

# **HAND BOOK FOR RETURNING OFFICERS**



**STATE ELECTION COMMISSION  
KERALA  
2020**

**HAND BOOK FOR  
RETURNING OFFICERS**

**STATE ELECTION COMMISSION  
KERALA  
2020**

## **Hand Book for Returning Officer**

*Published by*

**State Election Commission, Kerala**

Vikas Bhavan P.O., Thiruvananthapuram 695 033.

Copies :5000

## PREFACE

Conduct of free and fair elections mainly depends on the Returning Officer. He occupies a very important position in the affairs connected with the election. Even a slight mistake, lapse or inept application of law may vitiate the entire election process.

He has to perform multifarious duties concerning election beginning with the issue of public notice till the declaration of the result. Receipt of nomination papers, their scrutiny, allotment of symbols, printing of ballot papers, arranging training and rehearsal classes for Polling Officers, distribution of election materials, conduct of poll using Electronic Voting Machines, counting of votes, declaration of results, keeping the election records in safe custody are main the duties and responsibilities of the Returning Officer. Since all the works related to election cannot be handled properly by the Returning Officer alone, the State Election Commission has appointed Assistant Returning Officers also to assist the Returning Officer. As such, the Returning Officers and Assistant Returning Officers should have an in-depth knowledge of the various provisions relating to election under the Kerala Panchayat Raj Act, 1994, the Kerala Municipality Act, 1994 and the Conduct of Election Rules, 1995 issued thereunder.

This Hand Book for Returning Officer contains some of the important matters pertaining to the conduct of elections. The Returning Officers and the Assistant Returning Officers should also get themselves acquainted with the various provisions in the aforesaid Acts and Rules. Although an attempt has been made to discuss all the issues relating to election, this Hand Book shall not be considered to be complete by itself. The Returning Officers shall also keep a copy of Handbook for Presiding Officers, Manual for Electronic Voting Machines and Model Code of Conduct for ready reference. Latest version of these handbooks is available on the website of State Election Commission ([www.sec.kerala.gov.in](http://www.sec.kerala.gov.in)) and can be downloaded from there. Hope that this revised edition of Hand Book will be useful to the Returning Officers and the Assistant Returning Officers in the due performance of their duties and functions.

Thiruvananthapuram  
13.08.2020

**V. BHASKARAN**  
State Election Commissioner

## CONTENTS

Chapter No.	Particulars	Page No
I.	Introduction .....	1
II.	Nominations .....	8
III.	Qualification and Disqualification .....	17
IV.	Scrutiny of Nominations .....	27
V.	Withdrawal of Candidature and Allotment of Symbols .....	37
VI.	Uncontested Election .....	50
VII.	Postal Ballot Papers .....	52
VIII.	Polling Teams .....	57
IX.	Polling Rehearsal .....	59
X.	Electronic Voting Machines .....	61
XI.	Sorting of EVMs .....	65
XII.	Assessment and Commissioning of EVMs .....	67
XIII.	Poll Day .....	96
XIV.	Actual Poll .....	109
XV.	Transmission of Voting machine and Election papers to the Returning Officers .....	126
XVI.	Counting .....	130
XVII.	Declaration of Results .....	163
XVIII.	Refund of Security Deposit .....	166
XIX.	Miscellaneous .....	168

## XX. Annexures

I	Intimation Letter .....	173
II	Intimation letter .....	174
II A	Notification .....	175
III	Guidelines on printing and Publishing of Election Pamphlets and Posters .....	176
IV	Form No. N-5 .....	178
V	Form No. N-5A .....	179
VI	Form No. N-5B .....	180
VII	Notice to Contesting Candidate regarding Penal Provisions in the Election Law .....	181
VIII	The Local Authorities Election Symbols (Reservation and Allotment) Order, 2015 .....	183
IX	Form N-L1 (List of Articles) .....	190
X	Register for distribution of Control unit, Ballot Unit & DMM from Block Officers to Returning Officers .....	198
XI	Form N 10A .....	199
XII	Seals and its use .....	203
XIII	Sticker for Pairing of EVMs .....	206
XVI	Register for distribution and receipt of CU, BU and DMM from ROs to POs and from PO to RO .....	207
XVII	Form for maintenance of Records of Voting Machines with RO .....	208
XVIII	Instruction to Counting Supervisors and Counting Assistans .....	209
XIX	Report on retrieving result from CU by using Auxillary Display Unit and Printer .....	212
XX	Report on non- retrieving result from CU by using Auxillary Display Unit and Printer .....	213
XXI	Application for refund of Deposit (By a Candidate) .....	215
XXII	Application for refund of Deposit (By the Legal Representative) .....	216
XXIII	Appoinment of Counting Supervisors/ Assistants .....	217
XXIV	Form N 27 (Report on the election by the Returning Officer) .....	218

## **Chapter – I**

### **INTRODUCTION**

1.1 Free and fair elections require an independent body to supervise, direct and control the conduct of elections. In order to ensure the purity of election process, the responsibility to hold election to the three-tier Panchayats and the Municipality has been entrusted to the State Election Commission insulated from political or executive interference. Election to these Local Self Government Institutions has great significance, as these local bodies are truly units of local self government created by 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Constitution of India, with certainty, continuity and strength and with powers and authority for economic development and social justice. Elections to these local bodies are entrusted to the State Election Commission under Articles 243K and 243ZA of the Constitution of India. The State Election Commissioner is having the status of a Judge of the High Court. The State Election Commission is to function

independently of the State Government in respect of its powers of superintendence, direction and control of the preparation of electoral rolls and for the conduct of all election to Panchayats and Municipalities. In terms of Article 243K and 243ZA the same powers are vested in the State Election Commission as the Election Commission of India under Article 324. (*Kishan Sing Tomar V. Municipal Corporation, Ahmadabad (2006)8 SCC 352*). Besides, the Commission has to discharge manifold functions namely to decide the disqualifications of the elected members and councillors, to decide whether any member of a local authority has become disqualified under the Provisions of Kerala Local Authority (Prohibition of Defection) Act 1999, and to conduct election to various offices of the Panchayats and Municipalities, Standing Committees , etc.

**1.2 District Election Officer** - Section 13 of the Kerala Panchayat Raj Act, 1994 and Section 71 of the Kerala Municipality Act, 1994 provide that the State Election Commission shall, in consultation with the Government, designate or nominate one or more officers of the Government or of the local authority as District Election Officer for each district. Accordingly, the State Election Commission has designated the District Collectors as the District Election Officers in their respective districts. The District Election officer shall, subject to the superintendence, direction and control of the State Election Commission,

co-ordinate and supervise all functions in connection with the conduct of election, including the preparation and revision of electoral rolls with respect to all constituencies/wards under his jurisdiction. The District Election Officer shall also perform such other functions in connection with the election as may be entrusted to him by the State Election Commission in that behalf.

### **Returning Officer**

1.3 The State Election Commission has, in consultation with the Government, designated one or more Officers of the Government or of a local authority as Returning Officer for every Panchayat and every Municipality. The smooth and successful conduct of an election, right from the issue of public notice for election till the declaration of the result and the safe custody of the election materials thereafter depends on how a Returning Officer performs his duties. Non compliance with the provisions of the ACTs, Rules, Orders made there under are the grounds for declaring the election to be void. Hence a slight mistake, lapse or inept application of law may vitiate the entire election. The Returning Officer has a well defined and vital role to play in the entire election process. It is, therefore, essential that the Returning Officers and Assistant Returning Officers shall have an in-depth knowledge of various provisions of the Acts and Rules relating to different stages of election process. The nature of duties of a Returning Officer while conducting the Scrutiny

of nominations and counting of votes is of a quasi - judicial character.

### **Assistant Returning Officer**

1.4 The process of an election is so vast that, all the works related to elections cannot be handled properly by the Returning Officer alone. Therefore, the State Election Commission has appointed one or more Assistant Returning Officers to assist the Returning Officer in the performance of his function (See Section 42 of the Kerala Panchayat Raj Act and Section 98 of the Kerala Municipality Act). Assistant Returning Officer is competent to perform, subject to the control of the Returning Officer, all or any of the functions of the Returning Officer. When the Assistant Returning Officer performs any of the functions of the Returning Officer, he shall sign the papers as "Assistant Returning Officer" and not as "for the Returning Officer" He shall, however, not perform the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

### **Duties and responsibilities of Returning Officer**

1.5 The Kingpin for the conduct of any election is the Returning Officer. He occupies the most important position in

all the affairs connected with the election. It shall be his general duty to do all such acts and things as may be necessary for effectually conducting the election in the manner as provided in the Act and Rules or Orders made thereunder. The main duties of the Returning Officer are as follows :-

The Returning Officer shall -

- a. draw up well in advance a programme for the smooth conduct of election;
- b. procure the materials, forms etc. in adequate quantity;
- c. issue of public notice of election in Form No. I of the conduct of Election Rules;
- d. receive Nomination papers and deposit from candidates;
- e. ensure that the names and serial numbers of the candidates and their proposers as entered in the nomination paper are the same as those entered in the electoral roll;
- f. conduct a preliminary examination of nomination papers ;
- g. administer the oath or affirmation to the candidates and obtain their signatures thereon;
- h. publish the list of nominations received, in Form No.3;
- i. conduct scrutiny of nomination papers;

- j. record the reasons in brief for rejecting any nomination paper;
- k. publish list of validly nominated candidates in Form No. 4;
- l. receive notice of withdrawal of candidature;
- m. allot symbols to the contesting candidates;
- n. publish the list of contesting candidates in Form No. 6;
- o. convene meetings of candidates and political parties to ensure smooth conduct of election;
- p. impart training and arrange rehearsal classes to Polling personnel in all aspects of polling procedure including the handling of Electronic Voting Machine;
- q. make arrangements for printing of ballot labels for the ballot units of Electronic Voting Machine, ballot papers for tendered votes and postal votes and despatch postal ballot papers in time;
- r. prepare Electronic Voting Machine, do the pairing and the candidate setting in the presence of candidates/ their election agents;
- s. deploy polling teams with Electronic Voting Machines for the conduct of poll;
- t. make effective supervision of the poll;
- u. transport and store Electronic Voting Machines under proper security arrangements;
- v. make arrangements for counting of votes.
- w. declare results of the election;
- x. take steps for the safe custody of Detachable Memory Module and the packet containing used tendered ballot papers, postal ballot papers, marked copy of the electoral rolls and all other relevant records relating to election in the Treasury;
- y. keep the nomination papers and personal details of the candidates furnished in Form 2A in the custody of the Returning Officer himself, as these items do not come within the purview of those papers which are to be kept under the safe custody in Treasury as per rule 55(2) of the Rules. In the event of transfer, the Returning Officer shall hand over these papers to his successor/ the officer who is taking his charge, after making necessary entries in the appropriate register.
- z. Appointment of sufficient counting officials.

## **Chapter – II**

### **NOMINATIONS**

#### **Announcement of Elections**

2.1 The State Election Commission announces the programme for election before notification is published in the Gazette. As soon as the announcement is made model code of conduct come into force.

*It is the State Election Commission that fixes a programme for election to local authorities in the state. The Supreme Court held that the court shall not interfere in the matter of fixing the election programme by the State Election Commission.*

#### **Notification and Public notice of election**

2.2 The State Election Commission under Section 49 of the Kerala Panchayat Raj Act and Section 105 of the Kerala Municipality Act shall, by notification in the Gazette appoint

the last date for making nomination, the date for scrutiny of nomination, the last date for the withdrawal of candidature and the date of poll or polls, if necessary. The schedule for election shall invariably be followed.

2.3 On the issue of a notification by the State Election Commission, the Returning Officer shall give public notice of the intended election inviting nomination of candidates for such elections and specifying the place at which the nomination papers are to be delivered. The Returning Officer will be informed beforehand the date of issuing such public notice. The said public notice of election shall be issued in the following manner.

- (i) The public notice shall be in form No.1 (Section 50 of the Kerala Panchayat Raj Act and Section 106 of the Kerala Municipality Act) and shall be published on the day on which the State Election Commission issues notification. The notice shall be published even if it is a public holiday.
- (ii) The notice shall be published in Malayalam and in any other language specified by the State Election Commission.
- (iii) Every notice should be published in each of the languages on the notice board of the office of the Returning Officer, office of the concerned Panchayat/Municipality and such other places as the Commission may direct.

## **Submission and receipt of the nomination**

2.4 A candidate may present his nomination paper on the very day of notification or on any of the seven days following that day unless any of these days is a public holiday. The nomination papers shall be in Form No.2 and it shall be supplied free of cost to the candidates. If the last day for filing nomination is a public holiday, the nomination paper can be filed on the next day, which is not a public holiday. Similarly if the date for scrutiny of nomination is declared as a public holiday the scrutiny will be held on the next day which is not a public holiday. Likewise, if the last day for withdrawal of candidature has been notified by the Government as a public holiday, the notice for withdrawal shall be considered as having been delivered in due time, if it is delivered before 3'O Clock in the afternoon on the next succeeding day which is not a public holiday.

2.5 The nomination papers may be presented either before the Returning Officer or before any of the Asst. Returning Officers specified in the public notice on any of the days at the place or places specified in the notice at any time between 11 a.m. and 3 p.m., and not at any other hour or place. If a candidate or his proposer seeks to present a nomination paper either before 11 a.m. or after 3 p.m. the Returning Officer shall not accept the

nomination paper. Each nomination paper must be serially numbered, as soon as it is presented, by the officer who is receiving it. He must also note on the body of the nomination paper the exact time at which it has been received by him. A list of nominations received everyday shall be published in Form N3 in the notice board. Besides, the Returning Officer shall, as soon as the last day and time fixed for the receipt of nomination paper is over, **publish a list of nomination received in Form No.3**. Copy of the details submitted by the candidate in Form 2A\* shall be published along with the list of nomination in Form No. 3. A copy of the nomination paper shall be given to an elector of a constituency if an application is made in that behalf of an elector.

2.6 Nomination papers can be presented personally either by the candidate or his proposer and by no one else, at the office of the Returning Officer or the Asst. Returning Officer as specified in the public notice. The Returning Officer shall, on the presentation of the nomination papers, conduct a preliminary examination of the nomination paper. The Returning Officer shall permit any misnomer or inaccurate description or clerical, technical, or printing error to be corrected (Kerala Panchayat Raj Act section 52 (4), Kerala Municipality Act section 108 (4)).

2.7 Under sub-section (6) of section 52 of the Kerala

Panchayat Raj Act and sub-section (5) of section 108 of the Kerala Municipality Act a maximum of three nomination papers can be presented on behalf of any candidate. If a candidate seeks to present any nomination paper or papers in excess of these numbers it shall not be accepted. A person nominated as a candidate to fill a constituency of a Panchayat/ward of a Municipality shall not be nominated as a candidate for another constituency/ward of the same Panchayat/ Municipality. In the case of Panchayat Raj Institutions, a candidate can contest in election to all the three tiers of Panchayat simultaneously. If the candidate is elected more than one level of Panchayat he has to inform the State Election Commission within 15 days the panchayat in respect of which he wishes to be a member and in respect of which he wishes to vacate his membership. On his failure in so intimating, his membership in all levels of Panchayat to which he has been elected shall be deemed to have ceased (Section 83(A) of Kerala Panchayat Raj Act)

*If a candidate is nominated to contest election in more than one constituency in same panchayat all his nominations are liable to be rejected (Ahamed Kutty Vs Ali 2003(3) KLT 739).*

2.8 A candidate at an election in a Panchayat/Municipality shall make and subscribe an oath or affirmation according to the form set out for the purpose, in the first schedule of the Kerala

Panchayat Raj Act /the second schedule of the Kerala Municipality Act. The oath or affirmation should be made or subscribed before the date fixed by the Election Commission for Scrutiny of nomination paper. If he has not taken the oath or affirmation, intimation in Form N2 (Annexure 2) shall be given to him. It should be borne in mind that mere signing on the paper on which the form of oath is written is not sufficient. The candidate must make the oath before the Returning Officer or authorized person by reading aloud the content and put his dated signature on it. If the candidate is illiterate or unable to read, the Returning Officer or the authorized person should read out the oath and ask the candidate to repeat the same and thereafter obtain his thumb impression on the form. The authorized person should endorse on the form that the oath or affirmation has been made and Subscribed by the candidate showing the time and date. The Commission has issued notification authorising persons for administering oath or affirmation. A copy of the notification is appended as Annexure II A.

2.9 Every candidate presenting a nomination paper, shall also submit along with such nomination, details regarding his educational qualification, criminal cases in which he is involved at the time of submission of nomination, property owned by

him and other members of his family, liabilities and other details in Form No. 2A. Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries of such roll shall be produced along with the nomination paper. If he has not produced the same intimation in Form N1 shall be given to him. (Annexure 1). The receipt portion of Form N1 & N2 obtained from the candidate or proposer shall be kept along with the nomination paper.

2.10 Where a constituency/ward is reserved to SC/ST, a candidate shall produce along with the nomination paper a community certificate issued by a competent Officer, showing that he belongs to the SC/ST caste or tribe for which the constituency or ward is reserved.

2.11 A candidate shall be qualified to be nominated for election only if he deposits or causes to be deposited a sum of ` 1000/-, ` 2000/-, ` 3000/- in the case of a constituency of a Grama Panchayat, Block Panchayat or District Panchayat and ` 2000/- and ` 3000/- in the case of a ward of a Municipality or Municipal Corporation, respectively. In the case of a candidate belonging to Scheduled Caste/Scheduled Tribe the amount of deposit shall be 50% of the amount so prescribed. Where a candidate has been nominated by more than one nomination paper, not more than

one deposit shall be required of him. Unless the amount is deposited with the Returning Officer, a receipt in proof of the deposit shall be enclosed with the nomination paper presented on behalf of the candidate. The amount can also be deposited in the Treasury under the head of account "8443-civil deposits-121-deposits in connection with elections-95-deposit made by candidate for Municipality/8443-121-94-deposit made by candidate for Panchayat.

*Nomination is the process of formally offering oneself as a candidate for any elective office.*

*Inaccurate or incomplete details will not render the Form 2A fake (Gopalakrishnan V.Sarasi 2009 2) KLT 882).*

*Furnishing of any wrong information or suppression of any material information from there will not be a ground for rejection of nomination paper, though it may attract penal action under section 177 of the Indian Penal Code.*

*Submission of incorrect details in Form 2A under section 52(1) (A) will not lead to rejection of nomination. However, if the details furnished by the elected candidate under sub-section(A) of Section 52 are fake the same is a ground to declare the election as void under section 102(1) (ca) of the Kerala Panchayat Raj Act (Rajeev Alexander V. Seynullabdeen 2011(1) KHC 67). Non-furnishing of details of share certificates in nomination paper does not make Form 2A fake.(Mohan*

V. Joseph 2013(1) KLT 748).

*If entries in form 2A are not filled completely or certain columns in form 2A are kept blank, the returning officer shall in writing direct the candidate to furnish duly filled fresh affidavit with complete particulars before the time of scrutiny or else incomplete form 2A will lead to rejection of nomination(Resurgence India V ECI 20-13(4) KLT1). (Judgment rendered in the context of Election under the Representation of the People Act, 1951.)*

## Chapter – III

### **QUALIFICATIONS AND DISQUALIFICATIONS OF A CANDIDATE**

#### **Qualifications:**

- 3.1 A person shall be qualified for being nominated, if -
- (i) his name appears in the electoral roll of any of the constituency of the respective Panchayat/Municipality
  - (ii) he has completed his 21st year of age on the date of submission of nomination
  - (iii) in the case of a seat reserved for Scheduled Caste/ Scheduled Tribe, he is a member of any of the SC/ST as the case may be
  - (iv) he makes or subscribes an oath or affirmation before the Returning Officer or any other person authorized.
  - (v) he has not been disqualified under any provisions of KPR Act/KM Act.

