimate candidates accordingly



For Each AC or assembly segment there should be a strong room and a spacious counting hall with separate entry and exit.



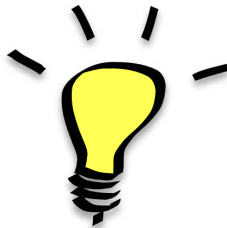
Each counting centre to have distinct number and each hall to be distinctly numbered

INFRASTRUCTURAL AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

Infrastructure at Counting Centre



Should be spacious enough to accommodate infrastructure and officials and agents



Should have adequate lighting with proper standby arrangements (generator, etc.)



Adequate fire extinguishing equipment



Should be a permanent structure.
If unavoidably temporary, take ECI approval

INFRASTRUCTURAL AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

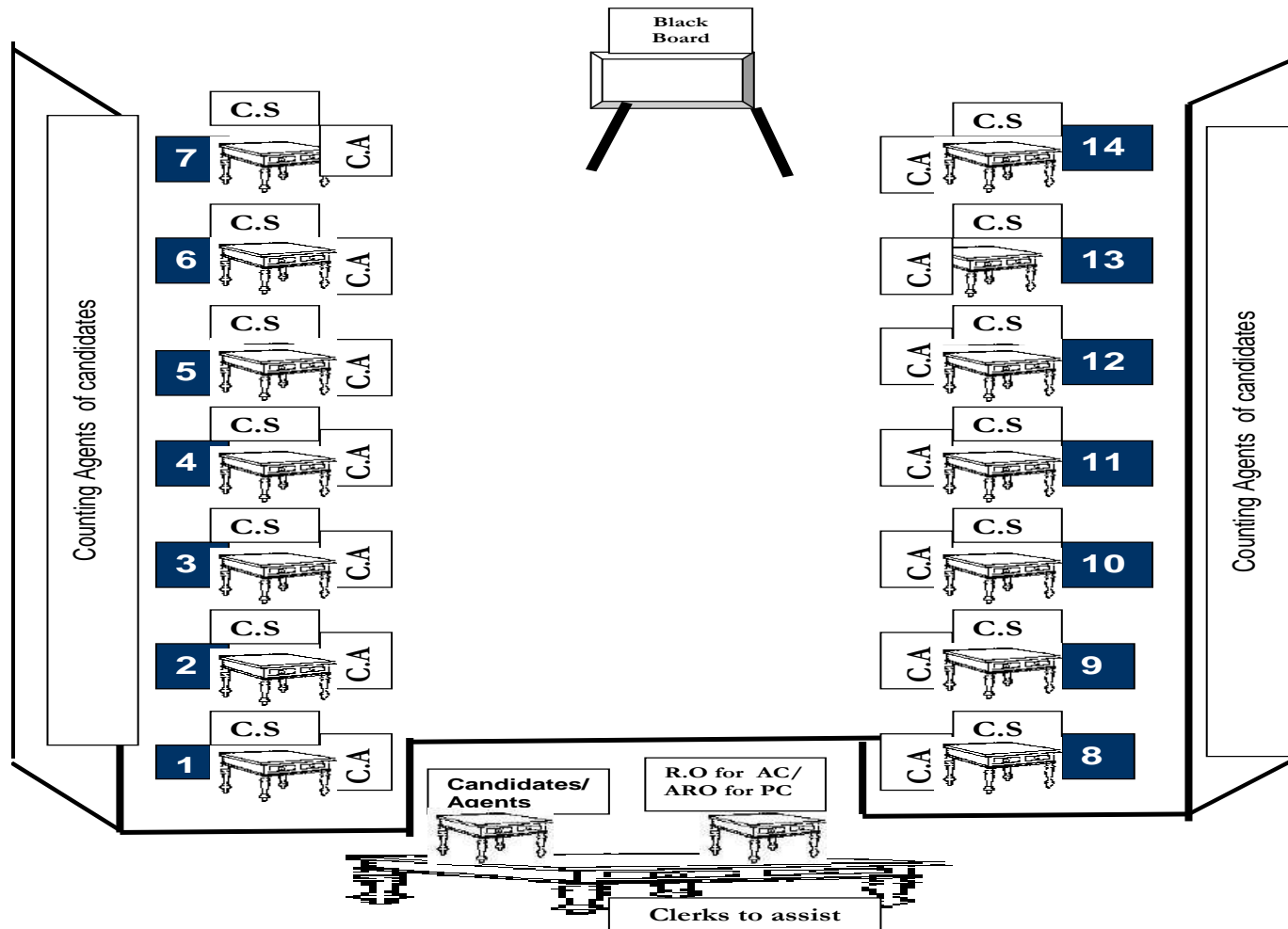
- No. of tables in counting hall depends upon
 - No. of polling stations to be counted.
 - Space available
 - No. of counting agents
 - No. of counting staff including micro-observers
 - Security concerns
- In one hall, counting tables should not exceed 14 (during last Lok Sabha elections 2009, even 25 tables were allowed, with ECI's prior approval, provided hall was big enough). In addition to this one table each for RO and observer.

