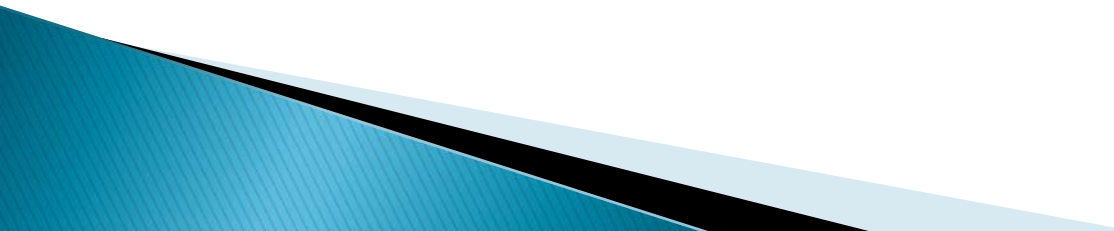


COUNTING and DECLARATION of VOTES




Deepak Agrawal {NLMT}

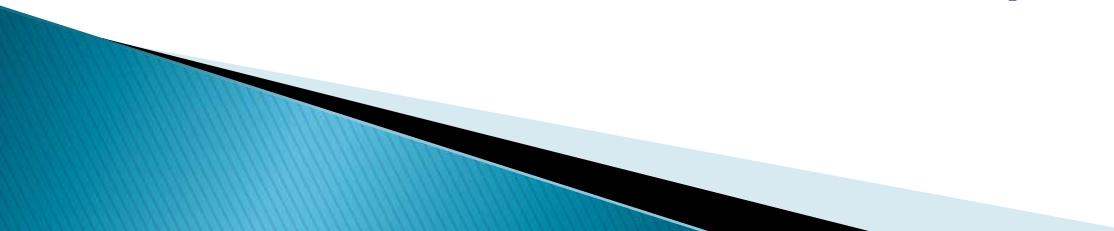
WHY IMPORTANT ???????

- Counting and declarations of VOTES is Most important work of election process.
 - Its like “Back Bone” of Human body .
 - If you done it wrong , all election results will be wrong. this is not good for **Democracy**.
- 


WHAT WE SHOULD KNOW.....

- Infrastructure and security arrangements at counting centers
 - Appointment of counting staffs and counting agents.
 - Counting of votes received through postal ballot.
 - Counting of votes recorded in **EVM**.
 - Sealing of EVMs and other papers.
 - Declaration of Results.
 - Miscellaneous issues.
 - Major legal provisions related to counting.
- 


INFRASTRUCTURES AND SECURITY ARRANGEMENTS

- Counting place should be decided in consultation with police authorities.
 - Preferably place of counting of a constituency should be in district HQ.
 - 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.(in any case 3 clear day before)
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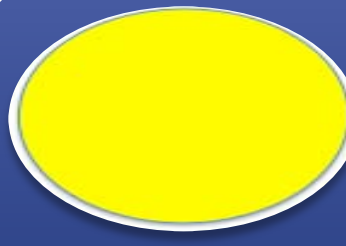
Infrastructural and security arrangements




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.



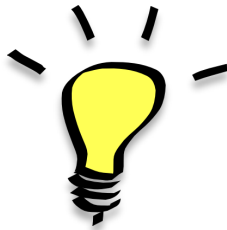
Each counting centre to have distinct number and each hall to be distinctly numbered