#### **Disqualifications:**

##### **(A) Government Employees, etc.**

3.2 Officer or employee in the service of a Central, State, Local Authority or Corporation owned or controlled by a Central or State Government or of a company or any co-operative society in which Central or State Government or Local Authority has not less than 51% share or of a Statutory Board or of any University established under a State enactment are not qualified

for contesting election, under section 30 of Kerala Panchayat Raj Act and section 86 of Kerala Municipality Act.

*The officers or employees of Corporation controlled by the State or Central Government are disqualified to contest election. The officers and employees of KSRTC constituted under the Kerala Road Transport Corporation Act is disqualified to contest election. An empanelled conductor in KSRTC is, therefore, disqualified to contest election. An officer or employee of a Government Company and officers or employees of Statutory Boards like Kerala State Electricity Board are disqualified to contest election. Employees of Universities within Kerala are disqualified to contest election. Employees of Co-operative Societies in which the Government is having not less than 50% share is deemed to be a Government company and is disqualified to contest in an election (Judgement dated 05.09.2005 in W.P.(C) No. 19463/2005). Service includes provisional service also. Therefore, a person appointed for 179 days through Employment Exchange under Rule 9 (a) (i) of part II of KS and SSR (Judgement dated 11.07.2000 in W.A No. 1148/2000) and SLR (seasonal Labour Roll) worker are not qualified to contest election to Local Authorities (Rajesh V. KSEC 2010 (4) KHC 140).*

**(B) Dismissed Government employees, etc.**

Any officer or employee who has been dismissed from Central or State Government or local authority shall be disqualified for a period of 5 years from the date of such dismissal.

**(C) Conviction under IPC & RP Act. (Section 31 KPR Act & S.87 KM Act)**

Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code or under any other provisions of law referred to in Section 8 of the Representation of People Act, 1951 or under any other law relating to the infringement of secrecy of an election, shall be disqualified for being elected in any election to the Panchayat/Municipality.

*-A person convicted for electoral offences under Chapter IX A of IPC or under Section 8 of the Representation of the People Act, 1951 shall be disqualified for being elected in any election to Local Authorities.*

The disqualification mentioned in section 34(1)(a) and (b)(1) of the Kerala Panchayat Raj Act, 1994 is not permanent. No life ban can be imposed against a person from contesting an election under sec 34 of the Kerala Panchayat Raj Act in view of the definite tenure of disqualification prescribed under Sec 31 of the Kerala Panchayat Raj Act, 1994 and Sec 8(3) of the representation of People Act 1951. This has been clarified in judgement dated 26.06.2015 in WP(C) No. 30749/2010 (John John @ Onachan V State Election Commission) of the Kerala High Court. Thus a person convicted for an offence shall be disqualified under Section 34(1) of the Kerala Panchayat Raj Act, 1994/ Section 90(1) of the Kerala Municipality Act for a period of six years from the date of conviction and where the convicted person is sentenced to imprisonment, he shall continue to be disqualified for a further period of six years since his release.

*Even if the convicted person is sentenced to fine for the offences specified under section 8 (1)of RP Act, he would be disqualified for a period of 6*

years from the date of such conviction. In case of imprisonment, disqualification shall be from the date of such conviction and shall continue to be disqualified for further period of 6 years since his release.

Section 8 (2) of the RP Act, 1951 provides that for conviction of offences specified therein (like Dowry Prohibition Act, Food Adulteration Act and for offences of hoarding, profiteering etc.) and sentenced to imprisonment for not less than 6 months, such persons shall be disqualified from the date of conviction and shall continue to be disqualified for a further period of 6 years since his release.

Section 8 (3) of the RP Act provides that a person convicted of any offence and sentenced to imprisonment for not less than two years (for any offence other than referred to S. 8(1) & (2) shall be disqualified from the date of conviction and shall continue to be disqualified for a further period of six years since his release.

A subsequent acquittal in Appeal or setting aside conviction and sentence will not wipe out the disqualification which existed on the date of scrutiny (Prabhakaran V. Jayarajan (2005) 1 SCC 754. A member convicted by criminal court - even if sentence is suspended by Appellate court disqualification is attracted (S1 by SEC 2004(2) KLT1106).

#### **D. Corrupt practice**

(4) A person shall also be disqualified if he is guilty or corrupt practice under Section 101 of the Kerala Panchayat Raj Act or Section 107 of the Kerala Municipality Act.

(Section 32 of KPR Act/88 of KM Act). -Provides for disqualification on ground of corrupt practices found by Election Tribunal and provides that the disqualification shall not exceed 6 years from the date of order of

the Governor. The Governor has to act as per the opinion of the State Election Commission.

Canvassing in election on the ground of community or Religion amounts to corrupt practice (P.C. Thomas V.P.M. Ismail (2009) 10 SCC 239)

**(E) (5) A Person who has failed to lodge election expenses shall be disqualified for a period of 5 years from the date of the order of the State Election Commission.**

**(F) (6) A Person shall be disqualified to contest in an election if he -**

- (i) is so disqualified by or under any law for the purpose of the election to Legislative Assembly;
- (ii) has produced a false community certificate for contesting a seat reserved for SC/ST and proved so;
- (iii) has been sentenced by a Court or Tribunal for imprisonment for a period not of less than 3 months for an offence involving moral turpitude.

Moral turpitude is not defined under the Act. Usually it is considered as offences against the society.

Examples:

1. A person committing theft and convicted under section 379 IPC and sentence to undergo simple imprisonment for a period of 6 months.
2. Causing injuries to victim who asked for accounts in the Grama Sabha – conviction in the criminal case is one for an offence involving moral turpitude. (*Joby George V. Thomas Varghese* 2012(2) KLT).

**(G) Guilty of an offence of corruption:-**

Section 34(1)(b)(ii)/90(1)(b)(ii) provides that a person shall be disqualified for being chosen as and for being a member if he has been found guilty of an offence of corruption by a competent authority under any law in force (Prevention of corruption Act).

- (iv) has been held Personally liable for (maladministration) by the Ombudsman ; or

*Maladministration: Section 34(1)(b)(iii)/90(1)(b)(iii) provides that a person shall be disqualified for being chosen as and for being a member if he has been held personally liable for maladministration by the Ombudsman for Local Self Government Institutions*

- (v) has been adjudged to be of unsound mind; or
- (vi) has voluntarily acquired the citizenship of a foreign State;  
or
- (vii) has been sentenced by a Criminal Court for any electoral

offence punishable under Section 136 or Section 138 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification; or

- (viii) is an applicant to be adjudicated an insolvent or is an undischarged insolvent; or
- (ix) is interested in a subsisting contract made with, or any work being done for, the Government or to any Local Self Government Institution except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act.; or
- (x) is employed as a paid legal practitioner on behalf of the Government or the Panchayat concerned; or
- (xi) is already a member whose term of office as such will not expire before his fresh election can take effect or has already been elected as a member whose term of office has not yet commenced; or

**(insolvent:** *a person shall be disqualified for being chosen as and for being a member if he has applied to be adjudicated or is adjudicated, an insolvent. The adjudication shall be by Insolvency Court under Insolvency Act. *Thampanoor Ravi V. Charupara Ravi*(199)8 SCC 74.*

***Subsisting contract:***

*A person shall be disqualified for being chosen as and for being a member if he is interested in any subsisting contract made with, or work being done for, the government or (any Local Self Government Institution) except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act.*

*ARD (Ration Shop) not a contract with Government. (S. Mohan Kumar V. Rajagopal 2000(1)KLT 677)*

*Convener of Beneficiary Committee – no disqualification 2010(2) KLT 1022.*

*Implementation officer of People's Planning Scheme and Padasekhara Committee Convener are not disqualified under the above provision 2000(1) KLT 712.*

*The intention/object of the above provision is that there is no conflict between public duty and private interest.)*

*(XII) is in arrears of any kind due by him to the Government or the Local Self Government Institution otherwise than in a fiduciary capacity) up to and inclusive of the previous year in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired; or*

*[section 34(1)(j)/90(1)(j) provides that a person shall be disqualified for being chosen as and for being a member if he is in arrears of any kind*

*due by him (otherwise than in a fiduciary capacity) to the government or the Local Self Government Institution and a bill or notice has been duly served on him and the time, if any, specified therein has expired; Three conditions have to be satisfied to attract the section.*

- a such person is in arrears of any kind due by him to the Government or Local Self Government Institution*
- b and a bill or a demand notice has been issued to him for payment of that amount*
- c and the period for payment specified therein has already expired and the amounts are outstanding. Ramachandran V. Omanakkuttan 2002(3)KLT603.*
- d Dues toward a Co-operative Bank cannot be termed as dues to the Government. 2007(4) KLT 153.*
- e Stay of RR. at the time of scrutiny – Nomination has to be accepted. 2010(2) KLT 1022.*
- f Amount due to Kerala State Backward Dev Corp – not due to Govt. 2010(2)KLT 148.*
- g Even if the iarrear is due to some other LSGI other than one in which the candidate contests, disqualification is attracted (Mustafa v Basheer 2014 (3) KLT 774)]*

*(xiii) is dismissed or removed from the service of the Central*

- Government or of the State Government or the service of any local authority; or
- (xiv) has been disqualified as per the provisions of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 and has not completed 6 years from the date of disqualification; or
  - (xv) is debarred from practising as an Advocate.
  - (xvi) is a deaf-mute.
  - (xvii) is included in the black list for any default in connection with any contract or tender with the Government .

**Waste or misuse:** *Section 34 (1) (p) provides that a person shall be disqualified for being chosen as and for being a member of Panchayat if he has been found liable for loss, waste or misuse of money or other property of the Panchayat by the Ombudsman.*

**Under any other provisions:** *Section 34(1)(n) and 90 (1)(n) provide that if a person shall be disqualified for being chosen as and for being a member of Panchayat if he is disqualified, under any other provisions of this Act.*

If any question arises as to whether a candidate has become subject to any disqualification, the question shall be referred for the decision of the State Election Commission and decision of the State Election Commission shall be final.

## Chapter -IV

### SCRUTINY OF NOMINATIONS

4.1 The scrutiny of nominations is a quasi-judicial function and so utmost care has to be taken in the exercise of such function. The Scrutiny of nomination should be done by the Returning Officer and not by any of the Assistant Returning Officers. The only exception to this mandatory requirement is that when the Returning Officer is unavoidably prevented from doing so. In such a situation one of the Assistant Returning Officers specially authorized by the Returning Officer in that behalf can do the Scrutiny. The reasons for authorizing the Assistant Returning Officer shall be recorded in writing and the matter shall be intimated to the District Election Officer.

#### **Persons permitted at the time of scrutiny -**

4.2 On the date fixed for scrutiny of nomination, the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate can be permitted at the time of scrutiny. No other person shall be permitted.

#### **Examination of Nomination Papers**

4.3 The Returning Officer shall be impartial and courteous,

and he shall treat all candidates equally. The Returning officer shall only be guided by the provisions of law. He shall discharge his duty judiciously. He shall not be guided by any personal or Political bias. The Returning Officer shall give the candidates or their election agents reasonable opportunity for examining the nomination papers of all candidates (See section 55 of the Kerala Panchayat Raj Act and section 111 of the Kerala Municipal Act). The qualification or disqualification of the candidate shall be considered with reference to the date of Scrutiny of the nomination. But it must be noted that the candidate should have completed the age of 21 on the date of filing nomination.

#### **All nomination papers are to be scrutinized**

4.4 All nomination papers of a candidate are to be taken one after another and to be scrutinized. If more than one nomination paper has been presented by or on behalf of one candidate, all nomination papers are required to be scrutinized. In case where there is any minor error in any one of the nomination papers of a candidate in regard to particulars such as part number, name, serial numbers etc of the electoral roll, it can be made up with the correct particulars given in another nomination paper by the same candidate. Merely because one or more nomination papers of a candidate have already been found valid, it would not be correct to pass over the other

nomination papers of the same candidate.

*The scrutiny of nomination is a highly important function of the Returning Officer as any lapse on his part might ultimately result in the entire election being declared void thereby causing huge loss to the exchequer. The Returning Officer at the time of scrutiny of nomination acts as a quasi judicial authority and shall act independently of deciding the validity or otherwise of a nomination paper. He is not bound by any directions or instructions of any of his superiors including the State Election Commission and no such instructions can be issued to him in the performance of his quasi judicial function. (Sasidharan V Election Commission of India 2009(2)KHC 743).*

#### **Objections and summary inquiry.**

4.5 If an objection is raised with regard to any nomination paper, the Returning Officer shall hold a summary inquiry thereon to decide whether the nomination paper is valid or not. The reasons for the decision shall be recorded on every objection raised. The objector may be supplied with a certified copy of the decision accepting the nomination paper of a candidate overruling the objection raised by him upon his request. The decision may be challenged later in an election petition and so a brief statement of reason should be recorded at that time. Even if no objection has been raised to a nomination paper, the Returning Officer should himself satisfy that the nomination paper is valid.

4.6 At the time of scrutiny of nominations, an objection in regard to the validity of nomination of a candidate can be raised by any of the candidates, or any of the proposers, election agents or authorized representatives present. Such objections can also be raised by the Returning Officer **suomotu**. The inquiry by the Returning Officer into the question of validity or otherwise of a nomination is a summary inquiry.

4.7 It must be remembered that whenever a candidate's nomination paper has been improperly rejected and thereby he is prevented from contesting the election, there is a legal presumption that the result of the election has been materially affected by such improper rejection. In case of a reasonable doubt as to the validity of a nomination paper, the benefit of such doubt should go to the candidate concerned and the nomination paper should be held to be valid. It is advisable that a comparatively liberal approach may be adopted in overlooking minor, technical or clerical errors.

4.8 It is not necessary that a candidate or his representative should be present at the time of scrutiny of nominations, and no nomination can be rejected solely on the ground of absence of the candidate or his representatives during the scrutiny proceedings. It should be accepted or rejected on merit. If any objection is raised with regard to the nomination of candidate and there is no one to rebut it on his behalf, the Returning Officer

may be justified in rejecting the nomination if he finds substance in the objection raised in relation to his nomination. The Returning Officer shall hold the scrutiny on the date appointed in this behalf and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by cause beyond his control. In case objection is raised by the Returning Officer or made by any other person, the candidate concerned may be allowed time to rebut it not later than the next working day but one following the date fixed for scrutiny. The Returning Officer shall record his reasons on the date to which the proceedings have been adjourned.

**Grounds which are insufficient for rejecting nomination paper**

4.9 No nomination paper shall be rejected on the ground of any defect which is not of a substantial character ( Section 55 of Kerala Panchayat Raj Act and Section 111 (4) of Kerala Municipality Act). Any mistake or error of a technical/clerical/nature should therefore be ignored. The nomination paper should not be rejected on the following grounds when mistakes are made in nominations paper regarding -

- (i) the year of election;
- (ii) name of constituency/ward;

- (iii) the electoral roll number;
- (iv) choice of symbols;
- (v) age, name or other particulars of the candidate or his proposer as given in the nomination paper and in the electoral roll;

4.10 The law enjoins upon the Returning Officer to make preliminary examination of each nomination paper as soon as it is presented to him by or on behalf of a candidate. In such Preliminary scrutiny, he is required to check and satisfy himself that the name of the candidate and the name of the proposer and their electoral roll numbers as given in the nomination paper are the same as that are entered in the relevant electoral roll. If he finds any discrepancy, he can have the same corrected, then and there, by the candidate or his proposer who has presented the nomination paper. Further, he can direct any inaccurate description or any clerical or technical error to be corrected. The Returning Officer should examine meticulously the receipt for payment made as deposits with reference to the seals of the authority etc. and make sure that the deposit has actually been made.

4.11 The electoral roll is conclusive as to the qualifications of a person as being a registered voter, except where a disqualification is expressly alleged and proved in relations to him being such elector. An objection cannot be raised before the Returning

Officer at the time of scrutiny of the nominations that the candidate is not an ordinarily resident in the constituency/ward in which his name is registered, such objections have to be raised only before the Electoral Registration Officer.

#### **Grounds for rejection of Nomination papers**

4.12 Nomination paper of a candidate shall be rejected, if:-

- (i) the candidate is not qualified in law to be member/ councillor of the Panchayat/Municipality concerned; or
- (ii) the candidate is disqualified in law to be such member; or
- (iii) the nomination paper has been presented before 11 A.M. or after 3 p.m. or
- (iv) the nomination paper has been presented to the Returning Officer or the Assistant Returning Officer by a person other than candidate or his proposer; or
- (v) the nomination paper has been presented at a place other than that specified in the public notice; or
- (vi) the nomination paper is not submitted in the prescribed form; or
- (vii) the nomination paper has not been signed by the candidate and his proposer or the signature of the candidate or the proposer on the nomination paper is not genuine; or

- (viii) the proposer is not an elector of the constituency ward at the time of presentation of the nomination paper; or
- (ix) proper deposit has not been made in accordance with section 53 of the Kerala Panchayat Raj Act 109 of the Kerala Municipality Act, 1994; or
- (x) he has filed nomination paper to contest from more than one constituency/ward of the same panchayat/municipality, or
- (xi) the oath or the affirmation is not made by the candidate as required under Section 29 (e) of the Kerala Panchayat Raj Act or Section of 85(f) of the Kerala Municipality Act, or
- (xii) the candidate does not belong to the scheduled caste or scheduled tribe and he files nomination paper to contest a seat reserved for the scheduled castes or, as the case may be, the scheduled tribe, or
- (xiii) the candidate has omitted to specify his age in the nomination paper ; or

*(the failure to make the declaration as to the age in the nomination paper shall be a defect of substantial character for which the nomination paper shall be liable to be rejected (Brijendra lal Gupta V. Jwala Prasad AIR 1960 SC 1049))*

- (xiv) the nomination paper has not been signed either by the candidate or his proposer at the appropriate places

meant for such signature; or

- (xv) where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll has not been produced before the Returning Officer despite intimation given in Form N1.

4.13 The Returning Officer shall invariably record the reason for rejecting a nomination paper, then and there, and supply certified copies of the order immediately in case where all the nomination papers filed by a candidate have been rejected. This may be done even in the absence of an application from him. If the Returning Officer accepts one of the nomination paper of a candidate and rejects other nomination papers, he shall furnish a copy thereof to the candidate who applies for it.

*(The decision of the Returning Officer accepting or rejecting the nomination of a candidate is not subject to any review/revision by any authority including the court or the State Election Commission, until the process of election is over. It can be challenged only by means of an election petition before the appropriate court after the completion of election and not when the election process is still on (N.P. Ponnuswami V.R.O AIR 1952 SC 64).)*

### **List of validly nominated candidates**

4.14 Immediately after the Returning Officer has completed the scrutiny of all nomination papers, he has to prepare a list of validly nominated candidates in Form No. 4. Only one entry is necessary in respect of each of the validly nominated candidates in the list, although more than one nomination papers in respect of him may have been accepted as valid. If none of the nomination papers of a candidate has been found valid on scrutiny his name should not be entered in the list. The list of validly nominated candidates should be sent immediately to the State Election Commission.

*If a candidate considers that his name is incorrectly spelt or otherwise incorrectly shown in his nomination paper he may furnish in writing to the Returning Officer, before publishing the list of candidates, the corrections to be made in his name. The Returning Officer shall, if satisfied as to the genuineness of the request, make the necessary correction or alteration in the name of the candidate in the list of contesting candidates before preparation of the list of contesting candidates.*

## **CHAPTER - V**

### **WITHDRAWAL OF CANDIDATURE & ALLOTMENT OF SYMBOLS**

5.1 Every candidate who has been validly nominated has a right further to reconsider and make up his mind whether he finally wants to contest the election or not. Similarly, some political parties also may ultimately decide not to field their candidates in any particular constituency/ward and, therefore, the candidate set up by them withdraw from the contest. A candidate can withdraw his candidature by notice in writing in Form No.5 to the Returning Officer before 3'O clock in the afternoon of the last day fixed for such withdrawal. Notice in any other form shall not be accepted for this purpose. Every notice of withdrawal must be delivered to the Returning Officer by -

- (i) the candidate, or
- (ii) his proposer, or
- (iii) his election agent

In case the proposer or election agent delivers the notice he must have been authorised in writing by the candidate in this behalf. If the last day fixed for the withdrawal is a public holiday, such holiday should be excluded and notice for withdrawal can be given before 3 0' clock in the afternoon on the next succeeding

day which is not a holiday, In other words the notice of withdrawal should neither be delivered to, nor be received by the Returning Officer on a day which is a public holiday.