INFRASTRUCTURAL AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- The candidates or their agents will be allowed to sit on ROs Table to watch the counting process.
- A table with computer on which computation and compilation of data from each table after each round shall be done, should be alongside of ROs table.
- If the tabulation is done at the table other than ROs table then one additional counting agent besides micro observer will be allowed to sit in on the tabulation table.
- Adequate barricades using woodblock and wire-mesh for each counting table to prevent agents/candidates/representatives from handling polled EVMs, but agents should be able to view entire process

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

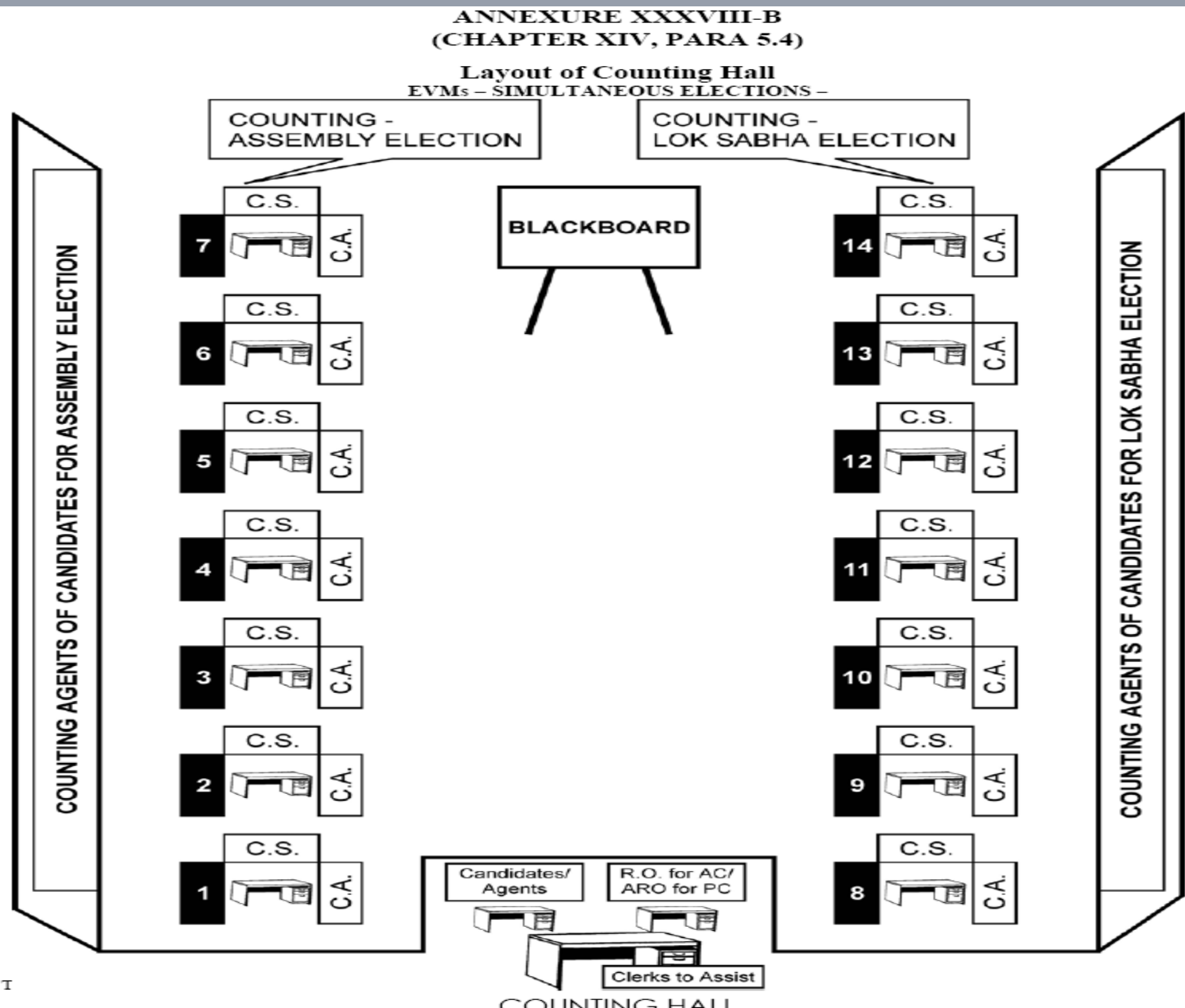
EVMs – LAY OUT OF COUNTING HALL



C.S.=Counting Supervisor;

C.A. = Counting Assistant

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES



ANNEXURE 42-C
(CHAPTER XV, PARA 15.5.10)
Election Commission of
India
INFORMATION SHEET ON COUNTING CENTRES