Infrastructural and security arrangements

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



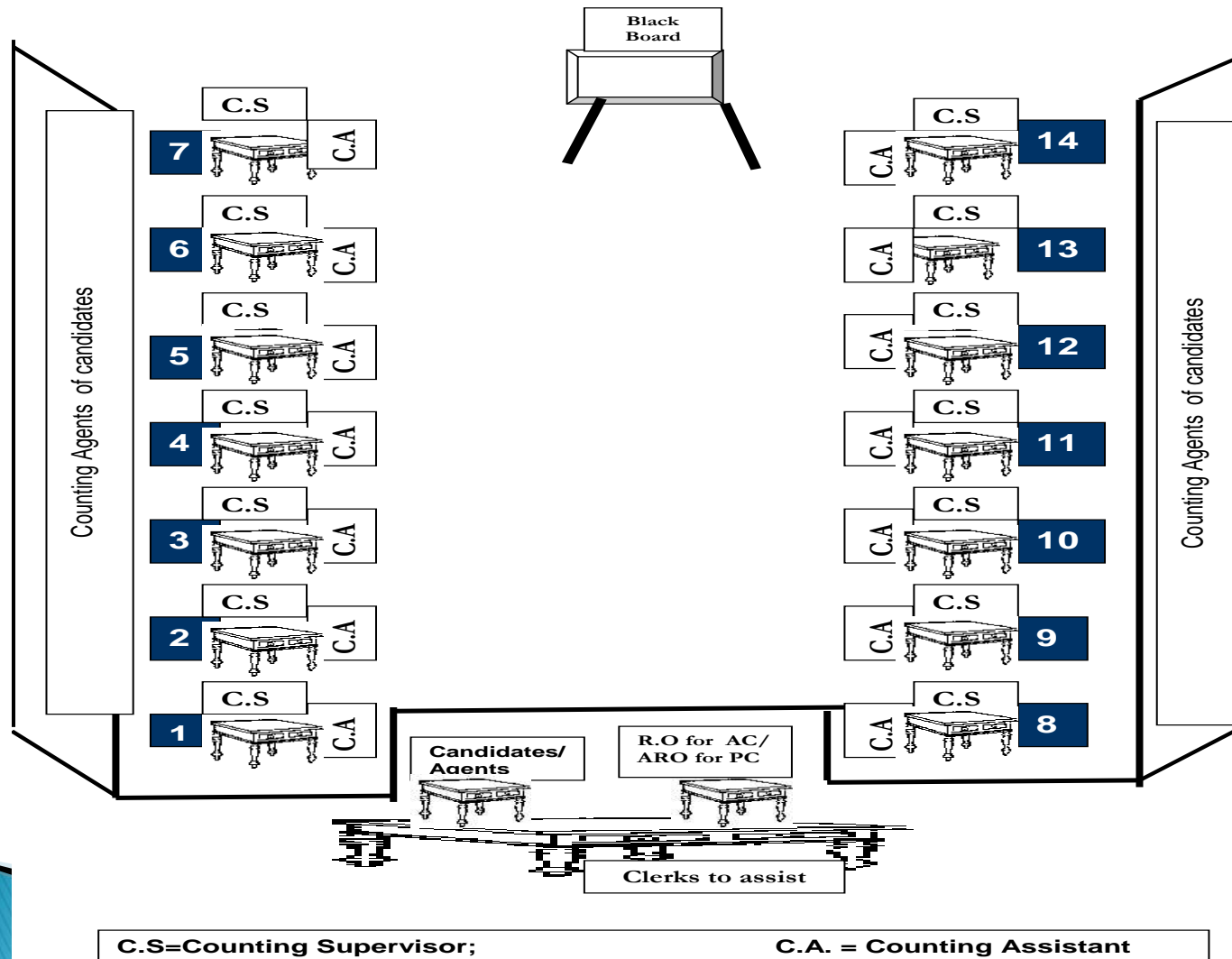
Should be a permanent structure.
If unavoidably temporary, take ECI approval