5.2 A candidate may give a notice of withdrawal only after the scrutiny of nomination is over. Such notice can be given on the date of scrutiny or after the scrutiny is over or on the next day or on the second day after the date of scrutiny.

### **Receipt for withdrawal**

5.3 The Returning Officer shall accept the notice of the withdrawal of candidature only after he has satisfied himself as to the genuineness of the notice of withdrawal and also with regard to the identity of the person presenting the notice. Such satisfaction on the part of the Returning Officer is necessary so as to avoid acceptance of any fake notice. Receipt portion in Form No.5 after filling up the required particulars, shall be detached from the body of the Form and handed over to the person delivering the notice.

### **Valid withdrawal not to be cancelled**

5.4 No person who has given a notice of withdrawal of his candidature shall be allowed to cancel the notice.

5.5 The Returning Officer shall, on being satisfied as to the genuineness of the notice and identity of the person delivering it, affix a copy of the notice in some conspicuous place in the

office of the Returning Officer and in the office of the Panchayat concerned.

*(Any candidate declaring that he has withdrawn his candidature or has retired from the contest after prescribed hour and date shall nevertheless be regarded as contesting candidate and shall be under compulsion to fulfil the legal obligations that are cast upon a contesting candidate under the law, like filing return of his election expenses.)*

### **List of contesting Candidates**

5.6 Immediately after 3 p.m. on the last day fixed for withdrawal of candidature, the Returning Officer shall prepare a list of contesting candidates, that is, the list of validly nominated candidates who have not withdrawn their candidature. The Returning Officer shall, as soon as it is prepared, publish the list in some conspicuous place of his office. He shall also supply a copy of the list of contesting candidates to each of such candidates or his election agent. The list of contesting candidate should be prepared in Form No.6. Any delay may seriously affect the programme for printing of ballot labels (ballot papers) to be used in the EVM. The list of contesting candidates shall contain the names in Malayalam alphabetical order and the address of the contesting candidates as given in the nomination papers and the symbols allotted to each of the candidates.

5.7 The Returning Officer shall inform the Commission immediately by e-mail or by special messenger the names of contesting candidates and symbols allotted to each of them.

5.8 Rule 13 (2) of the Conduct of Election Rules requires that the list of contesting candidates to be published in the office of the concerned Panchayat / Municipality besides its publication in the office of the Returning Officer.

**Matters to be considered while preparing the list of contesting candidates**

5.9 Section 52 (4)/108(4) of the Kerala Panchayat Raj Act/ Kerala Municipality Act provides that the name of the candidate in the nomination paper shall be the same as entered in the electoral roll. Section 57 (2)/113(2) of the said Acts provides that the list of contesting candidates has to be prepared in Malayalam alphabetical order as given in the nomination paper.

*Rule 28 (3) of the conduct of election Rules provides that the names of candidates shall be arranged in the ballot paper in the same order in which they appear in the list of contesting candidates(Form 6).*

*Rule 28(4) also provides that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.*

*The Returning Officer can also permit the candidates to prefix or*

*suffix the name of their occupation, academic, honorific or any other title like Doctor, Professor, Advocate to their names.*

**Illustrations:-**

Two or more candidates bear the same name

1. രാമചന്ദ്രൻ
2. രാമചന്ദ്രൻ

In the above example, if the 1st Ramachandran is a doctor by profession and the 2nd an advocate by profession their names can be arranged in the list of contesting candidate as follows:

1. അഡ്വ.രാമചന്ദ്രൻ
2. ഡോ. രാമചന്ദ്രൻ

Here the first alphabet to be considered is the professional or other names added.

If there is no chance of taking profession, then the Returning Officer can avail the option of their residence.

1. കല്ലേലിൽ രാമചന്ദ്രൻ
2. മാങ്കുഴി രാമചന്ദ്രൻ

There may be instances that the residence name of both of them may be identical so that it cannot be considered for the above purpose. Then the Returning Officer can take the option of their surnames.

1. ഭഗാപാലൻ രാമചന്ദ്രൻ
2. ദാമോദരൻ രാമചന്ദ്രൻ

Prefix or suffix the name of occupation etc

If a candidate considers that his name is incorrectly spelled or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may furnish in writing to the Returning Officer, before publishing the list of contesting candidates, the proper form and spelling of his name and Returning Officer shall, if satisfied as to the genuineness of the request, make the necessary correction or alteration in the name of the candidate in the list of contesting candidates before preparation of the list of contesting candidate.

*Illustration :-*

A candidate by name Suresh (സുരേഷ്) applies to the Returning Officer requesting to suffix his name with 'Madathara' (മടത്തറ) because he is popularly known as 'മടത്തറ സുരേഷ്' the Returning Officer may permit the same, if satisfied.

'മടത്തറ സുരേഷ്'

This addition of Madathara(മടത്തറ) will not be taken in to consideration for preparing the list based on Malayalam alphabetical order.

There may be other instances that the candidates may request the Returning Officer to include their nick/pen/popularly known names in the ballot paper.

Eg. A candidate by name 'അബ്ദുൽ ഇബ്രാഹിം' requests the Returning Officer that he is popularly known as 'അബ്ബാസ്' and his name may be shown as 'അബ്ദുൽ ഇബ്രാഹിം' in the ballot paper instead of 'അബ്ദുൽ ഇബ്രാഹിം'. Here it should be noted that the name 'അബ്ബാസ്' is entirely different from the original name അബ്ദുൽ ഇബ്രാഹിം. So the Returning Officer shall reject his request.

In the alternative the Returning Officer may consider his request, if he is satisfied about the genuineness, in the following way.

അബ്ദുൽ ഇബ്രാഹിം(അബ്ബാസ്)

But the following way of additions or alterations are not recommended.

അബ്ദുൽ ഇബ്രാഹിം എന്ന അബ്ബാസ്

അബ്ദുൽ ഇബ്രാഹിം/അബ്ബാസ്

അബ്ദുൽ ഇബ്രാഹിം @ അബ്ബാസ്

### **Allotment of Symbol.**

5.10 It is mandatory that a symbol shall be allotted to every contesting candidate. Symbols to candidates shall be allotted only as per the provisions contained in the Local Authorities Election symbols (Reservation and Allotment) order, 2017. A copy of the order is reproduced as annexure VIII. In case more than one nomination paper has been filed for a candidate the symbol made in the first nomination paper has been filed for a candidate the symbol made in the first nomination paper can be considered for allotment.

### **Papers relating to nominations, scrutiny and withdrawal of candidature to be kept in the safe custody of Returning Officer:-**

5.11 All papers and proceedings relating to nomination, scrutiny and withdrawal of candidature should be put together in an envelope/ Packet which should be sealed and kept in the personal custody of the Returning Officer. Also keep along with it, the personal details of the candidates furnished in Form 2A.

### **Issue of Identity Card to the Contesting Candidate.-**

5.12 After the finalisation of the list of contesting candidates the Returning Officer shall issue an identity card to each of the

contesting candidates in the Form given below.

FORM N - 4		<i>Photo of the</i>
<b>CANDIDATE'S IDENTITY CARD</b>		
Shri.....		
is a contesting candidate for election to the. ....		
..... Panchayat/Municipality from the		
..... Constituency/Ward.		
		<i>Signature of the Candidate</i>
Attested by		.....
Place.....		Returning Officer/
Date.....		Assistant Returning Officer.
(Seal)		
<i>N.B: Candidate should produce 2 stamp size photos. The identity card shall be prepared in duplicate and one of the copies shall be kept by the Returning Officer</i>		

### **Intimation to contesting candidates pointing out restrictions on the printing of pamphlets or posters**

5.13 Section 124 of the Kerala Panchayat Raj Act 1994/Section 148 of the Kerala Municipality Act, 1994 requires that every election pamphlet or poster should bear on its face the names and addresses of the printer and the publisher. After printing the document, one copy of the declaration(Form No.N5A)

regarding the identity of the publisher duly attested by the persons to whom he is personally known together with a copy of the document printed should be, sent to the District Election officer by the printer within a reasonable time.

Any person who contravenes any of the above provisions shall be punishable with imprisonment for a term which may extend to six month or with fine which may extend to two thousand rupees or with both. In order that there is strict observance of, and compliance with the above provisions of law the State Election Commission directs that the District Magistrate and other concerned authorities shall write to all printing presses in their districts -

- (i) pointing out to them the requirements of the above mentioned section of law and instructing them to indicate clearly in print line the names and addresses of printer and publisher;
- (ii) asking them to send one copy each of the printed material and the declaration of the publisher to the District Election Officer within ten days of its printing, the failure of which would be treated as a violation of the above provisions;
- (iii) impressing upon them in clear terms that any violation of the provisions of section 124 or 148, as the case may be, of the Kerala Panchayat Raj Act or of the Kerala

Municipality Act, 1994, would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence under the relevant law would be taken besides prosecution.

The printer shall be asked to furnish along with the declaration and a copy of the printed materials, the particulars regarding number of copies of the printed materials and cost thereof in a proforma prescribed by the Commission, duly authenticated by the printer in Form No. 5A (Annexure V).

The District Magistrates and other authorities in charge of detection and investigation of offences shall initiate prompt action regarding violation of the provisions of section 124 of KPR Act and 148 of KM Act.

The guidelines on the subject (Instruction 2) and the proforma prescribed for furnishing information by printing presses (Forms N5 and N5A Annexures IV & V) are reproduced in Annexures V & VI. A copy of each of the forms and the instructions may be given to the candidate or their election agents (Annexure III). proforma for declaration regarding hording and banners to be submitted to the Returning Officers in Form N5B is reproduced as Annexure VI.

5.14 The Returning Officer shall issue a press note for the guidance of printing presses for enabling them to comply with

the mandatory provisions in section 124 of the Kerala Panchayat Raj Act, 1994 and Section 148 of the Kerala Municipality Act , 1994.

### **Attention of candidate to be invited to law relating to corrupt practices and electoral offences**

5.15 For the sake of purity of election and for the guidance of the contesting candidates, the Returning Officer shall draw attention of the contesting candidates by a notice in writing to the provisions relating to corrupt practices and electoral offences in the Kerala Panchayat Raj Act,1994 / Kerala Municipality Act, 1994, and in the Indian Penal Code, 1860. The notice in the format shall be given in Annexure VII. The notice shall be given to the contesting candidates immediately after the last date fixed for withdrawal of candidature.

### **Appointment of election agents**

5.16 Section 58 of Kerala Panchayat Raj Act / Section 114 of the Kerala Municipality Act provides that a candidate at an election may appoint any person other than himself to be his election agent. Every appointment has to be made by a communication in Form 8 by the candidate in duplicate and shall be forwarded to the Returning Officer. He shall return one copy thereof to the election agent after affixing thereon his seal and signature as token of his approval. It may be noted that under the law it is not necessary or obligatory on the part of

a candidate to appoint an election agent at the time of filing of nomination paper. Such appointment may, if the candidate so desires, be made at any time he likes or not at all. Any person who is for the time being disqualified for being a member / councillor shall be disqualified for being an election agent so long as such disqualification subsists.

### **Revocation of appointment of election agent**

5.17 A candidate is free to revoke the appointment of his election agent at any time by a letter in Form 9 which is to be lodged with the Returning Officer. Such revocation shall operate from the date on which it is lodged with the Returning Officer. In the event of revocation of the appointment of the election agent or his death, the candidate concerned may appoint another person as his election agent.

## Chapter - VI

### UNCONTESTED ELECTION

#### Declaration of the result of uncontested election

6.1 Section 69 (2) of the Kerala Panchayat Raj Act/Section 125 (2) of the Kerala Municipality Act provides that if in any constituency / ward there is only one contesting candidate, the Returning Officer shall declare the candidate to be duly elected immediately after the last hour for the withdrawal of candidature. In that case, a poll is not necessary. For the purpose of declaring a candidate as elected, the Returning Officer shall fill up Form No.7 and forward signed copies to the State Election Commission, Govt in the Local Self Government Department, District Election Officer and the Secretary of the Panchayat or Municipality concerned.

#### Certificate of Election

6.2 As soon as may be after a candidate has been declared elected, the Returning Officer shall issue a Certificate of Election in Form 26 to the candidate and obtain acknowledgement of its receipt duly signed by him. It is essential that the acknowledgement is signed by the candidate himself and the signature is attested by the Returning Officer. The acknowledgement form is given in Chapter XVII. The acknowledgement is required by the authority for verifying the identity of the elected candidate

at the time of making and subscribing the oath or affirmation by him as a member/councillor in a Panchayat/Municipality.

#### Date of declaration of the result

6.3 The date to be given in the declaration shall be the date on which the result of the election is declared and not the date on which the declaration is despatched. Even if an occasion arises when the Returning Officer has to rectify some error in the original declaration, there should be no change in the date. It should continue to be the date on which the result was declared.

6.4 If the elected candidate is not present at the time of declaration of results or does not arrive at the place shortly thereafter, the certificate may be handed over to a person duly authorised by the candidate in that behalf after satisfying the genuineness. The acknowledgement signed by the candidate shall be obtained through the same person.

## Chapter - VII

### POSTAL BALLOT PAPERS

7.1 Applications for postal ballot papers from voters on election duty are to be made at least seven days before the day of poll or such shorter period, as the Returning Officer may determine. This is to enable the Returning Officer to send the postal ballot papers in time and make the necessary entries in the marked copies of the electoral roll.

7.2 “A voter on election duty” means a Presiding Officer or a Polling Officer or other public servant (including police personnel) who is an elector in a constituency/ward and by reason of his being on election duty unable to vote at the polling station where he is entitled to vote. Thus, the observers appointed by the commission are also voters on election duty. A copy of the application in Form No. 15 shall be supplied along with the order appointing them for polling duty. If election to the three-tier Panchayats are held simultaneously, a copy each of the Forms will have to be supplied. The officer will apply to the Returning Officer of the constituency/ward where he is a voter for permission to vote by a postal ballot. For avoiding delay in issuing postal ballots to voters on election duty, the District Election officer should issue the said order in duplicate so that he can enclose a copy of the said order to the Returning Officer along with his application in Form 15 for supply of ballot

paper, thereby facilitating easy identification of the applicant and for arriving at a decision regarding his entitlement to the issue of postal ballot paper.

7.3 In order to enable the voters on election duty to submit their application in Form No 15 for postal ballot papers without much difficulty, a copy each of the electoral roll for all the Grama Panchayat/Municipality wards shall be made available at the centres for rehearsal and training classes. In that case they can note down the particulars of their electoral roll numbers which they have to furnish in their applications in Form No 15.

7.4 Postal ballot papers shall be sent by post under certificate of posting to the elector with the following, namely:-

- (i). Declarations in Form No. 16
- (ii). Instruction for the electors in Form No. 17
- (iii). A cover in Form No. 18
- (iv). A large cover in Form No. 19

The Returning officer may also deliver the ballot paper and Forms or cause them to be delivered to such elector personally.

#### **Record of Postal ballot papers**

7.5 Before sending any ballot paper to a voter on election duty, the Returning Officer shall record on the counterfoil of

the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll and its Part number. Make a mark 'PB' against the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however, recording thereon the serial number of the ballot paper issued to that elector. This is to ensure that the elector is not allowed to vote at the polling station. The counterfoils of such ballot papers issued to such electors shall be sealed in a separate packet and record on the packet a brief description of its contents and the date on which it is sealed. It should be kept in the safe custody of the Returning Officer. Any elector who has been allowed to vote by post and to whom the postal ballot paper has been issued shall not be allowed by the presiding officer to vote in person at a polling station.

After the postal ballot papers for voters on election duty have been issued, seal the marked copy of the electoral roll and arrange to give it to the concerned Presiding Officer to be used as the marked copy of the electoral roll at the Polling Station. It is very important that this copy of the electoral roll on which 'P.B' has been recorded shall be used as marked copy of the electoral roll at the polling station, otherwise such a voter may vote at the polling station.

### **Supply of second set of ballot papers**

7.6 A second ballot paper to a voter (along with other connected papers) shall be issued only if the ballot paper -

- (a). returns with the entire set of papers undelivered; or
- (b). has been spoiled inadvertently by the voter and it is incapable of being used.

The Returning Officer may re-issue postal ballot paper only if he is satisfied that it was not deliberately spoiled. Such returned postal ballot papers are to be cancelled and sealed in a separate packet after noting thereon the particulars of the election and serial numbers of the cancelled ballot papers. (Rule 24).

### **Ballot Papers Returned in Time**

All the postal ballot papers received back should be kept in safe custody. For keeping a correct record of all postal ballot papers received back in time and for ensuring that no such ballot paper is lost or misplaced, the Returning Officer should open a register in which the number of postal ballot papers received should be duly entered. The entries in the register should be made day to day and should be countersigned by the Returning Officer or the Assistant Returning Officer at the end of each day.

### **Ballot paper returned late**

7.7 Postal Ballot Papers received back after the expiry of the time fixed for their return shall also be received. The Postal ballots received back by the Returning Officer after the time fixed for the commencement of the counting of voters of the Constituency/Ward cannot be counted. The time and date of their receipt should be noted on each cover received late. The covers are not to be opened and should be kept together for further reference, if necessary.

## **Chapter – VIII POLLING TEAMS**

### **Appointment of Polling Personnel**

8.1 Section 46 of the Kerala Panchayat Raj Act, 1994 and section 102 of the Kerala Municipality Act, 1994 empower the District Election Officers to appoint a Presiding officer for each Polling Station and such polling officers as are necessary for the smooth conduct of poll. The Returning Officer, the Polling officer and any Police officer designated for the time being for the conduct of election shall be deemed to be on deputation to the State Election Commission for the period from the date of notification to the date of declaration of the result and accordingly such officer shall be subject to the control, supervision and disciplinary authority of the State Election Commission during that period. The appointment of the polling personnel shall be in Form 14.

### **Number of Polling Personnel**

8.2 There shall be a polling team for every polling station and the team shall consist of a Presiding officer and three polling officers. The Returning officer shall ensure that the Polling Personnel reach their respective polling stations the day before the poll.

### **Transport of Polling Teams**

8.3 The Returning officer shall draw up a programme for transportation of polling team and polling materials for each polling station and inform the same to the District Election Officer well in advance. The District Election Officer will arrange vehicles for the transportation of the Polling Parties, Police Personnel and Polling materials etc. If more vehicles are required, request in this regard has to be made by Returning Officer. It should be ensured to have a reserve of sufficient vehicles to meet emergencies.

### **Accommodation of Polling Parties**

8.4 Make arrangements for accommodation and ensure availability of basic minimum amenities for the Polling Parties.

### **Reserve Polling Personal**

8.5 Have a reserve list of Presiding Officers and Polling Officers to deal with emergencies at any of the Polling Stations.

### **Election Materials**

8.6 Polling materials required for each Polling Station is given in annexure IX.

## **Chapter- IX**

### **POLLING REHEARSAL**

9.1 It is essential that the Returning Officer should himself attend the training programme and election rehearsals arranged by the State Election Commission or the District Election Officer to acquaint himself with the various procedures relating to the election right from the issue of public notice for election to the declaration of results including the conduct of Poll using Electronic Voting Machines. He shall also arrange for Polling rehearsals at convenient places for the Presiding Officers and Polling Officers. It should be ensured that the Presiding Officers and the first Polling Officers attend the election rehearsal. He should also bring the instructions contained in the Hand Book for Presiding Officers and other instructions that may have been issued by the State Election Commission relating to election process to the notice of the Polling Personnel. The Returning Officer should see that every Presiding Officer can correctly and promptly prepare paper seal accounts, accounts of recorded votes in Form 24A and the Presiding officers Diary.

9.2 As the Presiding Officer shall have to furnish to all Polling agents present at the Polling Station at the end of the poll a copy of the entries made in Form 24A under rule 41(2) of

the conduct of Election Rules after obtaining a receipt for it, the Presiding Officer should get himself thoroughly acquainted with the preparation of Form in 24A.