State/UT Code :	State/UT Name :				
A.	Basic Information				
	(a) Counting Centre No.			(b) Category : Urban/Rural	
	(c) No. of Parliamentary Constituencies proposed to be covered in this Centre :				
	Sl. No.	PC No.	PC Name	PC Type (Gen/SC/ST)	Whether PC covered
	1.				
	2.				
	3.				
	(d) Building				
	(e) Area-ID (Particulars of the Street/locality/				
	(f) Village/Town/Metro Name* ¹ :				
	(g) Police Station No.:		(h) Police Station Name :		(k) Pin Code
	(i) District No. :		(j) District Name :		
	(l) Confirm is the Strong Room for storing Polled Ballot Boxes After the Poll is located in the counting centre itself : Yes/No				
	(m) If the answer in (1) above is 'No', name of place where the Strong Room is located, its distance from the Counting Centre and the reasons for choosing this				
	(n) Whether sufficient space/shelter is available near the Strong Room for the Security Guards & agents of the candidates to keep watch : Yes/No (Please give details in item E(b)).				
(o) Distance From Police Station of which the Counting Centre forms a part (in Kms.) :					
(p) ECI's approval date :					
(q) Attached Media Centre No. & Name :					
B.	Facilities/Infrastructure Available (Please Tick)				
	(a) Type of Structure : Pucca/Kuchcha		(b) Adequate Storage Space : Yes/No		
	(c) Water : Yes/No		(d) Toilet : Yes/No		
	(e) First-aid facilities : Yes/No		(f) Regular electricity availability : Yes/No		
	(g) Arrangements proposed for emergency lighting :				
	(h) fire-fighting arrangements proposed :				

*¹ Strike out whatever is not applicable.

	(c) Name :	Place :
	(d) Designation :	
	(e) Full Address :	Signature :
F.	For use by CEO	
	(a) Remarks :	
	Continued on continuation sheet no. _____ No. of continuation sheets added : __	
	(b) Name :	Date :
	(c) Address :	Place :
	(use stamp, if available)	Signature :

*⁴ Phone/fax nos. should be obtained in advance, even though these may be made operational later.

**Election Commission of
India**
INFORMATION SHEET ON COUNTING CENTRES

**Continuation Sheet for CEO's
Comments**

State/UT Code :	State/UT Name :
A. (a) Counting Centre No.:	

F.	For use by CEO	
	(b) Remarks (contd.) :	
	Continued on continuation sheet no. _____ No. of continuation sheets added : __	
	(b) Name: (c) Address: (Use stamp, if available)	Date: Place: Signature

Explanatory Notes

Item No.	Item	Explanation
	State/UT Code	Code assigned to the State/UT: S01 to S25 and U01 to U07 for UTs in alphabetical order (List of codes enclosed)
A(a)	Counting Centre No.	No assigned to the Counting Centre Within each State/UT, Running Serial numbers for Counting Centres have to be given, starting from 1
A(b)	Building	Name of the Building of the Counting Centre
A(c)	Area-ID (Particulars of Street/locality/area in which the building is situated)	Geographical identification details like Street, Mohalla, Locality, Area etc. where the building of the Counting Centre is situated. This should help to quickly locate the building.
A(d)	Police Station No.	No. assigned to the Police Station within the District. Running serial number, starting from 1, should be assigned to Police Stations within each District.
A(e)	District No	No. assigned to the Revenue District within the State/UT. Running serial nos., starting from 1, should be assigned to the districts in a State/UT.

Note : The Police Station No and District No should be the same as assigned to these units in the control tables defined in the detailed data structures, which were circulated to the States/UTs in connection with Computerization of Electoral Roll, 1998 vide Commission's letter No. 23/97/PLN-II dated 29th September, 1997. If these unique identification numbers for the various units have not been assigned so far, the verifying officers may leave the respective fields blank, but the names of the different units must invariably be filled up in the form.

State/UT Codes

State/UT Code	Name of State/UT
S01	Andhra Pradesh
S02	Arunachal Pradesh
S03	Assam
S04	Bihar
S05	Goa
S06	Gujarat
S07	Haryana
S08	Himachal Pradesh

State/UT Code	Name of State/UT
S09	Jammu & Kashmir
S10	Karnataka
S11	Kerala
S12	Madhya Pradesh
S13	Maharashtra
S14	Manipur
S15	Meghalaya
S16	Mizoram

State/UT Code	Name of State/UT
S17	Nagaland
S18	Orissa
S19	Punjab
S20	Rajasthan
S21	Sikkim
S22	Tamil Nadu
S23	Tripura
S24	Uttar Pradesh

State/UT Code	Name of State/UT
S25	West Bengal
U01	A & N Islands
U02	Chandigarh
U03	D & N Haveli
U04	Daman & Diu
U05	NCT of Delhi
U06	Lakshadweep
U07	Puducherry

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- Provide at every counting table:-
 - A blue ballpoint pen
 - Paper knife for breaking open seals
 - Part II of Form 17-C
 - Proforma for recording of votes secured by each candidate and NOTA by additional counting staff/ Micro observer
- Make arrangement of loud speaker and a black board for disseminating information regarding trends in counting and results to public and media.
- Adequate teams for sealing EVMs and other Envelops

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- Only official video camera for overall videography in the counting hall.
- No camera still or video of journalist or media person is allowed inside the counting hall.
- Hand held cameras of press/media persons having valid passes can be allowed to take a general view. They should not be allowed beyond a certain demarcated line or a string put for this purpose.
- Under no circumstance votes recorded in EVM should be captured by any camera including the official camera.