Infrastructural and security arrangements

- 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

Infrastructure and security arrangements

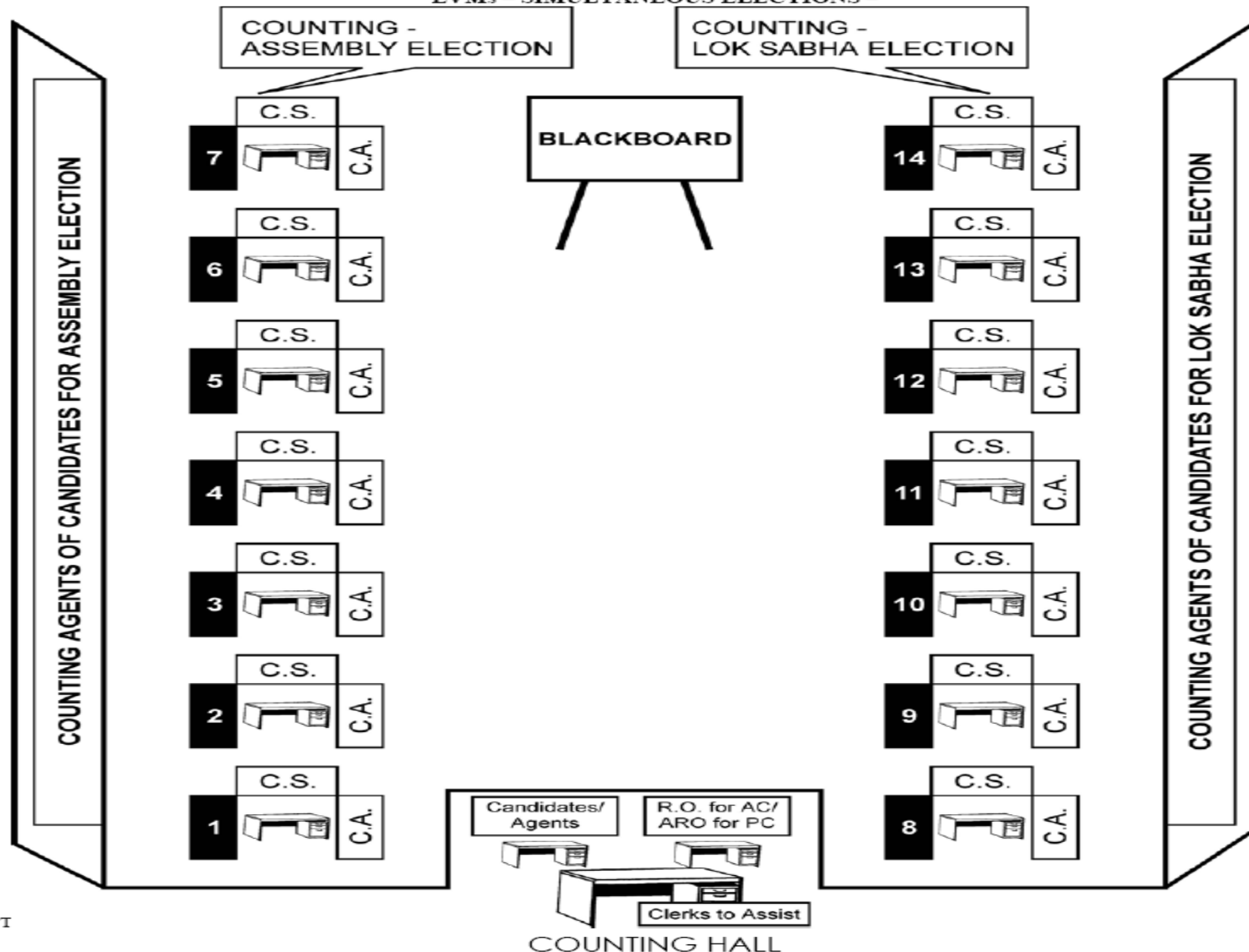
EVMs – LAY OUT OF COUNTING HALL



Infrastructural and security arrangements

ANNEXURE XXXVIII-B (CHAPTER XIV, PARA 5.4)

Layout of Counting Hall EVMs – SIMULTANEOUS ELECTIONS –



Infrastructural and security arrangements

- Provide at every counting table:–
 - A blue ballpoint pen and plain paper
 - 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
 - Table wise polling station number for counting.
- Make arrangement of loud speaker and a black board for disseminating information regarding trends in counting and results to public and media.

Infrastructure and security arrangements

- Telephone with STD facility and hotline
- Fax
- Computer printer with internet and GENSYS software
- Separate room for OBSERVER with facility
- Media centre with communication fac.
- Loudspeaker
- Black/ white board with marker/chalk

Infrastructural and security arrangements

- ● **Public Communication Room–**
From here candidates and their agents can use their mobile. Suitable arrangements to keep mobile phones .
- **Videographer for official videography**
- **arrangement for availability of food and drinking water.**

Infrastructure and 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.
 - 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

- ❖ 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.