## Chapter - X

### **ELECTRONIC VOTING MACHINES**

#### **Introduction**

*10.1 (The Electronic Voting Machine referred to in this Hand Book is with regard to the Multi Post EVM to be used in the three-tier Panchayats. For election to the Municipality/Municipal Corporation Single Post Voting Machines are being used. Returning Officers of the Municipality/Municipal Corporation shall refer to the manual for Single Post Electronic Voting Machine issued by the State Election Commission).*

10.2 The Electronic Voting Machine operates on a 7.5 volts battery pack and is stand alone. It needs neither network connectivity nor AC mains power supply. Thus, it can be used anywhere and under any circumstances. It is tamperproof, error-free and easy to operate. This Electronic Voting machine consists of four units, namely, Control Unit and three Ballot Units. These four units are interconnected, when the voting machine is put in operation, by means of a cable, one end of which is permanently attached to the Ballot Unit. All units of the machine are supplied in separate carrying cases which are easily portable. The polling information once recorded in the machine is retained in its memory and also in the DMM, even when the battery is removed. EVMs used in Kerala for the three tier Panchayat Raj Institutions are 1+3 type, that is 1CU + 3 BUs (one each for Grama

Panchayath, Block Panchayath and District Panchayath). In order to enable visually challenged persons, signage features are incorporated in the Ballot Units.

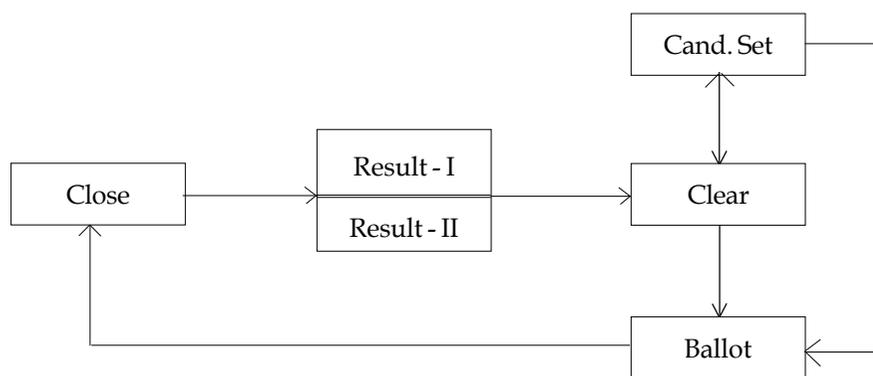
10.3 In the Ballot Unit, there is provision for display of the ballot paper (label) containing the particulars of the election, the serial numbers and names of contesting candidates and the symbols allotted to them. A sepia brown coloured button is provided against the name of each candidate. By pressing this button, the voter can record his vote in favour of the candidate of his choice. In between the name of Candidate and the corresponding Ballot The Electronic Voting Machines (EVMs) that are used for election to the Panchayat Raj Institutions are manufactured by the Electronics Corporation of India Limited (ECIL), Hyderabad. There are different models of EVMs. The difference is in the display on the panels of the machines. The model designed for the State Election Commission, Kerala for the use in the Kerala Panchayat Raj Institutions is Model No. CU 7523 and BU 7412. The uniqueness of the model is that there is a Detachable Memory Module (DMM) in the **Cand Set** section of the Control Unit. Thus DMM is an extra memory which can be detached from the machines and stored separately. Thus a huge space can be saved for the storage of EVMs. Button, there is also an arrow indicator for each candidate which will glow red when the vote is recorded. Simultaneously a beep sound will also be heard. One Ballot Unit caters upto fifteen candidates.

The 16<sup>th</sup> button which is red in colour is the 'END' button. The 'END' button in the 1<sup>st</sup> and 2<sup>nd</sup> Ballot Units in the series will be masked and that of the 3<sup>rd</sup>/last Ballot Unit will remain unmasked.

10.4 One Control Unit can record the votes polled for a maximum of 60 candidates. For this purpose, four ballot units linked together are connected to one Control Unit. On the top most portion of the control unit, there is a provision for displaying various information and data recorded in the machine, like the number of contesting candidates, total number of votes polled, votes polled for each candidate etc. This portion is called, the 'Display Section' of the control unit. Below the display section, there is a compartment for mounting the battery pack. On the right side of this compartment, there is an inner compartment in which there is a red coloured button for candidate setting. This button is called the 'Cand Set' button and the whole section of the control unit containing these two compartments is called the 'Cand Set Section'. Below the cand set section is the 'Result Section' of the control unit. This section contains (i) 'Close' button on the left side, for closing the poll, (ii) two buttons in the middle - 'Result I' & 'Result II'. Result I is for retrieving the result stored in the Control Unit and Result II for retrieving the result stored in a DMM and (iii) 'Clear' button on the right side, for clearing the details of votes recorded in the

machine, when the data is no more required. The result in the DMM will not be displayed if the DMM is used in the same Control Unit in which the poll was conducted. For displaying result of the DMM, the DMM should be installed in any other Control Unit with any Ballot Unit attached. After the display are over, press and hold "Result II" button. "BANK II" will be displayed. Result from "BANK II" is the result stored in the DMM. In the lower portion of the control unit, there are two buttons - one marked 'Ballot' and other marked 'Total'. By pressing the 'Ballot' button, the ballot unit becomes ready to record the vote and by pressing the 'Total' button, the total number of voters voted up to that stage (but without the candidate-wise break up) can be viewed. This section is known as the 'Ballot Section' of the control unit.

The process flow chart of the machine is as follows.



## Chapter - XI SORTING OF EVMS

### Distribution of EVMs Block Wise

11.1 The DEO will chalk out a programme/schedule for the distribution of machines to the Block Officers. The number of EVMs to be distributed to the Block Officers are as follows:

- a) 1 CU + 3 BU for a Polling Station.
- b) Polling Stations that are remote and inaccessible by Sectoral Officers will be given two sets of EVMs.
- c) Block wise list of Polling Stations which are remote has to be prepared by the DEO and handed over to Block Officers. This will further be sorted RO wise by Block Officers and handed over to RO.

11.2 The Block Officers will arrange necessary transportation of EVMs from the district headquarters. The Block Officers will arrange distribution centres also taking in to consideration the security arrangements and the quantity of Electronic Voting Machines. The Machines handed over to the RO will be entered in the register as in Annexure X.

### **EVMS for Poll and for Sectoral Officers**

11.3 Required number of EVMs shall be given to the Returning Officer and an acknowledgment obtained and the details entered in the register in Annexure X . The details of the above EVM, ie, CU number, BU number, DMM number and details of polling stations will be entered by the Block Officers so as to enable SEC to know to which RO the respective CU and BU are allotted.

### **EVM Reserve**

1. CUs and BUs and DMM kept as reserve will be marked as RESERVE in carry cases by a sticker.
2. The reserve EVMs will be kept with the Block level officer and distributed only in case of necessity.

## **Chapter - XII**

### **ASSESSMENT AND COMMISSIONING OF EVMs**

12.1 The Returning Officers of District, Block and Grama Panchayat will decide the requirement of additional ballot units or control units after the lists of contesting candidates are finalized (Form No. 6). The formula for requisition is as follows:

Sl. No	Number of Candidates			EVMS Required	
	GP	BP	DP	CU	BU
1	= / <15	= / <15	= / <15	1	3
2	>15<30	= / <15	= / <15	1	4
3	= / <15	<30	= / <15	1	4
4	= / <15	= / <15	>15<30	1	4
5	>15<30	>15<30	= / <15	2	5
6	>15<30	= / <15	>15<30	2	5
7	>15<30	>15<30	>15<30	2	6

Legend:

= / < 15 = Less than Fifteen

> 15 = Greater than Fifteen

### **Commissioning of EVM**

The Returning Officer shall make the following preparations

before the machines are handed over to the Presiding Officers. These preparations are to be made in the presence of the candidates or their agents.

**Notice to the candidates regarding preparation of voting machines**

12.3 The Returning Officer shall, at least one week before the date of preparation of the voting machines, give notice to each candidate or his election agent informing him the place or places where the machines will be so prepared and the date and time at which such preparation will commence. The candidate/his election agent shall be intimated regarding the number of representatives that every candidate will be permitted to bring with him at the aforesaid place or places. This will again depend on the number of machines to be prepared for poll.

12.4 If for any reason, none of the candidates or their agents is present on the date and time given in the notice sent to them, the process shall not be postponed. If any candidate/his election agent or person duly authorized by the candidate in writing arrives late, he will also be allowed to witness the process from there onwards.

When the candidates and their agents are present, the procedure to be followed for preparing the voting machines should be

explained. They will be allowed to inspect the control units and ballot units during the process of the preparation.

**12.5 Breaking the DMM seal for enabling Candidate Setting.**

- i. When a CU is taken for commissioning, the Candidate Set Inner Cover (CSIC) should be in a sealed condition with the DMM seal intact.
- ii. Before commencing Candidate Setting, the Returning Officer concerned, who is the authorised officer, should break this seal for accessing the Candidate Set Button.
- iii. The DMM seal should be broken by the Retuning Officer in the presence of candidates or their agents.
- iv. If the DMM seal of a Control Unit is found broken or tampered with before commencing candidate set, the Returning Officer should not proceed further with that Control Unit. He should obtain a substitute Control Unit with the DMM seal intact from the District Election Officer and report the fact to State Election commission under intimation to District Election Officer forthwith.

**Preparation of EVM**

12.6 Each EVM has to be prepared at the Returning Officer's level as follows:

1. Arrange all the Control Units (CU) and Ballot Units (BU) required for the polling station.
2. Take out the BU from the carrying case.
3. Place the BU's in face down position sheet.
4. Paste the sticker (Annexure - XIII) on the back side of CUs and BUs and write the serial number.
5. Note down the serial number of the BU in the Issue Register (Annexure - XVI).
6. Note down the machine serial number on the four (4) address tags for each of the BU. The four (4) tags will be required at the time of the Returning Officers (RO) sealing, which are to be placed as follows:
  - A tag for sealing after inserting ballot label under the Ballot label Screen
  - A tag for sealing the BU's at the right top side after closing.
  - A tag for sealing the BU's at the right bottom side after closing.
  - A tag on the carrying case after placing the BU. (This may not be sealed but only tied to one corner hole of the carrying case using a thread.)
7. Fill up the details on all the address tags.
8. Place the address tags for each polling station near the corresponding BU.

9. Place the BU's in face up position on the table.
10. Open the top cover of the BU'
11. The sequence of arrangement of Labels in the Ballot Units would be **Grama Panchayat, Block Panchayat & District Panchayat**. The Colour of Grama Panchayat label (ballot Paper) is White, Block Panchayat is Pink and District Panchayat is Sky Blue.
12. Set the slide switch at the appropriate position ie 1 for 1<sup>st</sup> BU, 2 for 2<sup>nd</sup> BU, 3 for 3<sup>rd</sup> BU and 4 for 4<sup>th</sup> BU as the case may be, according to the number of such BU which may be used depending upon the number of candidates and the sequence in which they are to be used.
13. Open the transparent acrylic Ballot Label Screen.
14. Place the Ballot Label (this should already be signed on the reverse by the RO) under the transparent acrylic cover and ensure that the lines are aligned. After ensuring alignment, close and press fit the Ballot Label Screen to secure firmly underneath the screen.

After the ballot label has been firmly fixed and the ballot screen is pressed firmly on the upper side of the top cover, the screen is to be sealed inside the top cover. This is to be done by passing the thread through the two holes on the screen specially provided for the purpose and by putting the threadseal on the address tag.

15. Unmask all the buttons in which candidates are assigned. In a Ballot Unit there are 16 candidate buttons. Out of the 16 candidates buttons the last button is Red Colored. This button is marked "END" which cannot be used for voting. **This "END" button should be masked except in the last BU of the series.**

### **Control Unit**

The control unit is to be prepared by the Returning Officer by -

- a. installing the new power pack.
- b. checking the presence of Detachable Memory Module (DMM) after breaking the DMM seal.
- c. Setting the number of contesting candidates.
- d. Setting the Cand. Set button compartment and Candidate set section.

### **Power Pack Installation**

Open the cover of the Candidate Set section by pressing slightly inward the latch provided on the left side. Install the power pack specially supplied by mating the socket of the power pack to the plug . Ensure that the power pack is pressed tight.

16. Remove the Control Unit (CU) from its carrying case and place it on the right side of the corresponding BU's.
17. Note down the serial number of the CU in the issue register.

18. Note down the serial number on two (2) address tags for the CU. The three tags are required at the time of sealing, which are placed as follows:
  - A tag for sealing the Candidate Set inner cover
  - A tag for sealing the Candidate Set outer cover
  - A tag on the carrying case. (This may not be sealed but only tied on the carrying case using thread.)
19. Place the address tags for each polling station near the corresponding CU. Inter connect the BU with the CU as per the pairing which is pictured hereunder.

### **Inter Connection Guidelines**

12.7 Proper interconnection is very important. If inter-connection is not made properly it will lead to Link Error. As the male connector of BU cable and female socket of CU are multi pin connectors, it will need some practice to interconnect them properly. The male connector goes into the female socket in one way only which can be found out easily by looking at the orientation of the pins and 'Top' printed on the connector hood. After the male and female connectors are connected properly they are to be locked by pressing connector hood inside. One side of BU cable connector spring clip is in 'RED' color. Also one side of the female socket in rear side compartment of CU is in 'RED' colour for easy identification at the time of insertion.

The colour of the latches should be matched while connecting the cable to CU.

**Inter Connection and Removal are explained as follows:**

i) Inter Connection of BU Cable connector to CU Connector

1. Open the CU rear side compartment door. 2. Press the two latches of BU connector hood simultaneously. Ensure the 'RED' colour spring latch of BU 9 pin male connector and 'RED' colour side of 9 pin female socket in rear side compartment of CU appear at the same side for correct insertion. 3. Hold the CU vertically. Hold the BU cable connector with 'TOP' side facing the CU and insert it observing the 9 pin orientation into CU connector. 4. Press BU connector hood inside for firm fixing.

ii) INTERCONNECTION OF ONE BU CABLE CONNECTOR TO THE OTHER BU REAR CONNECTOR

1. Keep the BU in horizontal and upside down position. Open the door of connector compartment.
2. Align the BU cable connector properly with 'TOP' side facing the unit.
3. Insert one BU cable connector into the other BU rear side connector.
4. The connector gets locked with proper insertion as explained above.

iii) REMOVAL OF BU CABLE CONNECTOR FROM CU CONNECTOR

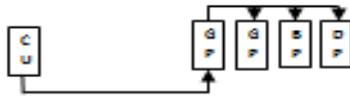
1. Open the CU rear side compartment door.

2. Switch OFF CU
  3. Press both latches of BU cable connector hood simultaneously.
  4. Pull out the BU cable connector.
  5. Close the CU rear side compartment door.
- iv) REMOVAL OF BU CABLE CONNECTOR FROM OTHER BU CONNECTOR
1. Open the BU rear door of connector compartment from where the connector is to be removed.
  2. Press and hold both the latches of BU cable connector hood simultaneously.
  3. Then pull out the BU cable connector from the rear compartment.
  4. Close the BU connector compartment door.

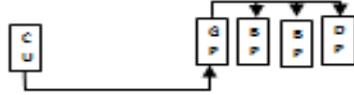
CANDIDATES 15 OR LESS THAN 15 IN EACH LEVEL



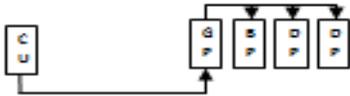
CANDIDATES 15 OR LESS THAN 15 IN BP & DP BUT MORE THAN 15 IN GP



CANDIDATES 15 OR LESS THAN 15 IN GP & DP BUT MORE THAN 15 IN BP

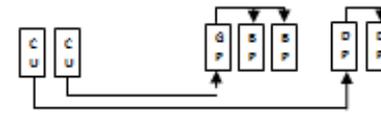


CANDIDATES 15 OR LESS THAN 15 IN GP & BP BUT MORE THAN 15 IN DP

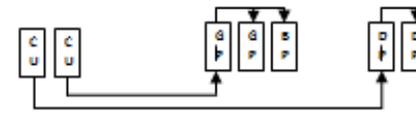


CANDIDATES 15 OR LESS THAN 15 IN ONE LEVEL BUT MORE THAN 15 IN TWO LEVELS

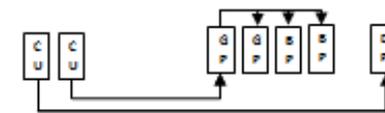
1. GP 15 OR LESS THAN 15 & BP & DP THAN 15



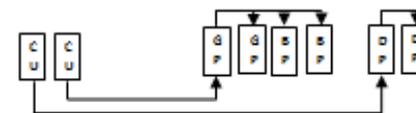
2. GP Greater than 15 & BP Less than 15 & DP Greater than 15



3. GP Greater than 15 & BP Greater than 15 & DP Less than 15



CANDIDATES MORE THAN 15 IN ALL LEVELS



23. Switch On power in the bottom compartment of the BU.
24. Clear all the previous recordings by pressing the clear button.

**12.8 Installation procedure when original Detachable memory module (DMM) is lost / removed for storage of an election data**

**Both DMM and CU are in Result state**

- 1) If CU is switched 'ON' without the DMM, 'MEMORY CHANGED' will be displayed on the display panel.
- 2) If the corresponding DMM is lost / removed and a new DMM is inserted, and CU switched on, the display will show 'MEMORY CHANGED'.

### **Candidate Setting with another DMM.**

In order to perform candidate setting, adopt the following procedure.

- i) Connect CU and BU.
- ii) Insert another DMM.
- iii) Switch 'ON' CU 'MEMORY CHANGED' and battery status will be displayed momentarily and disappears.
- iv) Press and hold 'Clear' button. (If INVALID message is displayed press and hold Cand. Set. button also along with 'Clear' button)
  - 'MEMORY CHANGED' and battery status will be displayed.
  - Then there shall be a long beep.
  - During the long beep the 'Clear' button can be released.
  - Wait till all displays are completed.
- v) Switch 'OFF' CU.
- vi) Switch 'ON' the CU and verify the DMM serial number displayed.
- vii) Perform the candidate setting.

### **Either CU or DMM is not in Result state**

- 1) If EVM is switched 'ON' without the DMM, 'MEMORY CHANGED' will be displayed on display panel.
- 2) If the corresponding DMM is lost / removed and a new DMM is inserted, and CU is switched 'ON' the display will show 'MEMORY CHANGED'
- 3) In order to perform candidate setting, adopt the following procedure.
  - i) Connect CU and BU.
  - ii) Insert another new DMM.
  - iii) Switch 'ON' CU. 'MEMORY CHANGED' and battery status will be displayed momentarily and disappears.
  - iv) Press & hold 'Clear' button.  
Memory change / followed by Invalid operation will be displayed.
  - v) Press Cand Set button & hold CLEAR & Cand. Set buttons simultaneously till long beep is heard.
    - Memory clear operation will be performed.
    - Switch 'OFF' CU.
    - Switch 'ON' the CU and and verify the DMM serial number.
    - Perform the candidate setting as explained below.

### **Candidate Setting :**

There are three posts in rural areas ie Grama Panchayat, Block Panchayat and District Panchayat. For Candidate Setting, the details of No. of posts, post identity, first and last candidate etc are to be entered. Candidate button keys in the 1<sup>st</sup> BU are to be used. Buttons 1 to 9 used for digit entry 1 to 9, 10<sup>th</sup> key for

digit 0, 11<sup>th</sup> key for hyphen (-), 15<sup>th</sup> key for backspace/Clear. 16<sup>th</sup> key (END) in the 1<sup>st</sup> Ballot Unit is ENTER key. Post identity is 12 characters long and will contain digits 0 to 9 and hyphen (-) only. Each of the 12 characters should be entered. Settings can be best understood by the following.