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- Arrangements at counting centre- Observer should be provided with :
 - Separate Room/Cubicle with tables and chairs.
 - Telephone with STD and fax attached exclusively for use of Observer to communicate in strict confidentiality.
 - Number for this telephone to be obtained from phone company 15 days before counting date.

In addition, necessary arrangements for Micro observer at each table may be made

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- Arrangements at counting centre for yourself:
 - A hotline with CEO
 - One more STD telephone to keep in touch with CEO & ECI
 - Fax and photocopy machines at each counting centre
 - Computer centre with power backup with facility for online transmission through GENSYS

NOTE:- only ECI observer is allowed to use mobile phone inside the counting hall.

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

- Media Centre with a officer from Public Relation Deptt and one officer deputed by RO for disseminating counting information/ latest trends -outside counting halls with adequate facilities:
 - Telephone
 - Fax
 - Data communication
 - Suitable arrangements to keep mobile phones of media personnel, since they can't visit counting hall with mobile.

There may be a common media centre for all constituencies at a counting centre.
- Public Communication Room-

From here candidates and their agents can use their mobile. Suitable arrangements to keep mobile phones .

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

SECURITY ARRANGEMENTS

- At Storage place of polled EVMs-
 - **TWO** tier security arrangements round the clock at the strong rooms having polled EVMs.
 - Innermost perimeter by CAPF and outer perimeter by State Armed Police(SAP).
 - The candidates representatives to be allowed to stay outside the inner perimeter at a location which enables them to view entry points of the strong room. If no direct view, then CCTV arrangements to be made. So that they can see the gates of strong rooms. In CCTV case, they shall be taken periodically in batches to strong room to see and verify themselves strong room.
 - Round the clock control room in a adjacent room with a Gazetted officer.
 - A log book shall be maintained by the CAPF to record date, time, duration and names of any one, Including DEO/SP/RO/Observer/Candidates or their agents etc, crossing the 2nd ring.

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

SECURITY ARRANGEMENTS

(Continued from previous slide)

- The CPF contingent shall be given a camera to record such visits. Last but not least, all entry points of strong room should be under constant videography using web cam and laptops. Person deputed to take back up from lap top should be issued a photo- I card and his names etc be intimated to CPF posted there.
- DEO shall visit storage campus (up to inner perimeter only) everyday morning and evening, if storage campus is in district HQ. If outside then by the RO, but DEO to visit at least once in a 3-4 days.
- Round the clock uninterrupted power supply, adequate fire extinguishers etc to be arranged for.
- No vehicle, official or private shall be allowed inside the secured campus.

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

SECURITY ARRANGEMENTS

At Counting centers-

- First of all, secure and smooth movement of EVMs from strong room to counting hall and vice versa , has to be ensured.
- 100 meter perimeter around a counting premise to be demarcated as 'Pedestrian Zone '. Must be duly barricaded with a entry gate to enter into counting premise. and no vehicle to be allowed to cross this.
- Three tier cordoning system. The 1st and outer cordon to start from pedestrian zone. Must have adequate local police forces with a senior magistrate to check identity of the entrants. Persons with photo I cards issued by ECI or DEO only to be allowed to cross.
- 2nd cordon will be at the gate of counting premise/campus and will be manned by SAP. Checking of identity and frisking (only by state police personnel) to be done.
- 3rd cordon at the door of counting hall. CPF to be present. Frisking to ensure that no one enters with mobile and other prohibited items.

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

PERSONS ALLOWED INTO COUNTING HALL



Counting supervisors and assistants


Persons authorized by ECI

Public servants on duty in connection with election

Candidates, their election agents and counting agents

Every body inside the counting hall shall have to display his I-card on his/her person.

PERSONS NOT ALLOWED INTO COUNTING HALL



Police personnel, whether in uniform or plain clothed, NOT allowed. Must remain outside and can enter only when called by RO to come to control

Ministers, State Ministers, Dy. Ministers of Union & state unless they are candidates

The above dignitaries can not be appointed as election or counting or polling agent of candidate as they require security

Counting agents cannot enter unless she/he has submitted 2nd copy of appointment letter after completing and signing declaration

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTERS

PRIORITY IN SEATING IN COUNTING HALL (subject to seating capacity)

1. Agents of candidates of recognized national parties
2. Agents of candidates of recognized state parties
3. Agents of candidates of recognized state parties of other states permitted to use reserve symbol
4. Agents of candidates of registered unrecognized parties
5. Agents of Independents Candidates

INFRASTRUCTURE AND SECURITY ARRANGEMENTS AT COUNTING CENTRES

DISCIPLINE & DECORUM IN COUNTING HALL

Agents to keep seated at allotted table. No one is allowed to carry mobile phones except RO/ Observer.

Agents shouldn't be allowed to move about hall. However, Candidates/ Election Agents can move around hall.

Only one person – either candidate or agent to be present at a table on behalf of contesting candidate.

If RO doubts any person he can have him/her searched, even if they possess valid authorization letter.

CPF officials posted at doors of counting hall.