Infrastructural and security arrangements

AT COUNTING HALL

- three tier security at counting centre –
 - # 1st tier – 100 mtr peripheri – local police
 - # 2nd tier – gate of counting premises –
state armed police/ women force
 - # 3rd tier – door of counting hall – CAPF/CRPF
- overall requirement – maintenance of law and order

COUNTING STAFFS AND 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)
 - One Counting Assistant
 - One micro observer (a Central Govt. official)
 - One Group D employees.....and
 - Reserve staff and add. Two micro observer for each constituency
 - Additional Counting Assistant for Observer to do parallel counting

COUNTING STAFFS AND 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 STAFFS AND COUNTING AGENTS

- ▶ Staff of local bodies should not be used for counting of votes
- ▶ Proper and good training to counting staff before counting
- ▶ Adequate teams for sealing EVMs and other Envelops

COUNTING STAFFS AND 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 STAFFS AND 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.

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.

COUNTING OF VOTES – 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 opened one by one.

COUNTING OF VOTES – 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 – 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 – POSTAL BALLOTS

Count valid votes and credit each candidate with votes given to him

Calculate total number of votes received by each candidate

This should be carefully entered in Result Sheet in Form 20 at appropriate column.

Particulars (name of constituency, date of counting, brief description of contents) on sealed packet

All valid and rejected PBs to be bundled, packed, sealed with your seal, candidates' seal if they wish and then ECI Secret seal

Announce the result aloud of the PB round for information of candidates

COUNTING OF VOTES – POSTAL BALLOTS

Postal Ballot Paper is rejected if:

No vote is recorded	Votes given for more than one candidate	It is spurious ballot paper	It is damaged/mutilated that its identity as genuine can not be established	Not returned in the cover 'B' sent along with it to elector by RO	Marked/indicated in such a way that it is doubtful for which candidate vote has been given	It bears mark apart from vote or writing by which voter can be identified
---------------------	-----------------------------------------	-----------------------------	-----------------------------------------------------------------------------	-------------------------------------------------------------------	--------------------------------------------------------------------------------------------	---------------------------------------------------------------------------

COUNTING OF VOTES - EVMs

EVMs to be distributed sequentially, i.e. PS no. 1 to Table 1 and so on. Nodal officer to ensure.

Keep account of such distribution with you

Only CU required for Counting . BU to be brought into hall only if inspection required.

Along with CU, sealed cover containing Form 17C (Account of Votes) to be brought to counting table.

Remove the seals from carrying case, take out CU. Place on table for inspection of seals by Candidates/ agents .

When taken out of carrying case, check:

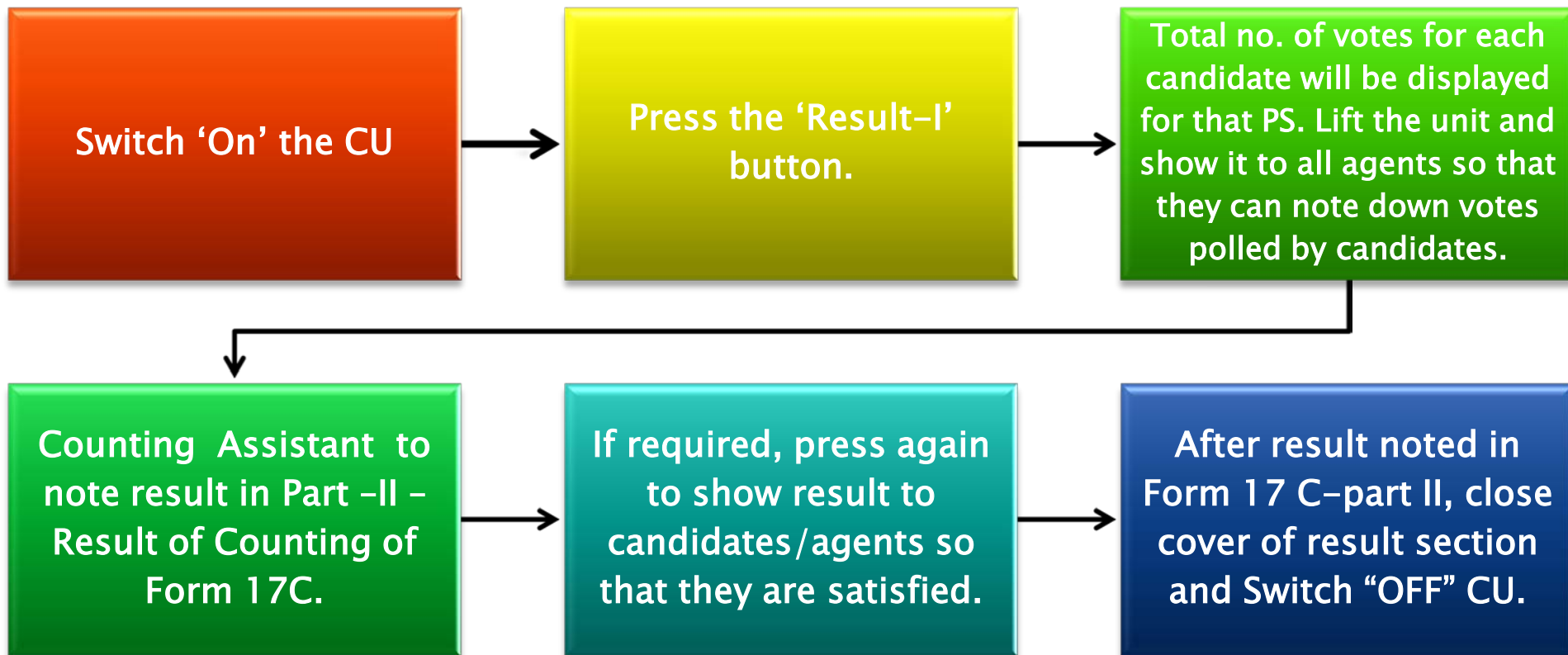
CHECK that green paper seal is intact and its S. No. tally with paper seal account prepared by PrO in Form 17C : Part I: Item 9.

.....Decide if clerical errors or actually tampered with. If tampered with, keep aside and inform ECI immediately

If seal is properly intact and there is no tampering, votes will be counted.

Proceed further

COUNTING OF VOTES - EVMs



COUNTING OF VOTES - EVMs

Counting Supervisor to tally
Result noted in part II of
Form 17C and that noted
down in Item 5: Part I: Form
17C

After completing form,
counting supervisor to
sign it

Request
candidates' /agents'
present at table to also
sign .

Counting Supervisor
should then hand over
duly completed 17C to
RO.

RO to countersign in
part-II of 17C after
satisfying himself.

Thereafter 17C should
be sent to the Officer
compiling final result
in Form 20.

Observer to do parallel
counting of 2 PSs,
randomly selected, with
the help of Addl. Counting
staff to get satisfied that
votes tally with Form 17C

On basis of individual
Form 17C, RO to get
prepared a round wise
statement in the
prescribed format. RO
and Observer to sign it
after necessary
checks.

Announce the votes polled against
each candidate round-wise after
having it written on a black board
so everyone can see. A copy of
round wise result to be kept in
Obs .folder and one copy to each
candidate.

COUNTING OF VOTES - EVMs

After all rounds are completed and final result sheet in FORM-20 is ready, RO SHOULD NOT immediately sign it.

Before announcing , pause for 2 min during which candidate/agent can ask for recount for PB or for all rounds for some round/s.