Button to be Pressed for Entry of Values in Control Unit	
Button	Values
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	0
11	- (hyphen)
15	Back Space / Clear
16	Confirm / Enter

Eg : There are 3 posts ie GP, BP and DP and let it be assumed that the number of Candidates and the Post identity are as follows: (post identity is available in the voters list).

Post No	Post Name	No of Contesting Candidates	Post identity
1	Grama Panchayath	4	10-100-23-1-
2	Block Panchayath	9	10-119-18- - -
3	District Panchayath	5	10-03- - - - -

Note: While entering post identity it should be ensured that all the 12 characters (including hyphen) are entered before pressing the END button. Other wise the END button will not function.

First Ballot Unit will be for Grama Panchayat, second Ballot Unit for Block Panchayat and third Ballot Unit for District Panchayat.

The following format is prescribed for identification of constituencies.

Grama Panchayat = 10 Malappuram (Dist.) - 100 Veliyamcode (GP) - 23 Ward - 1  
Polling Station (10-100-23-1-)

Block Panchayat = 10 Malappuram (Dist.) - 119 Perumpadappu (BP) - 18  
Veliyamcode(Div.) (10-119-18- - -)

District Panchayat = 10 Malappuram (Dist.) - 03 Vallikkunnu (Div.) -  
(10-03- - - - -)

To prepare the EVM for above post follow the instructions given in the table.

Set the 1<sup>st</sup> Ballot Unit for Grama Panchayat (white label), 2<sup>nd</sup> Ballot Unit for Block Panchayat (pink label), 3<sup>rd</sup> Ballot Unit for District Panchayat (sky blue label). The slide switch for the 1<sup>st</sup> BU should be in the first position, for the 2<sup>nd</sup> BU in the second position and 3<sup>rd</sup> BU in the third position.

Display Flashed	Meaning	Action required used for entering values	BU to be pressed	Button to be pressed
NUMBER OFPOSTS	To enter number of posts	Number of posts is 3 ie. GP, BP, DP	1	3
POST 1	Post identification has to be entered now	Post 1 is GP the ID to be entered is 10-100-23-1-	1	1,10,11,1,10,10,11,2,3,11,1,11 and press "END" to confirm
10-100-23-1-FIRST CAND –	The position of the 1 <sup>st</sup> candidate in this post has to be entered now.	The first candidate button in the 1 <sup>st</sup> BU has to be pressed.	1	1
10-100-23-1-LAST CAND –	The position of the last candidate in this post has to be entered now.	The 4 <sup>th</sup> button in the 1 <sup>st</sup> BU has to be pressed	1	4
10-100-23-1-CANDS 4	No action	No action	No action	No action
10-100-23-1-SEATS 1	No action	No action	No action	No action
POST 2	Post 2 identification has to be entered now.	As Post 2 is BP the ID to be entered is 10-119-18- - -	1	1,10,11,1,1,9,11,1,8,11,11,11 and press "END" to confirm
10-119-18 -- FIRST CAND –	The position of the 1 <sup>st</sup> candidate in this post has to be entered now	The first candidate button in the 2 <sup>nd</sup> BU has to be pressed.	2	1
10-119-18 - - LAST CAND –	The position of the last candidate in this post has to be entered now	The 9 <sup>th</sup> button in the 2 <sup>nd</sup> BU has to be pressed	2	2
10-119-18 - - - CANDS 9	No action	No action	No action	No action
10-119-18 - - - SEATS 1	No action	No action	No action	No action
POST 3	Post 3 identification has to be entered now.	As Post 3 is DP the ID to be entered is 10-03- - - - - -	1	1,10,11,10,3,11,11,11,11,11,11 and press "END" to confirm
10-03- - - - - FIRST CAND –	The position of the 1 <sup>st</sup> candidate in this post has to be entered now	he first candidate button Tin the 3 <sup>rd</sup> BU has to be pressed.	3	1
10-03- - - - - LAST CAND –	The position of the last candidate in this post has to be entered now	The 5 <sup>th</sup> button in the 3 <sup>rd</sup> BU has to be pressed	3	5
10-03- - - - - CANDS 5	No action	No action	No action	No action
10-03- - - - - SEATS 1	No action	No action	No action	No action

-32-

-33-

In BU 1 buttons from 5 to 16 should be masked. In BU 2 buttons from 10 to 16 should be masked. In BU 3 buttons from 6 to 15 should be masked. The 16<sup>th</sup> button is used as end button.

Then the Display will be as follows:

NUMBER OF POSTS 3
POST 1 10-100-23-1-
POST 2 10-119-18- - -
CANDS 4 SEATS 1
CANDS 9 SEATS 1
POST 3 10-03- - - - - -
CANDS 5 SEATS 1

Switch OFF the CU by pushing the power switch downwards to OFF position. Then switch ON the CU and confirm that the values set during candidate set session remain in tact in the EVM.

25. Switch OFF the CU (IMPORTANT).
26. Mask all the unused candidate buttons in the all BUs. The END buttons in all BUs except the END button in the last BU should also be masked.
27. Affix the address tags placed at the right bottom covers

of the BU and seal them.

28. Pink seal should be pasted around the lower part of the BU. Details of the serial number should be entered in the Issue Register
29. Disconnect the BU from the CU and close the rear cover of the CU.
30. Close and seal the Candidate Set Section of the CU with an Address Tag.
31. Arrange the interconnecting cable of the BU in the proper fold with the rubber band.
32. Place the BU inside the plastic cover and place it in its carrying case.
33. Place the CU inside the plastic cover and place it in its carrying case.
34. Tie the respective address tags on the carrying cases with threads. They are ready for transportation to the Polling Station.

- Note: 1. PUT A CARDBOARD WHILE SEALING WITH THE LAC. (wax) TO AVOID SPILLING OR FALLING OF MOLTEN WAX ON THE MACHINE.
2. PUT CELOTAPE FOR FIXING THE ADDRESS TAGS PROPERLY.

**Safe Preservation of Prepared Voting Machines**

12.9 All the voting machines which have been prepared for use at the election, including the reserve machines, should be kept and preserved in the safe custody in a strong room under

double lock which should be sealed with the seal of the Returning Officer. The candidates and their agents may also be permitted to put their seals on the lock if they so desire.

The strong room should be opened only on the appointed date and time when the machines are to be supplied to the polling parties before they leave for their polling stations. All contesting candidates or their election agents should be given a notice in writing of such date and time of opening of the strong room. A proper log book should be maintained giving details of closing and opening of the strong room. (Form N.23)

If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, RO should send for the candidate or their authorised representative and open the room in their presence. The room should be again closed and sealed immediately after the purpose for which it was opened. Details of such opening and closing should also be accurately and fully reflected in the log book (Form N.23).

The strong room should be kept fully guarded at all times under the charge of a senior Officer not below the rank of a Deputy Superintendent of Police.

### **Maintenance of records of voting machines**

Returning Officers should maintain complete record of all the control units and ballot units used at the election. That record should show clearly the number of control units and ballot units used at each polling station along with the serial numbers of each such unit. The record should also show the number of control units and ballot units along with their serial numbers which have been prepared for use and kept in reserve. If any of such control units or ballot units has been put to use, a complete record as to where each such unit was used, should be properly maintained. It should also contain reasons why the use of such reserve unit became necessary. EVMs used for training and demonstration purposes are not to be used for poll without conducting FLC.

For the above purpose of maintaining a complete record of the voting machines, a Register should be kept in Annexure - XVII.

### **Supply of voting machines to polling parties**

12.10 The voting machines should be supplied to the Presiding Officer against a proper receipt. For this purpose, RO should keep a separate register showing the number and name of the polling station, the name of the Presiding Officer and serial numbers of control unit and ballot unit(s) supplied

to him and his full signature is obtained in token of having received the same (Annexure - XVII).

That register should have further provision for keeping proper account of the machines received back from the Presiding Officer. The officer who receives the machines from the Presiding Officer after the poll should clearly note down the serial numbers of the control unit, ballot unit(s) in Annexure XVI and put his signature as token of having received the same.

If any machine is received back in a damaged condition, a full record of each such machine should be maintained.

**Designing of Labels for Voting Machines**

12.11 On every ballot unit, a ballot label (Ballot paper) shall be displayed in the space meant thereof. The said ballot label shall be in the following form and language(s):-

- a. The total length of the ballot label will be 460 mm and its width shall be 140 mm.
- b. At the top of the ballot label, there shall be a space provided for indicating the particulars of the elections such as code number s and the name of the constituency, of the size 12.7 mm x 140 mm as shown below.

Grama Panchayath = 10 Malappuram – DP -100 Veliyamcode – 23 Ward-1  
Polling Station (10-100-23-1-)

Block Panchayath = 10 Malappuram -119 Perumpadappu – 18  
Veliyamcode (10-119-18- - -)

District Panchayath = 10 Malappuram - DP – 03 Vallikkunnu –  
(10-03- - - - - -)

- c. In the space so provided, on the top left hand corner, the serial number of the ballot label shall be printed. On the top right hand corner, the sheet number shall be printed if the ballot label is printed on more than one sheet, where the number of contesting candidates exceeds 15. The particulars of the election shall also be printed, in the said space. These particulars will contain the serial number and name of the GP/BP/DP Constituency, as the case may be, the year of election and the nature of election and details of reservation, if any, shall be printed. The following specimen will make the position clear.

**Specimen (Ballot Paper)**

ഗ്രാമപഞ്ചായത്ത്	ബ്ലോക്ക് പഞ്ചായത്ത്	ജില്ലാ പഞ്ചായത്ത്
Sl.No. പൊതുതിരഞ്ഞെടുപ്പ്/2015/01 തിരുവനന്തപുരം ജി 15 അതിയന്നൂർ 14 പുതംകോട് (വ)	Sl.No. പൊതുതിരഞ്ഞെടുപ്പ്/2015/01 തിരുവനന്തപുരം ജി 03 അതിയന്നൂർ 07 പയറ്റുവിള (പ.ജ.വ)	Sl.No. പൊതുതിരഞ്ഞെടുപ്പ്/2015/ഡി 01 തിരുവനന്തപുരം 02 നാവായിക്കുളം (പ.വ)
01 ആനന്ദ് കുമാർ ദേശായി 	01 ലളിതാ ബായി	01 മാത്യു റോബിൻ
02 രാജഗോപാൽ വർമ്മ 	02 അലക്സ് തോമസ്	02 ബഷീർ
03 മുഹമ്മദ് സലീംരാജ് 		03 അശ്വതി നായർ
04 വിനോദ്		04 ഫരീദാ നാസർ

- a. Below the space provided at the top for printing the particulars of the election, there shall be a thick black

line of 2.1 mm.

- b. Below this line, there shall be printed the serial number of each contesting candidate, his name and the symbol allotted to him, in a separate panel for each candidate.
- c. The size of the panel for each contesting candidate shall be 25.4 mm x 140 mm.
- d. The names of the contesting candidates shall be arranged on the ballot label in the same order in which their names appear in the list of contesting candidates.
- e. If the number of contesting candidates exceeds fifteen at any level the ballot label shall be printed on two sheets of the above mentioned size and dimensions. If the number of candidates exceeds thirty, the ballot label shall be printed or on three sheets and if the number of contesting candidates exceeds forty five, on four sheets.
- f. In such cases where the ballot label is printed on more than one sheet, the names of the contesting candidates from S. No. 16 to 30 shall be printed on the second sheet, from S. No. 31 to 45 on the third sheet and from 49 onwards on the fourth sheet. If the number of candidates is 30 or less the space below the panel from the last contesting candidate in the second sheet, shall be kept blank. Similarly for the third and fourth sheets of the ballot labels.

- g. On each such sheet, in the space provided for indicating the particulars of the election, its number shall be indicated in bold figures, e.g., 1/2, 2/2 .
- h. The names of the contesting candidates shall be printed in the same language or languages and in the order in which the list of contesting candidates has been prepared (Form 6). The serial number of the candidate shall be indicated in the international form of Indian numerals.
- i. Serial number and the name of the candidate panel shall be printed on the left hand side and his symbol on the right hand side in the space meant for him.

#### **Precautions for Printing of Labels**

12.12 The ballot labels shall be printed in such a way that after fixing the ballot label on the ballot unit in the space provided for the purpose, dividing line drawn below the space in which the particulars of election are printed and the dividing lines below the panel of each candidate shall be in complete alignment with the corresponding grooves or lines engraved on the ballot unit. Utmost care will, therefore, have to be taken while printing the ballot papers and to ensure that the ballot label have been correctly printed. *The ballot unit may be shown to the technicians of the printing press, if necessary. They may be asked to take the exact measurements of the space meant for printing the particulars of election and the panels of candidates and the thickness of the dividing lines so*

*that the ballot labels are printed in exact alignment.*

It is not necessary to get the ballot labels which are to be fixed on the ballot units, stitched into bundles.

### **Assessment of Requirement of Labels**

12.13 The number of ballot labels to be printed depends upon the number of polling stations to be set up, number of voting machines to be used including reserve machines and the number of ballot labels to be supplied to each polling station for using as tendered ballot papers. The total requirement of ballot papers to be printed thus has to be made on the following basis:-

- (i) One label (ballot) shall be required for display on each ballot unit. Therefore, the number of ballot labels required for this purpose will be equal to the number of Ballot Units to be used, including the reserve machines, in the constituency.
- (ii) The Presiding Officer shall cancel one ballot label and keep it in the cover along with the ballot paper account in Form 24 A.
- (iii) Each polling station may be supplied with fifteen ballot labels to be used, as tendered ballot papers. The total requirement of ballot papers to be supplied to the polling stations for use as tendered ballot papers shall accordingly be worked out depending upon the number

of polling stations in the constituency.

15 candidates : 1 label (one page)

16-30 Candidates : 2 labels (two pages)

- (iv) In addition to the total requirement of ballot papers worked out in accordance with Paragraphs (i) and (ii) above, 25% of the above number may be printed as extra ballot papers to meet the contingencies, like mutilation at the time of fixing the ballot papers in the ballot units, defective ballot papers, supply of additional tendered ballot papers to the polling stations, if necessary, through the Sectoral Officers.

### **Arrangements for Printing of Ballot Papers**

12.14 The arrangements for printing of ballot labels required for the constituency will be made by the State Election Commission. The Government Press where the Ballot Papers to be printed will be intimated in due course. Requisition has to be sent to the press concerned, proof verification, scrutiny, printing and transportation of the required ballot paper have to be done in time by the Returning Officer.

Special arrangements should be made to collect the ballot papers from the printing press immediately after the same have been printed. The arrangements for the transport of ballot papers should be done under proper security. The ballot papers shall be kept under lock and seal in the treasury or as directed by the

DEO till it is required for the purpose of the poll.

### **Safe Custody of Undistributed Ballot Papers**

12.15 Some ballot papers may remain undistributed with RO after the same have been fixed on the ballot units of the voting machines and supplied to the polling stations for use as tendered ballot papers. Such undistributed ballot papers should be kept by RO for supply to any polling stations as may be required on the day of poll. Proper safeguards must be taken to ensure that such undistributed ballot papers remain in the custody either of the RO or of the Assistant Returning Officers.

### **Tendered Ballot Papers (Rule 35 E of conduct of Election Rules)**

12.16 Rule 35E provides that the tendered ballot paper shall be of such design and the particulars of that ballot paper shall be in such language or languages as the Commission may specify.

The Commission, therefore, specifies that the tendered ballot paper and postal ballot paper shall be of the same design and shall be printed in the same language or languages as the ballot paper used for display on the ballot unit. In other words, the ballot papers to be used on the ballot unit and the tendered ballot papers and postal ballot papers shall be the same. But the ballot paper to be used in the Electronic Voting machine

and the tendered ballot paper shall be printed without counterfoils and the words 'Tendered Ballot Paper' shall be stamped/written on the back of each ballot paper to be used as tendered ballot paper.

## **Chapter -XIII**

### **POLL DAY**

#### **Preliminary**

13.1 The Presiding Officer at the polling station should acquaint himself with the latest position of the rules and procedures prescribed for the conduct of poll using voting machines. The RO should also thoroughly familiarize with each step to be taken in the conduct of poll at the polling station, and with the operation of voting machine. A slight mistake or lapse or wrong application of the law or rules or inadequate knowledge of various functions of the voting machine may vitiate the poll at the polling station.

#### **Voting Compartment**

13.2 Voters have to cast their vote in secrecy and for that purpose, the Ballot Units are required to be kept in Voting Compartments. The Voting Compartment has its three sides covered. The Ballot Units are to be placed inside the Voting Compartment on a Table. The Ballot Units are to be placed in such a way that voters do not find any difficulty in casting their votes. The connecting Cable, which is permanently attached to the Ballot Unit, has to come out from the back portion of the

Voting Compartment through an aperture cut out at the bottom of back portion of the Voting Compartment. This aperture should be wide enough so that that portion of the Ballot Unit through which the Cable comes out is visible from outside. This is necessary to keep a watch that no voter tries to tamper or damage the Cable while inside the Voting Compartment. However, this aperture in the Voting Compartment should not be too wide as to violate the secrecy of voting. For this purpose, it must be ensured that it is not near the window or at the door of the polling station. It must be ensured that the voting compartment is made of corrugated cardboard and is of the prescribed dimension and has been placed away from the window/door. Adequate lighting should be provided.

#### **Checking Before Mock Poll**

13.3 Before an EVM is used at the polling station for poll, its control unit needs to be prepared further by taking the following steps in the presence of the candidates/their agents. The Presiding Officer should start the preparations about an hour before the time fixed for the commencement of the poll. If any polling agent is not present, the preparations by the Presiding Officer should not be postponed for the arrival of the polling agent. If any polling agent turns up late there is no need to do

the preparations again. Any polling agent arriving late can watch the subsequent stages of preparation only.

### **Checking of Ballot Unit**

13.4 The ballot unit has already been duly prepared in all respects at the RO's level and as such the Presiding Officer is not required to do anything more at the polling station on the day of poll, except that the interconnecting cables have to be plugged carefully into the control unit.

However, the Presiding Officer should see that –

- i. The ballot labels are properly fixed in the ballot display panels under the ballot label screen; and
- ii. The two seals affixed at the top and bottom portion on the right hand side of each ballot unit are intact.
- iii. Pink paper seal is fixed at the lower most portion of the - BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal.
- iv. The cable connecting the ballot unit to the control unit should be visible to the polling agents throughout its entire length.

### **Checking the Control Unit**

13.5 The Presiding Officer will check whether the seal put by the Returning Officer on the 'Candidate Set Section' on the left side of the control unit is intact.

The following preparations are then to be made by PO on the control unit:

### **13.6 Connecting the control unit with the ballot unit**

- a) Presiding Officer should plug the interconnecting cable of the first ballot unit into the socket provided for the purpose in the rear compartment of the control unit. Inter connecting cable of the II<sup>nd</sup> BU shall be connected to the socket provided in the I<sup>st</sup> BU. The process will continue till the last BU is connected.
- b) The 'Power' switch provided in the same compartment of the control unit should then be put to 'ON' position, whereupon there will be a beep sound and the 'ON' lamp on the display section of the control unit will glow green.
- c) Close the rear compartment after performing the functions at (a) and (b) above
- d) Open the cover of the Result section by pressing slightly inwards the latch provided on the left side.
- e) The door of the inner compartment of the result section should be opened by inserting the thumb and a finger

through the two apertures above the 'Result I' and 'Result II' buttons and then pressing the inner latches simultaneously, slightly inwards. (In no case, this inner door should be forced open without releasing the latches in the manner described above, to avoid any damage to this most vital compartment).

DELETING POLLED VOTES
NUMBER OF POSTS 3
TOTAL VOTERS 0
POST 1 10-100-23-1-
POLLED VOTES 0
UNDER VOTES 0
CANDS 4 SEATS 1
CANDIDATE 01 VOTES 0
CANDIDATE 02 VOTES 0
POST 2 10-119-18- - -
POLLED VOTES 0
UNDER VOTES 0
CANDIDATE 01 VOTES 0

f) After opening the inner compartment, 'CLEAR' button is visible. 'CLEAR' button is used to clear the data and make the votes polled (data) to all the candidates to 0. The clearing operation is initiated on pressing this button. This operation takes about 15 seconds with "Beep" sound. On completion of the clearing process, the display panel will start displaying the following information sequentially.