No one can enter or leave hall without RO's permission.

RO can send anyone out of hall if he/she disobeys RO's orders.



3 APPOINTMENT OF COUNTING STAFF & COUNTING AGENTS

42

COUNTING STAFF & COUNTING AGENTS

- Counting staff is appointed by the RO concerned.
- Format of Appointment letter prescribed in Annexure-44 of HB of RO.
- Requirement to be assessed on basis of no. of counting halls and no. of counting tables plus reserve. **For each table:**
 - One Counting Supervisor (preferably a Gazetted officer of Central/ State govt. or officer of equivalent status of PSUs.
 - One Counting Assistant
 - One micro observer (a Central Govt. official)
 - One Group D employees

Also --

- Reserve staff
- Additional Counting Assistant for Observer to do parallel counting

ANNEXURE 44

APPOINTMENT OF COUNTING SUPERVISOR/ASSISTANTS

ORDER

No.....

Dated :.....

Election to the House of the People /Legislative AssemblyConstituency

I.....(name).....(designation) appoint the persons whose names are specified below to act as Counting Supervisors/Assistants and to attend at.....for the purpose of assisting me in the counting of votes at the said election.

1.

2.

Place

Signature

Date

Returning Officer

COUNTING STAFF & COUNTING AGENTS

- Randomization shall be done from the database of election officials using randomization software
 - 120% of required number for the district one week before the date of counting. Presence of Observer not necessary
 - AC wise randomization 24 hours prior to commencement of counting in the presence of the observer.
 - Issue the appointment letters to counting staff with a direction to report to respective counting centre on counting day
 - The allotment of tables to each counting supervisor/ counting assistants/ micro-observer shall be done in the presence of the observer and should be done at 5 AM of the counting day. This randomization can be done manually also.
 - Videography of entire process is to be done for records.

COUNTING STAFF & COUNTING AGENTS

RO to inform each contesting candidate that he is entitled to as many counting agents as there are counting tables plus one for RO table and one for tabulation table.

Any application on plain paper to be rejected. Form 18 to be submitted in duplicate. The RO will keep one copy and return the 2nd copy. On counting day, the agents will sign the declaration part of the Form 18 and give it to the RO.

Issue photo identity cards to such counting agents under your seal and sign- No entry into counting hall without I-card

COUNTING STAFF & COUNTING AGENTS

Appointment of counting agents in Form 18. Revocation in Form 19.

Finalize list of counting agents appointed through Form 18 by 1700 hours 3 days prior to date of counting

Counting agent should sign on badge immediately.

Conduct of Elections Rules, 1961
(Statutory Rules and Order)

FORM 18
[See rule 52(2)]

Appointment of Counting Agents

Election to the.....from the.....constituency.

To

The Returning Officer,

I,.....*a candidate/the election agent of.....who is a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at.....:

Name of the Counting agent
agent.

Address of the counting

- 1.
- 2.
- 3.
- etc.

We agree to act as such counting agents

Signature of *candidate/election agent.

- 1.
- 2.
- 3.
- etc.

Place.....

Signature of counting agents.

Form 18:
Appointment of
Counting
Agents

Date.....

DECLARATION OF COUNTING AGENTS
(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything forbidden by section 128\$ of the Representation of the People Act, 1951 (43 of 1951), which *we have read/has been read over to us.

1.....
2.....
3.....
etc.

Date.....

Signature of counting agents.

Signed before me.

Date.....
Officer.

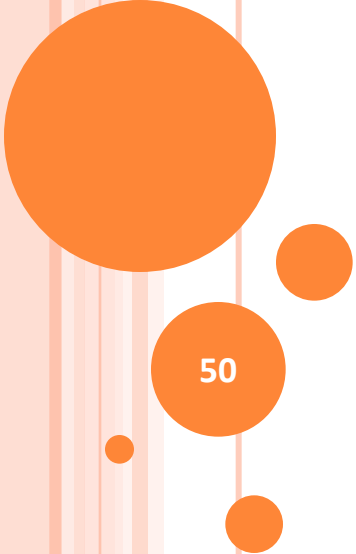
Returning

*Strike off the inappropriate alternative.

\$Section 128 of the Representation of the People Act, 1951:-

"128. *Maintenance of secrecy of voting.*—(1) Every Officer, clerk, agent or other persons who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both."




4 COUNTING OF VOTES RECEIVED THROUGH POSTAL BALLOTS

50

COUNTING OF VOTES RECEIVED THROUGH POSTAL BALLOTS



Under Rule 54A, postal ballot papers are to be counted first so in all cases, 1st round shall be for PBs only. (However, it has to be completed before start of penultimate round of EVM counting).



Counting of votes in EVM can be commenced 30 minutes after start of Postal Ballot counting, even if the latter is not completed. Not necessary to wait further.



Counting of PBs to be done at RO's table only.
One ARO may be specifically designated for supporting the RO for postal ballots.



All PBs received before the hours set for commencement of counting shall be brought before RO and counted.



Covers in Form 13C containing PB received after fixed hour shall not be opened. They should be rejected and kept separate in sealed packets with particulars noted on it.