Ascertain how long he will take to make an application for recount in writing

If time requested is reasonable, announce exact hour and minute till which you will be waiting

COUNTING OF VOTES - EVMs

If time requested is reasonable, announce exact hour and minute till which you will be waiting

Consider the grounds urged in application and decide if valid in whole or part. Reject entirely if found unreasonable/frivolous

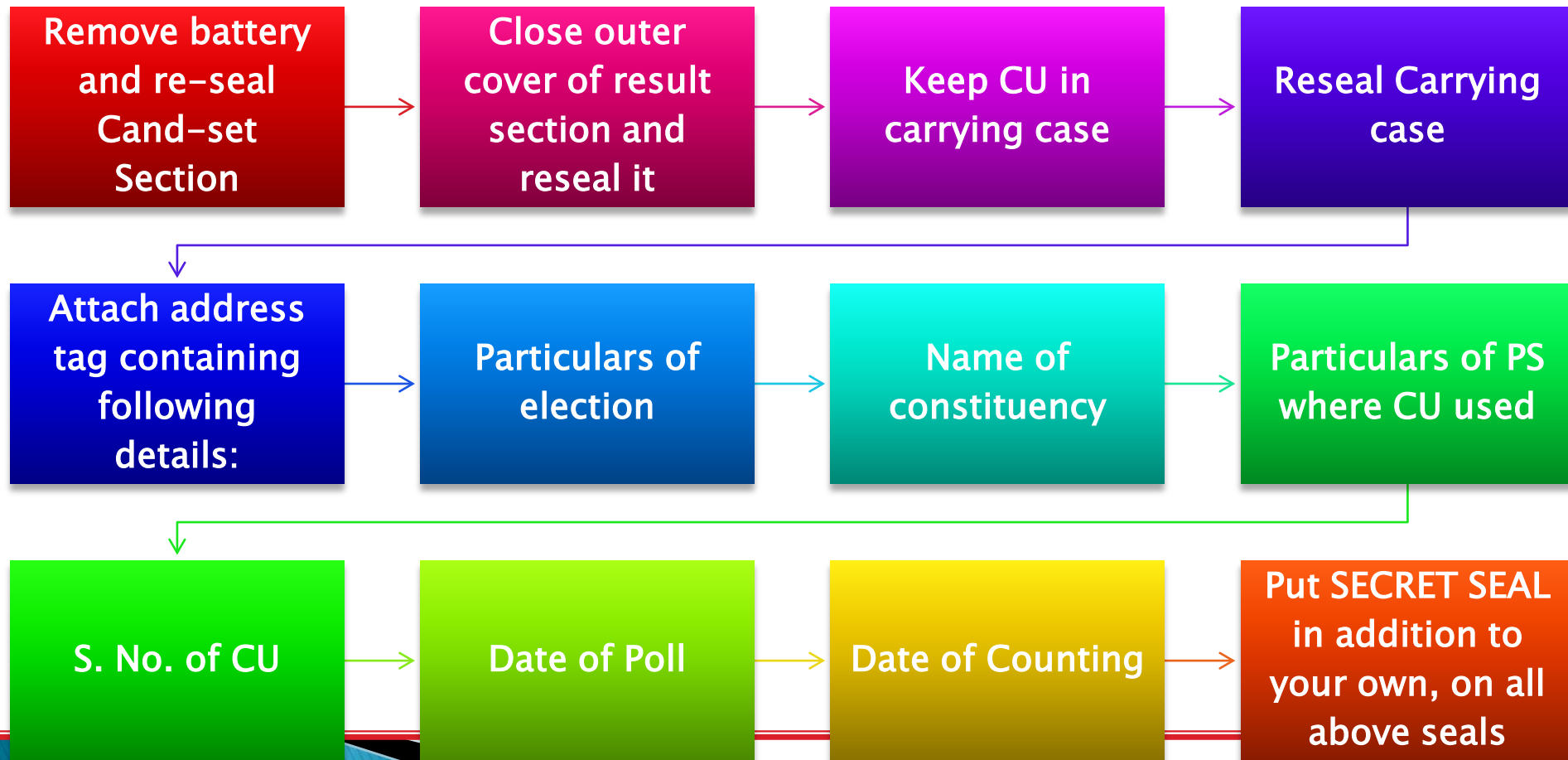
Reason for accepting or rejecting the application should be recorded in detail

After careful recount, make changes if any in Form 20 and announce the same. Complete and sign Form 20

After observer's clearance is obtained, announce the result

SEALING OF EVMs AND OTHERS PAPERS

- ▶ After counting of one round is over, the EVMs have to be re-sealed .
- ▶ 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):

Packets of registers of Form 17 A including voters' slips

Packets of unused postal ballot papers with counterfoils attached thereto.