POST 3 10-03-----
POLLED VOTES 0
UNDER VOTES 0
CANDS 5 SEATS 1
CANDIDATE 01 VOTES 0
CANDIDATE 02 VOTES 0

The display will continue till the last candidate of the last post is displayed. Once all the candidates of all the posts are displayed "END" will be displayed on screen.

END
-----

The display of the above information on the display panel is for showing the polling agents present at the polling booth that no votes are already recorded in the machine.

**Mock Poll**

13.7 After demonstrating that no votes are recorded in the machine, a mock poll should be held by recording some votes. For that purpose, perform the following operations :-

- a) Press the 'Ballot' button on the ballot section of the Control Unit. On pressing the 'Ballot' button, 'Busy' lamp in the display section will glow RED. Simultaneously, the 'Ready' lamp on the Ballot Unit will start glowing 'GREEN'.
- b) Ask any polling agent to vote for candidates of his choice, by pressing the candidate button on BUs in all three levels. The corresponding arrow lamp adjacent to the button glows 'RED', and a long beep sound will also be heard.
- c) After completion of voting, the GREEN 'Ready' lamp and the RED light in the candidate's lamp of BU, RED busy lamp of CU and the beep sound will go off simultaneously. This will be the indication that the voter's choice has been recorded in the Control Unit and the machine is now ready to receive next vote.

- d) Repeat the process explained in the preceding paras (a), (b) and (c) for voting by other polling agents. Keep a careful account of the votes so recorded in respect of each candidate.
- e) When the votes are being so recorded, press the “Total” button on the ballot section to verify at any time that the total number of voters who voted till then as recorded in the machine tally with the number of mock voters as recorded manually.

*Note: ‘Total’ button can be pressed any number of times during the poll, while the ‘Busy’ lamp in the Display Section is off i.e., when the system is idle.*

- f) At the end of mock poll, press the ‘Close’ button in the Result section. On the ‘Close’ button being so pressed, the Display Panel in the Display Section will show the following information sequentially.

**Assumption :**

- ◆ Number of posts are 3
- ◆ No. of voters 102
- ◆ There are some under votes
- ◆ All candidates may not get equal votes

**Display Sequence :**

CLOSING
DTE 01-03-20 TME 10-10-00
SECKCU000001 SECKDM000001
NUMBER OF POSTS 3
TOTAL VOTERS 102
POST 1 10-100-23-1-
10-100-23-1- TOTVOTES 101
POST 2 10-119-18- - -
10-119-18- - - TOTVOTES 102
POST 3 10-03- - - - -
10-03- - - - - TOTVOTES 100
POLL CLOSED

Note: Subject to availability of time, there is no objection to permit the recording of more votes at mock poll. It is also not necessary that the number of votes polled for each candidate should be the same.

g) Now press the button marked 'Result I' in the result section. On that button being pressed, the display panel will start showing the following information sequentially:

SECKCU000001 SECKDM000001
POLL RESULT PDT 01-03-20
PST 08-02-05 PET 17-03-15
NUMBER OF POSTS 3
TOTAL VOTES 102
UNDER VOTES 1
CANDS 4 SEATS 1
CANDIDATE 01 VOTES 19
CANDIDATE 02 VOTES 10

This display will continue till the last candidate of this post is displayed.

POST 2 10-119-18
POLLED VOTES 102
UNDER VOTES 0
CANDS 09 SEATS 1
CANDIDATE 01 VOTES 11
CANDIDATE 02 VOTES 33

The display will continue till all the candidates' results in all the three posts are displayed.

Finally 'END' will be displayed.

END
-----

**Note that: Total voters = Polled votes (per post) + Under votes for that post.**

Once the candidates and/or their agents are satisfied with the result, the EVM has to be cleared before the actual polling. For this press the 'CLEAR' button. After displaying 'DELETING'

the EVM will display the votes to show that all the votes recorded in the EVM are cleared.

Now switch off the Control Unit.

### **Declaration by the Presiding Officer before Commencement of the Poll**

13.8 In order to ensure that the Presiding Officer has duly carried out the foregoing instructions about the demonstration of the marked copy of the electoral roll and the Register of Votes and obtaining the signatures of the candidates/polling agents on the green paper seal and allowing them to note down their serial numbers, which are necessary safeguards for ensuring free and fair election, Presiding Officer shall sign the declaration prescribed by the Commission in **Form N10 A Part-I** before the commencement of the poll. He should also obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. If any polling agent declines to affix his signature on the declaration, the Presiding Officer should record the name of such polling agent in that declaration. Form No. 10 is given in Annexure XI.

## **Chapter - XIV ACTUAL POLL**

### **Fixing the Green Paper seal and closing of inner compartment:**

14.1 These seals have been printed specially on security Paper which are serially numbered. On the white surface of the paper seal projecting outwards, the Presiding Officer should affix his signature in full immediately below the serial number of the seal. It shall also be got signed by the candidates / polling agents who are present and desirous of putting their signatures. Note down the serial number of the paper seal used and also allow the candidates/polling agents present to note down the serial numbers.

### **Sealing Process of Green Paper Seal and ABCD Strip Seal**

14.2 i. Keeping the Outer Door and Inner Door of the Result Section of the Control Unit in wide open position, insert the Green Paper Seal through the Inner Door frame with the white side of the seal upside and the arrow thereon pointing towards the Display Section.

ii. Fine tune the alignment of the Green Paper Seal so that

dotted line on white side of the seal aligns with the upper edge of the outer door, when the two doors are in closed position. On achieving the alignment, the outer door may be opened and Inner Door be sealed by passing a twine thread through the two holes provided for the purpose on the left side of the Inner Door and tie a knot. Then pass the loose ends of the twine thread through the hole in the Special Tag and put a knot. Seal the knot on the Special Tag with the seal of the Presiding Officer.

- iii. After sealing, adjust the Special Tag over the Close button and fit the tag in the "Close" button compartment. Care is to be taken such that 'Close' button is easily accessible for operation.
- iv. Now close the Outer Door and Result Section and allow the Green Paper seal to project out
- v. Then seal the outer door with an Address Tag.
- vi. Now fold the lower end of the Green Paper Seal inwards/upwards. Then take the ABCD Long Strip Seal and after removing the wax paper from A, paste A on the Strip Seal over the A on the Green Paper Seal.
- vii. Then remove the wax paper from B on the Strip Seal and fold the Strip Seal towards the left over the Green Paper Seal so that B on the Strip Seal is pasted over B on the Green Paper Seal and C of the Strip Seal is visible on the top side.

viii. After removing wax paper from C on Strip Seal, fold the upper end of the Green Paper Seal downwards/inwards and stick C on the Green Paper Seal over C on the Strip Seal.

- ix. Run the Strip Seal around the Control Unit starting leftwards and on reaching the D on Green Paper Seal, remove the wax paper from D on the Strip Seal and fix it over D on the Green Paper Seal, in such a way that the Strip Seal does not block the Close button cap and serial numbers as well as the emblem of the Commission on both seals are clearly visible. Presiding Officer should put his signature on the space provided for the authentication on the strip seal. He should also allow the polling agents who desires to affix their signature. On completion of the affixation of these seals, the EVM is ready in all respects for use in actual poll. Switch ON the Control Unit.
- x. Before commencing the poll place the Ballot Unit inside the voting compartment. This compartment should be located at a sufficient distance from the table of the Polling Officer where the Control Unit shall be kept and operated. The Interconnecting Cable between the Ballot Unit and the Control Unit has the length of approximately five meters. Therefore, the voting compartment should be reasonably distanced. Also, the cable should be so routed that it does not obstruct the movement of the

voters inside the polling station and they will not trip or tread over it. Also, the cable may be tied to one of the table legs at Control Unit side as well as Ballot Unit side.

### **Procedure During Poll**

14.3 The Polling shall commence at the hour fixed for such commencement. **Press the 'Total' button and ensure that the total displayed is zero.** After all procedural requirements relating to identification of voter, application of indelible ink on his/her forefinger and obtaining his/her signature/thumb impression in the register of voters have been completed with regard to the first voter, the voter concerned has to be allowed for recording his vote. For that purpose, press the 'Ballot' button on ballot section of the Control Unit which would make the Ballot Unit ready for casting the vote.

Repeat the above procedure every time the next voter is to be allowed to record his/her vote. It should be ensured that only one voter goes inside the voting compartment to vote. **Special care should be taken to ensure that a voter goes in that compartment in the same order in which his Name is entered in the 'Register of Votes.** Also ensure that the ballot button is pressed only when the earlier voter has come out of the voting compartment. At any time, if the total number of voters who voted has to be ascertained, 'Total' button should be pressed.

The display panel will then show the total number of voters who voted till that time. **Please remember that the 'Total' button is to be pressed only when the 'Busy' lamp is OFF.**

*Note: Confirm the Recording of Votes by Pressing the 'Total' Button of the machine after Completion of First or Second Vote*

### **Seating arrangements for Polling agents**

14.4 Suitable arrangement for polling agents should be made inside the Polling stations. Their seats should be provided at the back of the first and second polling officers so that they may have adequate opportunity for challenging the identity of persons before they are allowed to vote in the voting machines.

### **Identifying officers**

14.5 Rule 31(1) of the conduct of elections rules permits a presiding officer to employ at the Polling station, such person as he thinks fit to help in the identification of electors or to assist him otherwise in taking the poll.

### **Persons to be admitted inside Polling station**

14.6 Rule 31 provide that the presiding officer shall admit inside the Polling station only the following persons-

- a) Polling Officers;

- b) Public servants on duty in connection with election
- c) Persons authorised by Election Commission
- d) Candidates, their election agents and one polling agent appointed by each candidate. In case relief polling agents are also appointed by each candidate only the principal polling agent or the relief agent should be admitted inside the polling station at a time and not both at the same time;
- e) A child in arm accompanying an elector;
- f) A person accompanying a blind or infirm elector who cannot move without help;
- g) Such other persons as the Returning Officer or the presiding Officer may employ under sub-rule(2) of rule 30 or sub rule(1) of rule 31.

Explanation:- The expression “public servants on duty” does not include ministers State and Central, Chairpersons/Deputy Chairpersons of Municipalities, Presidents/Vice-presidents of Panchayat. The above expression also does not normally include a police officer; such officers whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside a polling a polling station or a counting hall, unless the presiding officer or the Returning Officer decides to call them in for maintenance of law and order or for some other similar reasons.

Subject to the maintenance of peace and order at the polling station, there is no objection to any photographer taking photographs of crowds outside the polling station. But no such persons including publicity officials of the central or state government should, be allowed inside the polling station without a letter of authority from the Election Commission.

### **Marked copy of the Electoral Roll**

14.7 Immediately before the commencement of the Poll. The presiding officer has to show to the polling agents and other present that the marked copy of the electoral roll to be used during the poll does not contain any entries other than those made in of clause(b) of sub-rule(3) of rule 22, that is to say, the mark “P.B”. Three marked copies are necessary to be issued to each Polling station.

### **Sequence of Events inside the Polling Station**

14.8 The Sequence of events when an elector enters the polling station is as follows:

A. When an elector enters the polling station , he will have to go first to the 1st Polling officer. The first Polling Officer shall be in the charge of the marked copy of the electoral roll. He shall

-

- (i) Check whether his name is in the electoral roll being used for the poll;
  - (ii) Check his identity document prescribed by the Commission;
  - (iii) Callout the name and Sl.No.of the elector so that the polling agents may note down it in their copy of electoral roll.
  - (iv) Having established the elector's identity, score the entry relating to his name in the marked copy of the electoral roll diagonally starting from the left bottom corner to right corner and round the the serial number of the elector, if the voter is a female. This will help to count the number of women voters at the end of the poll.
- B. Then elector will move to the 2<sup>nd</sup> Polling Officer who will,
- (i) Note down the serial number of electoral roll of that elector as it is read out aloud by 1st Polling Officer.
  - (ii) Apply indelible ink on the left forefinger of the elector in such a way to make a line from the top end of the nail to the bottom of the left forefinger. If any elector refuses to allow his left forefinger to be inspected or marked with indelible ink or he has already such a mark on his left forefinger, or he does any act with a view to removing the ink mark, he shall not be allowed to vote.

- After the ink has been applied;
- (iii) obtain the signature or thumb impression of the elector in the relevant column of Register of votes in Form 21 A;
  - (iv) Prepare a voter's slip filling all required particulars; and;
- C. Thereafter, the elector will move to 3rd Polling Officer or the Presiding Officer, who is in charge of Control Unit
- (i) Who will first check that the indelible mark is clear on the finger of the elector. If it is found that it is not clear or has been wiped off, then apply ink once again.
  - (ii) Thereafter, he will take voters slip and allow the voter to go to voting compartment so that he may cast his vote. For this, he will press "Ballot" button of the machine. **The voter shall be allowed to vote exactly in the same sequence in which his details have been recorded in Register of Votes (Form 21A).**
- D. The voter shall cast his vote and then leave the compartment immediately.

## Failure of Machines

14.9 In case of errors the following will be displayed. The Presiding Officers can rectify these defects by taking action as per Column 4.

Sl. No.	Errors	Reasons	Action to be taken
1.	'ON' lamp does not glow when the EVM is switched on.	Power pack is not fixed properly or voltage is low.	Insert the power pack properly or replace the power pack with a new one. The situation in Sl.nos. 1&2 a cannot be rectified at Presiding Officer level.
2.	Display showing 'INVALID OPERATION' and a beep sound is heard.	The button pressed is not in proper sequence of operation.	Press the button in in proper sequence.
	a. When 'Cand. Set' button is pressed.	CRC (close, result and clear) not done in that order.	Perform CRC by pressing 'CLOSE', 'RESULT1' and 'CLEAR' in that order. The situation in Sl.nos. 1&2 a cannot be rectified at Presiding Officer level.
	b. When 'Clear' button is pressed.	Result of the previous poll is not viewed.	EVM accepts Clear button only after result of the previous poll is taken. Then press 'Result I' button.

	c. When 'Ballot' button is pressed.	'Close' button was pressed to close the poll and hence no further polling is possible.	This button will become operational only after the previous result is taken and cleared.
	d. When 'Result I' button is pressed.	The polling is not closed by pressing the 'Close' button.	Close the poll by pressing the 'Close' button before pressing 'Result I'.
3	No response to 'Total' button in the Control Unit.	'Busy' lamp is 'ON'.	Allow the voter to record his vote. Once the vote is recorded, the 'Busy' lamp goes 'OFF'.
4.	When the Presiding Officer presses the 'Ballot' button, the 'Busy' lamp does not glow. Instead 'PRESSED ERROR-1' appears on the display panel and a short interrupted 'Beep' sound is heard.	Some voter must have left one of the candidate buttons in the Ballot Unit pressed or jammed by inducing the foreign body.	First of all take the total number of votes polled in using the 'TOTAL' button. Then switch 'OFF' the machine and the Presiding Officer alone should enter the voting compartment and check whether any of the candidate button in the BUs are jammed using any foreign body. If so, remove it appropriately and then

			<p>leave the voting compartment. Thereafter, switch 'ON' the machine and take the total votes polled in using the 'TOTAL' button. The totals taken before and after the trouble shooting procedure will be the same. This should be done invariably to convince the polling agents that no votes has been accidentally recorded in the machine while resolving the temporary issue. Thereafter, normal voting process can be carried on.</p>
--	--	--	--

The Errors that **cannot be rectified** are as follows:

Sl. No.	Errors	Reasons	Action to be taken
1.	If 'INOPERATIVE' is displayed on panel.	EVM status is Inoperative	These errors cannot be rectified at PO level. The existing EVMs shall be closed and sealed as poll has been completed. Poll has to be continued using another EVM.
2.	When switching on the "Power ON" switch, if display shows 'SECURITY NOT CONFIGURED'	EVM has to be configured.	
3.	In BU if ready lamp flashes	BU status is inoperative	
4	No beep sound and display indication when the EVM is switched ON.	The Control Unit is defective and not fit for use.	

**Failure of Machines in Polling Stations where Additional EVMs are Allotted**

14.10 There are occasion when EVMs are required to be replaced in the polling station after commencement of poll. Such

situation arises when the EVMs develop problems in the midst of poll. In Polling Stations which were identified as remote, additional EVMs after candidate setting will be issued. When such replaced EVMs are used, the Presiding and Polling Officers should ensure that the requirement of conducting mock poll should be fulfilled as in the case of new EVMs and clear the data as in the case of originally allotted EVMs.

**Failure of Machines in Polling Stations where Additional EVMs are not Allotted**

14.11 In case of failure of machines during poll, the Presiding Officers will immediately contact the Sectoral Officer and Returning Officer for replacement of the machines. Then the Sectoral Officer will provide a new set of EVM along with the other materials to be used for candidate setting. The RO will carry out the candidate setting in the presence of candidates or their agents representatives of the political parties in the polling station.

In case of such replacement of EVMs, the entire set including the CU and all the BUs shall be replaced. Before commencement of the poll with the new EVM, a mock poll will be done according to the instructions for the same and the Presiding Officer will make a declaration at Form N 10 A Part-II.

In case of replacement, the unique ID numbers of the CU and BUs which have been used after replacement should be entered in the Register Annexure XVI by the Returning Officer.

**EVMs Used for Re-poll**

14.12 In case of repoll, the EVM required for the same shall be drawn from the reserve list and the CU/BU number shall be informed to the candidates/agents in writing. It shall be mentioned in the address tag on the CU and BU that the EVMs are being used for repoll showing the date and the Polling Station number.

After repoll, the strong room shall be re-opened in the presence of the candidates/ their agents for the storage of the EVMs. The EVMs used in repoll should be placed together with the EVMs that were used earlier in the original poll. A tag 'Not to be counted' shall be put prominently on the EVM pressed in for original poll and another tag 'Repoll EVM -to be counted' shall be put on the new repoll EVM. RO shall sign both the tags.

In case of re-poll, the unique ID number of the CU and BUs used in re-poll should be entered in the Register Annexure XVI.

**Procedure at the Close of Poll**

14.13 After the hour fixed for the close of the poll, and the last voter has recorded his vote, EVM has to be closed so that no

further recording of votes in the machine is possible. For that purpose, perform the following operations.

- (a) Lift the plastic cap over the 'Close' button and press the 'Close' button.
- (b) Note down the total number of voters and votes polled against each post in form 24A as displayed in the display panel.
- (c) Refix the plastic cap over the 'Close' button.
- (d) Open the rear compartment of CU.
- (e) Switch OFF the EVM by pushing power switch to OFF position.
- (f) Disconnect the BU cable by pressing the two latches and pulling the cable out.
- (g) Close the rear compartment.
- (h) Put back the Ballot Unit and Control Unit in their respective carry cases.
- (i) Seal the carrying cases by passing the thread through the

two holes provided for the purpose on both sides of the carrying cases and put thread seal on the prescribed address tag showing the particulars of the polling station with the Presiding Officer's metal seal and also with the seal of such polling agents as are present and desirous of putting their seals. While sealing proper care should be taken to ensure that the direct flame does not come in contact with carrying cases and the molten wax does not fall on any part of the machine.

- (j) The sealed cover containing vote account in Form 24A, and cancelled ballot label each for Grama Panchayat, Block Panchayat and District Panchayat will be attached on the side of the control unit's carrying case with Cello tape.
- (k) The Presiding Officer will make a declaration in Part III Form N10 A .

*Now the EVM is ready to be transported from polling station to storage place (i.e., strong room).*

**Chapter - XV**  
**TRANSMISSION OF VOTING MACHINE AND**  
**ELECTION PAPERS TO THE**  
**RETURNING OFFICER**

15.1 After the voting machine and all election papers have been sealed and secured by the Presiding Officer, the Presiding Officer has to deliver them or cause them to be delivered at such place as R.O. may direct.