Covers in Form 13C received in time to be opened⁵¹ one by one.

NEW INSTRUCTIONS ISSUED DURING LOK SABHA

- As many AROs for counting postal ballot papers as are the number of Table for counting postal ballot
- Two or if required three tables, subject to availability of apace for postal ballot counting
- Ideally not more than 500 postal ballots may be distributed to each table
- For each table, there will be one counting supervisor and two counting Assistants and one micro observer
- Counting supervisor and counting Assistants should be gazetted officer

COUNTING OF VOTES RECEIVED THROUGH POSTAL BALLOTS

As each cover is opened, take out declaration in Form 13A and inner cover "A" in Form 13B. If declaration in Form 13-A is not found, reject the postal ballot

Scrutinize Declaration

Reject if not duly signed/attested by competent authority

Each rejected cover to be endorsed suitably; Such declaration 13 A & inner cover (Form 13B) be put back in cover i.e. Form 13C. Then....

Also reject the PB if substantially defective or Serial Number in Form 13 A and inner cover 'A' in 13 B does not match.

COUNTING OF VOTES RECEIVED THROUGH POSTAL BALLOTS

all such covers to be kept separately in an envelop and sealed with particulars i.e. the name of the constituency, the date of counting and brief description noted on top for easy identification

All OK declarations to be kept together in a separate larger cover 'B' and sealed so that secrecy of ballot is not violated

Now open 13 B and scrutinize Postal Ballot Paper and take decisions.

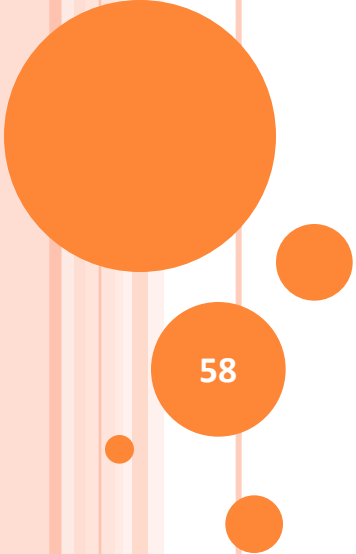
All these must be done before cover in Form 13B containing ballot paper is opened

COUNTING OF VOTES RECEIVED THROUGH POSTAL BALLOTS

COUNTING OF VOTES RECEIVED THROUGH POSTAL BALLOTS

Counting of votes received through Postal ballots

- There is no particular mark as per law to be made by voter to record vote on PB
- Any mark is valid if it is clear beyond reasonable doubt in favor of which candidate vote has been given
- It should not be rejected if mark has been made more than once to clarify choice
- **PB will not be rejected merely on the ground that the attesting officer has not put his seal on the declaration , if all relevant details of attesting officer have been mentioned**
- **The PB will also not be rejected on the ground that the sender has not put his signature on the outer cover 'B' (Form- 13-C) if the identity of the sender is verifiable on the basis of his declaration in Form -13-A**
- **Sealing of packets should be done using RO as well as Commission's secret seal. Candidates also allowed to use their seals.**



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COUNTING OF VOTES RECORDED IN EVMs

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COUNTING OF VOTES RECORDED IN EVMS

COUNTING OF VOTES RECORDED IN EVMS

COUNTING OF VOTES RECORDED IN EVMS

- Part II of form 17 C shall be prepared in duplicate.
- Both the copies should be get signed by from counting agents.
- One copy of part II or 17 C will be handed over to RO/ ARO for computing round wise tally of votes.
- The other copy of part II will be collected from each table by an official specially designated by RO.
- He will make photocopies for distribution among the counting agents.
- The starting of the next round of counting need not begin till the distribution of these copies is complete.
- This can go on simultaneously.
- The original, second copy should be returned to counting supervisor of respective table.
- counting supervisor to keep copy of each round of EVM counting in a envelope superscribed Duplicate copy of part II 17 C mentioning table No., total number of round counted, name of counting supervisor and handed over to RO/ ARO.

COUNTING OF VOTES RECORDED IN EVMS

Round wise statement proforma

Annexure for tabulating Trends/Results

Number & Name of Constituency _____ Round Number _____ Date _____

Table No.	1.	2.	3.	4.	5.	6.	Total	Brought from Previous Round	Cumulative Total
Polling Booth No.									
Sl No.	Name of Candidate								
Rejected Vote									
Total Vote									
	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO		
	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer		

Important :

1. All Over writings/cutting should be certified by observer.
2. Polling station Number whose votes are counted should be indicated below the table Number.
3. A copy of this is to be kept by observer in a separate folder for cross checking later.