Packets of used PBs– valid or rejected– including the packets in which covers containing PSs received late are kept.

a. Packets of used and unused tendered ballot papers.

b. The packets of unused (surplus) ballot papers meant for display in BU and for use as tendered ballot Papers.

Packets of counterfoils of used PBs.

Packets of marked copies of electoral roll

Packets of declarations by electors and attestation of their signs

After all packets are sealed, Secret Seal should be put in separate packet

Affix seals of candidates/agents if they wish

The secret Seal should be returned IMMEDIATELY after such sealing to ECI

Send through registered insured post

To be returned to Commission within 24 hours after counting is completed.

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 RESULTS

- ▶ 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)].

DECLARATION OF RESULTS

Send copies of Form 21C to :

ECI

CEO of
state

Union
Ministry of
Law &
Justice
(Legislative
Department
)

State
Government

Secretary to
State
Legislative
Assembly

Report result of election to:

ECI by fax/ email
(Without any failure)

Chief Electoral Officer
of State

Secy. Gen. Lok
Sabha/ Secretary of
State Legislative
Assembly

Director of News
Services, All India
Radio, New Delhi

AIR Station in State
HQ

Director,
Doordarshan Kendra,
New Delhi

Information Officer,
PIB, New Delhi

Ministry of Law Govt.
of India/ State Govt.

DECLARATION OF RESULTS

- ▶ 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.

MISCELLANEOUS ISSUES

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

MISCELLANEOUS ISSUES

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ELECTION LAW AND RULES

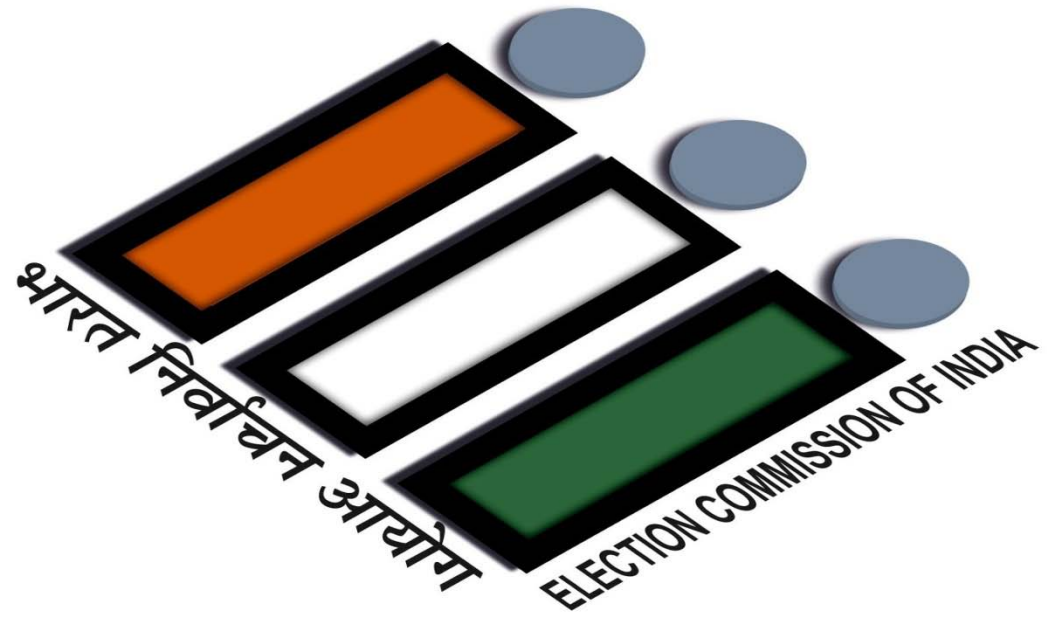
WHICH APPLICABLE TO COUNTING –

► R.P. ACT 1951 –

SEC 64, 64(A) , 65 ,66, 67, 128, 129, 136

CONDUCT OF ELECTION RULES –

RULE 51,52,53,54,55(C),56 (C) , 57(C), 60
,61,63,64,65,66



▶ THANKS