R.O should make proper arrangements for the safe transportation and custody of voting machines and other election papers and materials after the close of the poll from the polling stations to the storage centre, where the voting machines and election papers will be stored till counting. In this connection, the following instructions should be particularly taken note of and followed:-

- (a) It will be desirable to take the sealed voting machines and other election papers and materials after the completion of the poll direct to the place fixed for counting of votes. This arrangement would ensure that the sealed voting machines are handled only once before the votes are counted. It must be ensured that there are sufficient arrangements for the safe transportation and custody of voting machines.

- (b) The candidates or their election agents should be informed sufficiently in advance about the programme of the collecting parties being sent, if any, and the route chart for the collection of the voting machines and other election materials from the polling station after the conclusion of the poll, so that the candidates may make their own arrangements, if they so desire, for sending their agents to accompany such collecting parties. The agents of the candidates should, however, make their own arrangements for their transport and in no case they should be allowed to travel in the same vehicles in which the voting machines and other election materials and polling parties are being transported.

Sufficient number of counters should be opened and polling station numbers should be so distributed that at any time neither any counter should be crowded nor any counter left free.

**Safe Custody of Voting Machines after Poll**

15.2 All Returning Officers or the Collecting Parties should deposit the voting machines and election papers and materials at the storage centres without any delay. Any officer who fails in this respect will make himself liable to disciplinary action.

Floor space of the storage room or building may be marked, in the form of squares, in advance for stacking the voting machines received from the particular polling stations. The

arrangement for this should follow the serial number of polling stations.

All ballot unit(s) and control units received from the polling stations of one constituency/ward must invariably be kept together at one place on the same square. The control unit should be kept on top of the ballot unit(s) with Form-24 A, as returned by the Presiding Officer concerned. Sealed envelope containing the declarations made by the Presiding Officers before the start of the poll and at the end of the poll, the paper seal account should be kept under RO's safe custody along with the Presiding Officers Diary and other records like Register of Votes in Form 21 A. Under no circumstance, these papers/records should be put in strong room where polled EVMs are kept.

Sufficient space should be left between rows of voting machines as they are being stacked so that other machines received subsequently out of turn (from the point of view of serial numbers of the polling stations) may be kept at their appropriate allotted space without the necessity of having to shift any of the voting machines received and stacked in earlier point of time.

If any of the contesting candidates so desires, he may be permitted to post an agent to keep watch at the place where the voting machines are stored pending the counting and allow him

to affix his own seals to the doors and windows of the building in which the voting machines are stored in addition to the seals affixed by the RO. It should also be ensured that immediately after all the voting machines have been received and stored, the room is locked forthwith. Thereafter, no one will be allowed to enter the hall till the day of counting. If during this interval, for some unavoidable reason, the room has to be opened, RO should send for the candidates or their authorized representatives by giving them intimation in writing and open the room in their presence and immediately after the purpose for which the room is opened is over, the candidates or their representatives should again be allowed to put their seal on the door lock and windows.

Whenever it is necessary to open the room in which the voting machines are stored, proper entries should be made in the logbook in Form N 23 reflecting the details of the persons entering the room, the purpose of such entry, time of entry, time of exit, signature of the guards, etc.

## **Chapter - XVI**

### **COUNTING**

16.1 The Counting Halls, including partitions as planned, should be got ready at least three clear days ahead of the date of counting and a compliance report sent by each RO to the DEO. DEOs shall send a consolidated report to the Commission.

Notice to candidates about the date, time and place of counting, should be given in advance.

Rules 44 to 54 of the Conduct of Elections Rules, 1995 deals with the procedure for the counting of votes polling station-wise. The Returning Officer should familiarise himself thoroughly with the provisions before counting. Detailed instructions for the guidance of the counting supervisors and counting assistants are given in Annexure XVIII.

#### **Date, Place and time of counting**

16.2 The place for counting of votes shall be such as may be determined by the District Election Officer with the previous approval of the State Election Commission.

The room or the hall must be large enough to accommodate

the Returning Officer, the Counting Assistants, the candidates and their agents. The table of the Returning Officer should preferably be on a raised platform within the room from where he can easily supervise all the counting tables. The candidates may be given seats on the same platform. There must be sufficient space in between the rows to enable a person to go up and down.

There should be proper lighting arrangements. Stand-by arrangements like generator or gas lights should be provided to meet emergencies created by power failure.

#### **Counting at different places**

16.3 The counting for the entire Grama Panchayat Constituencies/Municipal wards should be done at one place under the direct supervision of the Returning Officer. Counting should commence at 8.00 a.m. in the morning.

The law enables the Assistant Returning Officers also to count votes. It is legally permissible to count votes at different places on the same day; when the Returning Officer takes up the counting at one place, the Assistant Returning Officer(s) can take up counting at the other places, or, if the counting is arranged at one place the Assistant Returning Officer can also do the counting independently.

### **Number of counting agents**

16.4 Each candidate should be allowed to appoint as many counting agents as there are counting tables for counting of votes at the election and one more to watch the counting at the Returning Officer's table. A candidate for the District/Block Panchayat election may also appoint one more counting agent to attend to the counting of postal ballot papers at the place fixed for the purpose by the Returning Officer of the District/Block Panchayat.

### **Letters of appointment of Counting Agents**

16.5 Inform the candidates about the number of counting agents they can appoint and ask them to send their letters of appointment before the time fixed for counting. A candidate may appoint all his counting agents by a single letter in Form 12 suitably modified. The photographs of the Counting agents should also be produced. In that case, all the agents should also have signed the letter in token of their acceptance of the appointment and should sign the declaration later in the presence of the Returning Officer. (Rule 19). After necessary verification, the Returning Officer may give them for production at the time of entry into the counting hall passes in Form No. 25. On the date of counting votes, only those counting agent

holding the passe will be allowed inside the counting hall. All the contesting candidates of the constituencies/wards and political parties should be informed, well in advance, of the aforesaid arrangements.

The counting agent should be seated near the tables and should not be allowed to move about all over the hall. The extra counting agent may sit and watch the proceedings at the table of Returning Officer. However, as far as possible, only one person namely the candidate or his election agent or his counting agent should be allowed to present at that table in order to avoid over crowding.

The candidates and their election agents will be free to go around any part of the hall. In the absence of both the candidate and his election agent, his extra counting agent at the table of the Returning Office may be allowed to go around any part of the hall.

### **Appointment of Counting Assistants**

16.6 Appointment of counting supervisors and counting assistants shall be in Annexure XXIII. The Returning Officer should appoint as counting supervisors, Officers of the State Government or Local Bodies or statutory bodies. They should be given intensive training in counting.

The Returning Officer shall not appoint as counting supervisor or as counting assistant anyone who has been employed by or on behalf of, or has otherwise been working for a candidate in or about an election.

### **Maintenance of discipline and order at counting hall**

16.7 Post Police personnel on duty at the door or doors of the counting hall. Do not allow any person to enter or leave the room without the permission of the RO. The Returning Officer should ensure that complete order and discipline prevail in the counting place. Any person who persists in disobeying the direction of the Returning Officer may be removed from the place by the Returning Officer or by the Police Officer on duty or any person authorised in this behalf by the RO (Rule 44).

### **Warning about secrecy of ballot**

16.8 Read out and explain, as necessary, the provisions of section 125 of the Kerala Panchayat Raj Act, 1994/149 of the Kerala Municipality Act, 1994 to those who are present and then start counting.

### **Persons allowed in counting hall**

(a) Only the following persons can be allowed inside the counting hall.

- (i) Counting supervisors and Counting assistants;
- (ii) Persons authorised by the Election Commission;
- (iii) Public servants on duty in connection with the election; and
- (iv) Candidates, their election agents and counting agents.

(b) The term 'Public Servant on duty in connection with election' does not normally include police officers. Such officers whether in uniform or in plain clothes should not, as a general rule be allowed to enter inside the counting hall, unless the Returning Officer decides to call them in, for the maintenance of law and order or some similar purpose. Again the above term does not include the Ministers, State Ministers and Deputy Ministers of the Union and the State or Chairperson/Deputy Chairperson of Municipalities or President, Vice President of Panchayats.

In the performance of the duties, the Returning Officer is only bound by the instructions of the Election Commission. The Returning Officer shall not take orders from his official superiors or from any political or service organisation. If any of them requests for entry in to the counting hall, the Returning Officer shall allow entry, only if he is in possession of a valid authority letter issued by the State Election Commission.

## **Counting of Postal Votes**

16.9 Rule 50 of the Conduct of Election Rules lays down that the Returning Officer shall count the Postal ballot papers first. Covers in Form 19 containing postal ballot papers received after the hour fixed for the commencement of the counting votes should not be opened. They should be rejected and kept in a separate packet and sealed, noting thereon the appropriate particulars. The cover in Form 19 received in time should be opened one after another. As each cover is opened, the Returning Officer should take out the declaration in Form 16 and the cover in Form 18 and scrutinise the declaration. If the declaration in Form 16 is not found in the cover or the declaration has not been duly signed and attested or attested by an officer not competent to do so or is otherwise substantially defective or if the serial number of ballot paper appearing in the declaration is different from the serial number on the cover in Form 18, the cover containing the postal ballot paper should not be opened but the ballot paper should be rejected. Each such rejected cover should be endorsed suitably and the declaration and the cover should be replaced in the cover in Form 19. All such covers in Form 19 should be kept together in a separate packet and sealed and full particular such as the name of constituency, the date of counting and a brief description of contents should be noted

thereon for easy identification. All the declarations in Form 16 which have been found to be in order, should then be kept in a separate packet in order to ensure that the secrecy of the postal ballot papers. The packet should then be sealed noting thereon the particulars regarding the name of the constituency, the date of counting and a brief description of the contents. This should be done before the covers containing the ballot papers in Form 18 are opened. Thereafter, the covers in Form 18 should be opened one after another and the validity of the ballot scrutinised and decisions arrived at.

## **Rejection of Postal ballot papers**

- 16.10 A postal ballot papers should be rejected, if -
- (i) no vote is recorded thereon; or
  - (ii) votes are given in favour of more candidate than one;  
or
  - (iii) it is a spurious ballot paper; or
  - (iv) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
  - (v) it is not returned in the cover sent along with it to the elector; and
  - (vi) the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given.

There is no particular mark required by law to be made by a

voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to that candidate should be taken as a valid vote in favour of the candidate concerned. Again, a vote recorded on a postal ballot paper should not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote should be for a particular candidate clearly appears from the way the paper is marked. The valid votes should then be counted and each candidate credited with the votes given to him. The total number of postal votes received for each candidates should then be calculated, entered in the Result Sheet in form 25 in the appropriate place and announced for the information of the candidates. Thereafter all the valid Postal ballot papers and all the rejected ballot papers should be separately bundled and kept together in a packet and sealed with the seal of the Returning Officer and the seals of such of candidates, their election agents or counting agents desirous of affixing their seals thereon. The particulars such as the name of the constituency, the date of counting and brief description of the contents should be recorded on the sealed packet.

### **Counting of Postal ballot papers for District/Block Panchayat**

16.11 Rule 53 of the Conduct of Election Rules provides that if ballot papers (votes) are counted at more places than one, as in the case of District / Block Panchayat, the provisions of Rules 50, 51 and 52 shall apply to the counting at the last of such places. Rule 50 deals with counting of the postal ballot papers, rule 51 Recount of votes and rule 52 Declaration of Result. As Recount of votes and Declaration of results are to be done by the Returning Officer himself, the Assistant Returning Officers shall not count the postal ballot papers received for District/Block Panchayat.

Counting of votes should be done on tables arranged in rows. The number of counting tables in a counting hall is to be decided by RO keeping in view the number of polling stations, size and available space of the hall, the number of candidates/ counting agents, the total number of counting personnel to be deployed and security aspects. There cannot be more than 14 counting tables in a counting hall.

In each counting hall, necessary arrangements should be provided for each counting table so that counting agents are prevented from handling the control unit. However, the counting agent must be given all reasonable facilities to witness the whole

counting process at the counting table. RO shall have to ensure that the agents do not get any opportunity to handle the control units in any manner in order to eliminate any chance of tampering by them.

The RO's table shall be in the counting hall itself. It should be a separate table with a demarcated area. Candidates and their Election Agents will also be seated at this table and watch the counting proceedings. In order to ensure proper watch over the counting process, the seating arrangements of counting supervisors, counting assistants should be made in a sequence. They should not be allowed unnecessarily to roam here and there in the counting hall.

Similarly, the table and the computer on which the computation and compilation of data from each table shall be in the counting hall alongside the RO's table where the candidate/agent will also be seated. In case the table is a separate one from RO's table then one additional counting agent shall be allowed to sit at that table. This should not be in any other room under any circumstance.

After every stage of counting, the results of that stage should be written on a board. ONLY after that the EVMs for the next stage shall be brought from the strong room to the counting hall. Instruction to Counting supervisions and counting Assistants are given in Annexure XVIII.

### **Counting of Votes Recorded in Voting Machines, Scrutiny and Inspection of Control Units**

16.12 After commencement of the counting of postal ballots, counting of votes in the EVM can commence. The CUs can be brought under escort (agents can accompany) from the strong room to the counting hall even if the counting of the postal ballot is still going on. Distribution of control units to the counting tables should be done in the serial order of the polling stations. RO will arrange a senior officer to function as nodal officer for this purpose. An account of distribution of EVMs for counting should be kept. EVMs brought for counting for a particular stage are properly counted and after recording the votes in form 24 A, the EVMs for next stage are brought to the counting hall.

At the time of counting, only the control unit of the voting machine is required for ascertaining the result of poll at the polling station at which the control unit has been used. The ballot unit used at a polling station is not required. The ballot units have to be kept in strong room. It may be taken to the counting hall only if its inspection becomes necessary in any particular case on demand by any candidate or his agent or otherwise.

The sealed cover containing the relevant Account of Votes Recorded in Form 24A and the cancelled ballot papers pertaining to a polling station shall also be supplied to the counting table

along with the control unit used at that polling station.

### **Opening of Carrying Cases of Control Units**

16.13 The control units received from the polling stations are duly kept and sealed in their carrying cases by the Presiding Officers. As each, carrying case is brought to the counting table, the seals put thereon by the Presiding Officer at the polling station should be examined. Even if the seal of a carrying case is not intact, the control unit kept therein could not have been tampered with, if the seals thereon and particularly the paper seals on that unit are intact.

After breaking the seals of the carry case, take out the control unit and place it on the counting table for the inspection and checking of seals thereon by the candidates or their agents present at the counting table.

### **Checking Seals on the Control Units**

16.14 Before the votes recorded in the control unit of any voting machine are counted, the candidates or their election agents or their counting agents present at the counting table shall be allowed to inspect the outer strip seal, the special tag, the papers seals and such other vital seals as may have been affixed on the carry case and the control unit to satisfy themselves that the seals are intact. It should be ensured that none of the voting

machines are tampered with. In any case it is felt that any voting machine has in fact been tampered with, the votes recorded in that machine shall not be counted and the matter shall be reported to the State Election Commission immediately.

As each control unit is taken out of the carrying case, RO shall first check its serial number and satisfy that it is the same control unit, which was supplied by the RO to the Presiding Officer for use at that polling station. Then, check the Serial Number of Paper Seal used for sealing the Control Unit, the seal on the Candidate Set section of the control unit (which had been put at RO's level before the supply of the machine to the polling station) and also the Outer Strip Seal, and seal on Special Tag on the outer cover of result section which was put by the Presiding Officer at the polling station after mock poll. Even if any of these seals is not intact, the control unit could not have been tampered with, if the paper seal put on the inner cover of the Result Section is intact.

### **Comparing the Serial Numbers in the Special Tag, Green Paper Seal and Strip Seal**

16.15 Remove the Strip Seal and the Address Tag on the outer door of the Result Section and open that door. On opening the outer door of the Result Section it could be seen that the inner door is sealed with the Special Tag. In the inner door of

the Result Section, there will be a Green Paper Seal passing over the two windows concealing the buttons viz Result-I and Result-II. Serial numbers on the Strip Seal, Green Paper Seal and Special Tag should be compared with that as denoted in the paper seal account prepared by the Presiding Officer in Part I of Form 24A. The candidates or their agents present at the counting table should invariably be allowed to compare such serial numbers of the Strip Seal, Green Paper Seal and Special Tag and satisfy themselves that the Strip Seal, Green Paper Seal and Special Tag are the same which had been fixed by the Presiding Officer at the polling station before commencement of the poll.

#### **Checking of Serial Number of Control Unit**

16.16 On the counting table, the counting supervisor shall verify and satisfy that the serial number of the control unit taken up for counting is the same as what is noted in the Part-I of Form 24A.

#### **Control Units to be Kept Apart if Found Tampered With**

16.17 If the voting machine has been tampered with, or is not the same which was supplied for use at that polling station, the machine should be kept apart and the votes recorded therein should not be counted. The matter should be reported to the State Election Commission. It is not necessary to adjourn the entire counting if any voting machine has been found by RO to

have been tampered with. RO may, proceed with the counting in respect of the other polling stations.

After satisfying that i) the paper seal is intact, ii) the control unit is the same as was used at the polling station and there is no tampering with the same, the votes recorded therein shall be counted. The following procedure should be followed for counting of votes recorded in the machine:-.

- i. Switch 'on' the control unit by lifting the power switch provided in the rear compartment to 'on' position. The On' lamp in the Display Section of the control unit will then glow green.
- ii. Pierce the paper seal over the Button with a paper knife provided below the upper aperture of the inner cover of Result Section.
- iii. Press the "Result I" Button.
- iv. At the "Result I" Button being so pressed, the total number of votes recorded for each candidate at the polling station shall be displayed automatically in the Display Panels of the control unit.

#### **Ascertaining Result**

16.18 During counting, Counting Supervisors will ensure that at the time of pressing the result button on the control unit of the EVM, the counting agents of all candidates are shown in

the display panel of the control unit to their satisfaction so that they can note down the votes polled in favour of each candidate as displayed on the control unit display panel. For this purpose, the control unit may be kept lifted, if necessary, by one of the counting assistants in such manner and position that the display panel is clearly visible to the counting supervisor, the second counting assistant sitting at the counting table, and also to the counting agents of candidates. In case, any counting agent desires to have the result displayed on EVM more than once, it shall be done by pressing the Result Button again to the Counting Supervisor to the satisfaction of the counting agents.

- v. The counting supervisor shall note down, carefully, the above result as displayed sequentially candidate-wise in 'Part II - 24 A. If required, press the "Result I" Button again to show the result.

After the result has been noted, close the cover of Result Section and switch 'OFF' the control unit.

#### **Detaching the DMM and its Safe Custody**

16.19 After the declaration of the result by the Returning Officer, the machines will be taken to the DMM sealing table and then the DMM is to be detached from the Control Unit and kept in a plastic box provided. This box is then sealed in a cloth lined cover and signature of representatives of political parties

obtained. The Returning Officer after affixing his signature and seal store all DMMs in a canvas bag which is again kept in a metal ballot box which is sealed using metal wire and sealing wax.

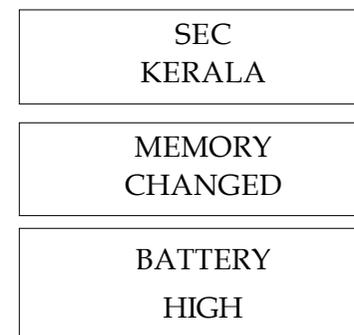
This shall be kept under safe custody in Treasury and acknowledgement obtained. The DMM shall not be taken out except under orders of a court of competent jurisdiction or of the State Election Commission.

#### **Result from DMM**

16.20 For retrieving the result from the DMM, the following procedure has to be done.

The DMM should be installed in a Control Unit other than the one which was used along with this DMM for the poll.

After installing the DMM, the CU should be switched 'ON'. Then the following display will appear.