COUNTING OF VOTES RECORDED IN EVMS

Proforma for recording of Votes by Additional Counting Staff

PROFORMA FOR RECORDING OF VOTES BY ADDITIONAL COUNTING STAFF

No and Name of A.C. –

Round No.-

Table No.-

C U Number:

Polling Station Number:

SN.	Name of Candidate (Pre-Printed)	No. of votes recorded

Date:

Signature of Addl. Counting staff (With full name)

*** To be handed over to the Observer only.**



COUNTING OF VOTES RECORDED IN EVMS

ANNEXURE – 45**(CHAPTER XV, PARA 15.27.9)****FORM 20****FINAL RESULT SHEET****[SEE RULE 56C(2)(C)]****ELECTION TO THE HOUSE OF THE PEOPLE FROM THE 56 PARLIAMENTARY
CONSTITUENCY PART I***(To be used both for Parliamentary and Assembly Election)***Total No. of Electors in Assembly Constituency/Segment87,725****Name of the Assembly/Segment... 275AB..... (in the case of election from a Parliamentary
Constituency)**

Serial No. Of Polling Station		No. of valid votes cast in favour of			D	Total of valid votes	No. of reject ed votes	NOTA	Total	No. of tendered votes
		A	B	C						
1	1	2	3	4	5	6	7		8	9
1.	5	135	205	403	5	748	NIL		748	1
2.	6	170	145	340	118	765	NIL		765	—
3.	6A	405	70	105	230	810	NIL		810	—
4.	7	240	120	215	362	937	NIL		937	2
5.	8	72	269	142	319	802	NIL		802	—
6.	9	72	142	347	92	653	NIL		653	—
7.	10	240	267	142	115	764	NIL		764	—

.....And so on.....

.....

.....

PART II

(To be used for Parliamentary Election only)

Name of Assembly Segment	No. of valid votes cast in favour of				Total of valid votes	No. rejecte vote s	NOT A	Total	No. of tendered votes
	A	B	C	D					
1	2	3	4	5	6	7		8	9
275 AB	18,697	15,353	10,974	8,458	53,482		Nil	53,482	3
276 CD	21,059	19,170	12,358	18,753	71,340		Nil	71,340	9
277 EF	21,610	13,448	23,117	9,321	67,496		Nil	67,496	—
278 GH	11,822	23,731	13,728	6,540	55,821		Nil	55,821	1
280 IJ	17,523	17,399	16,055	18,835	69,812		Nil	69,812	2
281 KL	21,937	16,756	17,080	11,921	67,694		Nil	67,694	—
Grand Total	112,648	105,857	93,312	73,828	385,645	8,770	385,645	15	
No. of votes recorded on postal ballot papers	47	13	22	5	87	17	104	15	

Place

Date : 28th July, 1992

(Signed) QRS

Returning Officer

The portion under highlight is only for sake of illustration only.

(LAST PAGE)

Serial No. of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of votes	NOTA	Total	No. of tendered votes
	A	B	C	D					
1	2	3	4	5	6	7		8	9
.....									

.....									
78	93	127	347	349	916	N		916	—
79	368	40	197	215	820	N		820	—
Total No. of votes recorded	21,059	19,178	12,358	18,753	71,340	N		71,340	3

at Polling Stations

No. of votes recorded on postal ballot papers

Not applicable

(To be filled in the case of election from an assembly Constituency)

Total votes polled	21,059	19,178	12,358	18,753	71,340	Nil	71,340	3
--------------------	--------	--------	--------	--------	--------	-----	--------	---

Place : Sub-Division Office AB

Assistant Returning Officer

Date : 27th July, 1992

The portion under highlight is only for sake of illustration only.

COUNTING OF VOTES RECORDED IN EVMS

COUNTING OF VOTES RECORDED IN EVMS

COUNTING OF VOTES RECORDED IN EVMS

PLEASE NOTE

- Penultimate round of EVM counting shall not commence unless, **POSTAL BALLOT** counting is over.
- RO's duty is to accurately count the recorded votes. Hence RO can at any time order the staff to recount the votes.
- In case the victory margin is less than total number of **Postal Ballot received then re-verification of all postal ballot should be done, even if no candidate/agent has asked for it.**
- **All the postal ballots rejected as invalid as well as counted in favour of each candidate shall once again be verified and tallied in the presence of RO and OBSERVER who shall record the findings of re-verification and satisfy themselves before finalizing the result.**

COUNTING OF VOTES RECORDED IN EVMS

PLEASE NOTE (contd...)

- Entire proceeding to be VIDEOGRAPHED and CD of such videography to be kept in a sealed cover for future reference.
- Under no circumstance actual votes recorded on an EVM or ballot paper is to be photographed or covered by any audio visual coverage
- Take care while doing videography, the focus is on activity and not on the actors
- Media persons are to be taken inside counting hall in batches duly escorted by a senior officer



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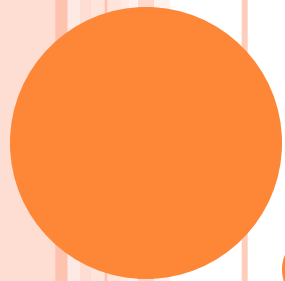
SEALING OF EVMS AND OTHER IMPORTANT PAPERS

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Sealing of EVMs and other papers

- After counting of one round is over, the EVMs have to be resealed .
- Resealing to follow procedure as given:

Election Papers that require to be sealed are (Refer Rule 93 (1) of the Conduct of Election Rules 1961):



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DECLARATION OF RESULTS

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DECLARATION OF RESULTS

- Result declaration after:
 - Completing and Signing Form 20
 - Obtaining necessary approval from ECI, wherever needed.
 - Obtaining No Objection from ECI's Observer
 - Any request for recount , if received, has been duly disposed of by a speaking order of the RO.
- Declare the result by loud announcement

DECLARATION OF RESULT

Observer's No Objection

" _____ Observer Code_(_____), For
_____ Assembly Constituency /Assembly Segment of -
-----Parliamentary constituency after having satisfied myself about the
fairness of counting of votes and complete accuracy of compilation of
result in Form-20 hereby authorize the Returning Officer for
_____ Assembly Constituency to declare the result."

Signature of the Observer _____

Name of the Observer _____

Code of the Observer _____

Assembly Constituency No. & Name _____"

DECLARATION OF RESULT

- Formal declaration of result should be made by RO in either Form 21C or Form 21D :-
 - Form 21 C for General Election
 - Form 21 D for bye election
- Name and address of elected candidate to be as per list of contesting candidates [FORM-7A]
- Date of declaration is date on which result is declared and not date of dispatch of declaration to appropriate authorities.
- Complete and certify return of election in Form 21E.
- Forward signed copies of 21E to ECI & CEO of your state
- You can supply copy of the 21E to an applicant on payment of Rs. 2/- fee [Rule 93(3)].

Form 21 C

FORM 21C

(See rule 64)

(For use in General Election when seat is contested)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the.....Parliamentary constituency in.....(State/Union territory).

— *Election to the Legislative Assembly of.....(State/Union territory) from.....Assembly constituency.

— *Election to the Metropolitan Council of Delhi from.....Metropolitan Council constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name)

.....(Address) ¹[sponsored by.....(name of the recognised/registered political party)] has been duly elected to fill the seat in that House from the above constituency.

Place.....

Date.....

Signature

Returning Officer.

— *Score out, if inappropriate.

DECLARATION OF RESULT

FORM 21E

(See rule 64)

Return of Election

Election to the.....from the.....constituency

Return of Election

Serial	Name of candidate	Party affiliation	Number of votes polled
--------	-------------------	-------------------	------------------------

No.

Total number of electors.....

Total number of valid votes polled.....

Total number of votes for 'None of the Above'.....

Total number of rejected votes.....

Total number of tendered votes.....

I declare that—

.....(Name)

of..... (address)

has been duly elected to fill the seat.

Place

Date

Returning Officer.

Report result of election to:

DECLARATION OF RESULT

- As soon as candidate is declared elected, you should grant to such candidate, a certificate of election in Form 22.
- Only candidate or in his absence to a person duly authorized by the candidate and who is personally known to the RO, can receive the certificate of election from RO.
- Obtain acknowledgement of its receipt duly signed (in any language) by the candidate from the candidate or the person authorized by the candidate.
- Only 4 persons can be present at this occasion excluding the candidate or duly authorized person by the candidate for receiving the certificate of election from RO.
- Signature has to be attested by RO only before dispatch to the Secretary of state LA/ the Secretary General of the Parliament
- Send this acknowledgement by registered Post with AD.

Form 22: Certificate of Election



FORM 22

(See rule 66)

Certificate of Election

I, Returning Officer for the.....Parliamentary/Assembly constituency in the State of.....hereby certify that I have on the.....day of 20..... declared Shri..... of.....¹[sponsored by.....(name of the recognised/registered political party)] to have been duly elected by the said constituency ²[in the General Election/Bye-election] to be a member of the House of the People/Legislative Assembly and that in token thereof I have granted to him this certificate of election.

Place

Date

.....

Returning Officer,
for the.....Parliamentary
Assembly constituency.

SEAL

DECLARATION OF RESULT

Acknowledgement from returned candidate

I acknowledge receipt of
the certificate of election in Form 22 in respect of my election to
..... fromconstituency, declared on

.....

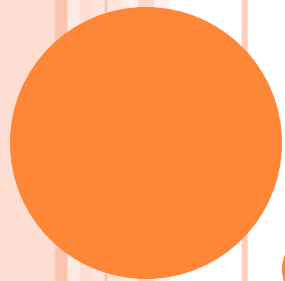
..Date Signature of the returned
Candidate

Attested and forwarded to the Secretary

.....

Returning Officer





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MISCELLANEOUS ISSUES

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Adjournment/ Stoppage of Counting Process

If RO has to adjourn counting for unavoidable reasons, he should seal and secure all EVMs and election papers outside the strong room using RO's seal

Allow every candidate/agent to put seal as well as put their own locks on all room including strong room where materials are to be stored

Adjournment/ Stoppage of Counting Process

NEW INSTRUCTIONS ISSUED DURING LOK SABHA

- As many AROs for counting postal ballot papers as are the number of Table for counting postal ballot
- Two or if required three tables, subject to availability of apace for postal ballot counting
- Ideally not more than 500 postal ballots may be distributed to each table
- For each table, there will be one counting supervisor and two counting Assistants and one micro observer
- Counting supervisor and counting Assistants should be gazetted officer

THANK YOU