For obtaining the data stored in the DMM, press & hold the

“Result II” button for one minute (Data in DMM will be displayed as “BANK 2”). Then the following display will appear

MEMORY CHANGED
BANK 2
SECKCU000001 SECKDM000001
NUMBER OF POSTS 3
TOTAL VOTERS 102
POST 1 10-100-23-1-
POLLED VOTES 101
UNDER VOTES 1

CANDS 02 SEATS 1
CANDIDATE 01 VOTES 80
CANDIDATE 02 VOTES 21
POST 2 10-119-18--
POLLED VOTES 102
UNDER VOTES 0
CANDS 02 SEATS 1
CANDIDATE 01 VOTES 50
CANDIDATE 02 VOTES 52
POST 3 10-03-----

POLLED VOTES 100
UNDER VOTES 2
CANDS 02 SEATS 1
CANDIDATE 01 VOTES 25
CANDIDATE 02 VOTES 75
END

**Completion of Part II of Form 24 A**

16.21 As the votes secured by each candidate are displayed on the Display Panel of the control unit, the counting supervisor should record the number of such votes separately in respect of each candidate in Form No. 24 A Part II. It should be verified whether the total number of votes as shown in Part-II tallies with the total number of votes shown against Item 5 of Part I of that Form. After completing that form in all respects, the counting supervisors should sign it. He should also get it signed by the candidates or their agents present at the counting table. He should handover that Form to the Returning Officer. When the Form 24 A at each Polling booth is received at the RO's table, it will be his responsibility to show it to the candidates/their election agents/counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each polling station. He should countersign Form 24 A after satisfying that the same has been properly filled and completed in all respects. The Returning Officer shall compile the details of votes and declare the result in Form 25.

The votes polled to each candidate, polling station wise as entered in Form 25 should be written on a display-board put up conspicuously so that each counting agent can see and note down /cross check the entries therein. The RO may announce

the same through public address system. This will enable RO to proceed uninterruptedly with the counting of votes.

In case a particular CU used at a polling station does not display result due to technical mal-functioning, the assistance of technicians of ECIL may be sought to retrieve the data. If they also are not able to do so, then that EVM shall be sealed and kept aside. It must, without fail, be brought to notice of the State Election Commission for further directions. The counting of remaining machines will continue unabated. If any machine has been kept apart and not counted for this reason or found tampered with, then Commission's written approval will be needed before declaring the result of the election of that constituency.

In order to maintain transparency and also to keep vigil over the counting process, the Returning Officer should conduct random checking of the result noted down in the counting table with that displayed in the respective EVM.

If any discrepancy is found during this process, then:

- i) The result of that stage for each table shall be verified from the EVMs.
- ii) The counting staff who wrongly entered the result should be replaced by another set of staff and the matter

reported to the Commission. Severe disciplinary action will then follow on the erring staff for their omissions and errors.

iii) The result provided by such staff in the preceding stages should invariably be checked again and corrected sheets prepared, wherever necessary.

iv) The result from the counting table after correction will be passed on to the data entry operator for uploading in the TREND software.

The next stage of counting should start only after all the tables of the current stage have finished counting and its result has been posted on the black board / white board. Also the EVMs for the next stage counting should be brought on to the tables only after completion of the current stage in all respects.

#### **Steps to be Taken in Case of Malfunctioning of Electronic Voting Machines (EVM) During Counting of Votes**

16.22 In the case of malfunctioning of an EVM during counting of votes during General Election/By elections, the following steps are to be taken.

- a. In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as

usual.

- b. When counting of votes in other machines is complete, the Returning Officer should see whether difference in the margin of votes between the candidate having the highest votes and the candidate having next higher votes is more than or less than the votes polled in the malfunctioned machine (s).
- c. In both the cases, the Returning Officer should try to retrieve the result from this machine, with the help of engineers of ECIL, using Auxiliary Display Unit (ADU) in the presence of candidates or their election agents. If the result can be retrieved by using an ADU, the result of the election can be declared accordingly. In such a case, the Returning Officer should send a detailed report to the Commission in the format mentioned in Form N 38.
- d. In case it is not possible to retrieve the result from the malfunctioned machine inspite of using ADU, then the Returning Officer should try to retrieve the result from the machine by taking a print out of the result with the help of engineers of ECIL. If the result can be retrieved by using a printer, the result of the election can be declared accordingly. In such a case also the Returning Officer should send a detailed report to the Commission in the format mentioned in Annexure XIX.
- e. If the result from the malfunctioned machine cannot be

retrieved despite using printer, the matter should be reported to the SEC by the Returning Officer in Annexure XX.

- f. Where the margin of vote between the candidate having the highest vote and the candidate having the next higher votes is more than the votes polled in the malfunctioned control unit, the RO shall report the matter in Annexure XX to the SEC for its decision.
- g. Where the margin of vote between the candidate having the highest vote and the candidate having the next higher votes is less than the votes polled in the malfunctioned control unit, the RO shall report the matter in Annexure XX to the SEC for its decision.
- h. The malfunctioned control unit should be kept safely sealed in its carrying case and no attempt should be made to repair the machine.

**Action to be Taken During Counting of Votes in Case Presiding Officer Did Not Press Close Button of CU at the End of Poll**

16.23 In case a Presiding Officer is found to have not pressed the 'CLOSE' button of Control Unit at the end of poll, the following action should be taken during counting of votes in the presence of candidates/their authorised agents.

The Returning Officer shall first check the serial number of

the strip seal and the serial number of the green paper seal and satisfy that the number of green paper seal tallies with the number as entered in Part I of Form 24A. Further verification may be done with the number shown in Presiding Officer's diary. He shall also verify the total number of voters entered in the Register of votes in Form 21 A. He should ascertain the total number of voters displayed in the EVM by pressing the total button. If the total number of voters as per the voting machine and the number of voters in Form 21 A are the same, the RO shall press the Close button in the presence of Counting Agents /Candidates. Then the RO shall press the Result I button and continue to count the votes as usual.

In case, total number of voters who casted votes in the machine does not tally with the total voters in the Register of Votes in Form 21 A, the matter should be reported to the SEC by the Returning Officer for its decision and action may be taken as per the direction of the Commission.

### **Redisplaying of Votes**

16.24 Normally, there will be no question of recounting of votes recorded in the voting machines. Every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise. At the most, some candidates or their agents may not have noted down the result of voting at any

particular polling station properly when the control unit displayed that information. If necessity arises for re-verification, the Result Button can be pressed, whereupon the result of voting at that polling station will again be displayed in the Display Panels of that control unit.

Accordingly, when the counting is completed and the Result Sheet in Form 25 has been prepared, RO should announce the total number of votes polled to each candidate as entered in the Result Sheet. RO should then wait a minute or two. If during this period any candidate, or in his absence, his election agent or any of the counting agents, asks for a recount, RO should allow a reasonable time to him for applying for recount in writing. RO will wait for receiving the written application for recount. RO should not sign the Result Sheet in Form 25 until the expiry of the time so allowed.

When an application for recount is made within the time allowed, RO should consider the grounds urged and decide the matter on merit. In every case RO should record a brief statement of reasons for his decision. The decision of the RO shall be final.

If in any case, if an application for recount either wholly or in part is allowed, the votes recorded in the voting machines

are to be counted again. The postal ballot papers will also be counted again if so decided RO. After the recount, correct the result sheet to the extent necessary. Announce the amendments so made, if any, by RO. After the total number of votes polled to each candidate after recount have been announced, the RO shall complete and sign the Result Sheet. No candidate has a right to demand a recount after RO has completed and signed the Result Sheet in Form No. 25. Reject any demand for any recount of votes after RO has completed and signed the Result Sheet.

### **Adjournment of Counting**

16.25 RO should proceed with the counting at each place continuously. In case RO has to suspend or adjourn the counting before its completion for any unavoidable reason, seal up all the voting machines and also all other papers relating to elections. Allow every candidate or his agent, if he so desires, to put his seal on every voting machine and packet, etc., in which the election papers are kept.

*N.B. It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with seal of the RO and the seals of candidates or their agents.*

### **Procedure to be Followed in Case of Destruction, Loss, etc., of Voting Machines before Completion of Counting**

16.26 The Commission may direct, after taking all material circumstances into account, the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that the voting machine used at a polling station has been

- i. Unlawfully taken out of RO's custody, or
- ii. Accidentally or intentionally destroyed or lost, or
- iii. Damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained. If any such occasion arises, RO should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.

### **Procedures to be Followed in the Case of Booth-Capturing at the Counting Centre**

16.27 If booth capturing takes place at any counting centre, the Returning Officer shall forthwith report the matter to the State Election Commission.

On receipt of the report of the Returning Officer, the Commission shall, after taking all circumstances into account, either direct a repoll at the affected polling stations or countermand the election. Therefore, once RO has reported the matter to the Commission, RO has to wait for the directions of the State Election Commission in the regard.

## **Procedure for Holding Repoll**

16.28 If at a polling station –

- (i) any voting machine has been unlawfully taken away by an unauthorized person, or
- (ii) any voting machine has been accidentally or intentionally destroyed or lost or damaged or tampered with and the RO is satisfied that the result of the poll at that polling station cannot be ascertained for that reason, or
- (iii) any voting machine develops a mechanical failure during the course of the recording of votes and the use of a subsequent machine becomes not possible, or
- (iv) any error or irregularity in procedure as is likely to vitiate the poll has been committed, the Returning Officer should report the facts forthwith to the State Election Commission and the District Election Officer.

Thereupon the SEC shall, after taking all the material facts and circumstances of the case into account, either

- (i) declare the poll at the polling station to be void and fix the date and time for a re poll, or
- (ii) if satisfied that the result of the poll at the polling station will not in any way affect the result of election or that the error or irregularity or the mechanical failure developed in the voting machine in question is not material, issue such direction as it may deem proper to the Returning Officer for the completion of election.

Returning Officer should send a consolidated report in that format in respect of all the polling stations where the poll has been vitiated. The State Election Commission will not accept piecemeal reports in this regard.

After considering all the material circumstances, the Commission will, if necessary –

- (i) declare the poll at the polling station to be void; and
- (ii) formally fix the date and hours for a re poll.

On receiving intimation from the Commission, Returning Officer should inform in writing the contesting candidates or their election agents of the date, time and place fixed for the re poll and affix a notice on the notice board, notifying the date and hours so fixed. Also, wide publicity should be given in the polling area concerned about the place, date and hours so fixed.

All electors entitled to vote at the polling station or stations in question will be entitled to vote at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the re poll. To distinguish the marks to be made at the re poll from those already made at the original poll, the Commission directs that the mark of the indelible ink should be put on the voter's finger at the re poll.

A new voting machine [the ballot unit(s) as well as the control

unit] and a new marked copy of electoral roll shall be used at the re poll.

The provisions of the Conduct of Elections Rules, 1995 and orders made thereunder will apply to the fresh poll exactly in the same way as they apply to the original poll. All the voting machines used for the original poll at the polling station(s) where fresh poll has been directed by the Commission should be preserved carefully, unopened and with the seals intact.

## **Chapter XVII**

### **DECLARATION OF RESULTS**

17.1. The Returning Officer shall complete and sign the result sheet in Form No.25 and declare the result in Form 25 A in respect of each constituency / ward and declare the candidate to whom the largest number of valid votes have been given, to have been elected.

The date to be given in the declaration should be the date on which the result of the election is declared and not on the date on which the declaration is despatched. Even if an occasion arises where an error in the original declaration is to be rectified, there should be no change in the date on which the result was declared.

Immediately after the declaration of the result and on the same day, copies of the declaration are to be sent to the State Election Commission, Government in the Local Self Government Department, the District Election Officer and to the Secretary of Panchayat/ Municipality to which the election relates. A copy of the result sheet in Form No. 25, two copies each of the declaration in Form 25A, Certificate of Election in Form 26 and Return of Election in Form 27 shall be sent immediately to the Election Commission by special messenger.

The Returning Officer of the Block/District Panchayat constituency shall declare the result only after counting in all Grama Panchayat Constituencies comprised within the Block

Panchayat/ District Panchayat is completed and all documents received by him from the respective Asst. Returning Officers. After Returning Officer has declared the result in the manner aforesaid, the Returning Officer should complete the return of election in Form 27 and authenticate the same. The candidate/ their agents may be allowed to take a copy/extract from this return.

If, after the counting of vote is completed an equality of votes is found to exist between candidates, the Returning Officer, shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote. That is to say, the person whose name is drawn shall be declared elected.

**Report of Result of Election**

17.2 The Returning Officer shall intimate the results of every election, to-

- (i) The State Election Commission  
(*electionker@gmail.com 0471-2328158/2338288*)
- (ii) The District Election Officer

**Certificate of Election**

17.3 As soon as may be, after a candidate has been declared elected, the Returning Officer shall issue to such candidate a certificate of election in Form 26 and obtain from the candidate an acknowledgement of its receipt duly signed by him. It is

essential that this acknowledgement is signed by the candidate himself and his signature is attested by the Returning Officer personally. Thereafter he shall immediately send this acknowledgement to the person as may be nominated by Government under section 152(1) of the Kerala Panchayat Raj Act or 143 (1) of the Kerala Municipality Act 1994. The acknowledgement shall be in the form shown below.

Form 'N'

**FORM OF ACKNOWLEDGEMENT**

'I ..... acknowledge receipt of the certificate of election in Form 26 in respect of my election to ..... from..... constituency/ward, declared on .....

(signature of the returned candidate)

Date .....

Attested and forwarded to the Secretary

..... Returning Officer

The certificate of election should be handed over to the candidate, and his acknowledgment obtained immediately after declaration of result, if he happens to be present at the counting centre. Where he is not so present, he should be contacted as quickly as possible and despatch the acknowledgements within a day or two. These acknowledgements are required by the

authorities concerned for verifying the identity of the elected candidates at the time of making or subscribing the oath or affirmation by them.

Where no person is nominated by Government under section 152 (1) of the Kerala Panchayat Raj Act 1994 or section 143 (1) of the Kerala Municipality Act, 1994, it would be sufficient to send the acknowledgement of the certificates of election obtained from the elected candidates to the Secretary of the Panchayat or Municipality concerned for being handed over to the person as and when he is nominated.

## **Chapter XVIII**

### **REFUND OF SECURITY DEPOSIT**

18.1 Section 144 of the Kerala Panchayat Raj Act 1994/201 of the Kerala Municipality Act 1994, deals with the method of disposal of the deposits made by the candidates. Utmost care shall be taken while disposing of the applications for the return of the deposit by the candidates or on their behalf. Application for refund of deposit shall be in Form N.31 (Annexure XXI).

A deposit shall be refunded only to the person in whose name it was made in the treasury, or to his legal representatives, if he is dead.

#### **Return of Deposits**

18.2 If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit should be returned as soon as practicable after the publication of the list or after his death, as the case may be. Some candidates may have made along with their second and subsequent nominations further security deposits. The second and the subsequent deposits should be returned, as far as possible, after the publication of the list of contesting candidates. In other cases, the deposit should be returned as soon as

practicable after the result of the election is declared.

If the candidate died, his legal representative may make an application to the Returning Officer for refund of Deposit in form Form N32 (Annexure XXII).

### **Conditions for refund**

18.3 The Returning Officer shall order a refund of the deposit in respect of every candidate, whose name was not entered in the list of contesting candidates, as soon as the list is published.

### **Forfeiture of Deposit**

18.4 The deposits shall be forfeited if, at an election where a poll has been taken, the candidate does not secure more than one sixth of the total number of valid votes polled to all the candidates.

## **Chapter XIX**

### **MISCELLANEOUS**

19.1 As per section 85 of Kerala Panchayat Raj Act and 141 of the Kerala Municipality Act every candidate on election shall either by himself or by his election agent keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive. The proforma for maintenance of accounts of election shall be in Form N 30 and the report by the authorised officer as to the lodging of the account of election expenses shall be in Form N 28. Brief instruction for the guidance of contesting candidates for lodging their accounts of election expenses have also been issued by the Commission.

### **Manuscript, Typewritten, Cyclostyled or Privately Printed Forms to be accepted**

19.2 As sufficient number of any particular form printed officially may not always be available to satisfy public demand they would be put to a lot of inconvenience if officially printed Forms are insisted upon by officers. In order to avoid any such inconvenience, the Election Commission specifies that although

Forms for various purposes may have been printed, the Returning Officers, Presiding Officers and other Election Officers may freely accept manuscript/typewritten/photostats or privately printed copies of every form so long as they have been correctly copied and such officers shall not be reject any document merely because it has not drawn up on a Form officially printed

### **Submission of Report by the Returning Officer**

19.3 The Returning Officer shall, immediately after the declaration of the result in the constituency/ward, forward to the State Election Commission through the District Election Officer two copies of the Report on Election in Form N 27 (Annexure XXIV) in respect of the various items shown therein. It should be ensured that the Report on Election in Form N 27 is forwarded to the District Election Officer within fourteen days from the declaration of the result. The Returning Officer shall submit separate Reports for each constituency and submission of the report shall not be delayed on the ground that any particular information in respect of an item is not readily available. Any information which could not be included in the report before the due date for submission of the report shall be sent by a supplementary report of the Returning Officer.

### **Safe Custody of Election Materials**

19.4 District Election Officer shall be responsible for the Safe Custody of the packets containing the following election papers (Rule 55(2)) of conduct of election Rules.

1. Sealed packets containing unused postal ballot papers along with their counter foils and unused ballot labels.
2. Sealed packet containing counterfoils of used postal ballot papers.
3. Sealed packet containing valid and rejected postal ballot papers, after counting.
4. Sealed packets containing declaration of electors for postal ballots.
5. Sealed packets containing postal ballot papers received late.
6. Sealed packets containing substantially defective postal ballot papers and declarations that were not considered for counting.
7. Sealed packet containing the used tendered ballot papers and the List in Form 21 B.
8. Sealed packet containing the marked copy of electoral roll.
9. Sealed packet containing vote register in Form 21 A.
10. Sealed packet containing DMM.

11. All other relevant papers to be kept in safe custody.

The District Election Officer shall keep the above mentioned papers in trunks under double lock in the Treasury.

However, the Returning Officer shall keep the nomination papers and personal details of the candidates furnished in Form 2A in the custody of the Returning Officer himself as these items do not come within the purview of those papers which are to be kept under the safe custody in Treasury as per rule 55(2) of the Rules. In the event of transfer, the Returning Officer shall hand over these papers to his successor/the officer who is taking his charge, after making necessary entries in the appropriate register.

## **ANNEXURES**

**Annexure I**

(See para 2.8)

Office of the Returning Officer,  
.....Constituency  
Date.....

Letter No.....

To  
.....  
(Name of candidate)

In your nomination paper, you have mentioned that you are an elector of a different constituency, namely ..... Constituency, but you have not produced documentary evidence thereof as required by sub section(5) of section 52 of the Kerala Panchayat Raj Act, 1994 which reads as follows:-

Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof of a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before Returning Officer at the time of scrutiny".

.....  
Returning Officer,  
.....Constituency.

Date.....

-----Cut Here-----

Received letter No.....dated.....from the  
Returning Officer, .....Constituency, today.

Place.....

Date..... (Signature of candidate or proposer)

**Annexure II**

(See para 2.7)

Office of the Returning Officer,  
.....Constituency/Ward

Letter No.....  
To

Date.....

.....  
(Name of candidate)

This is inform you that you have not made and subscribed an oath or affirmation as required under section 29(e) of the Kerala Panchayat Raj Act 1994/section 85(f) of Kerala Municipality Act 1994. This may be done either before me or before any of the persons authorised by the Election Commission in this behalf on any day before the date appointed for scrutiny of nominations.

.....  
Returning Officer,

Date..... Constituency.

-----Cut Here-----

Received letter No.....dated.....from the  
Returning Officer, .....Constituency, today.

Place.....

Date..... (Signature of candidate or proposer)

.....

\*Strike off whichever is not applicable

## **Annexure II A**

(See para 2.7)

STATE ELECTION COMMISSION, KERALA

### **NOTIFICATION**

No. 103/95/SEC

Dated, Thiruvananthapuram, 30<sup>th</sup> March, 1995

In exercise of the powers conferred under clause(e) of Section 29 of the Kerala Panchayat Raj Act, 1994 and clause (f) of Section 85 of the Kerala Municipality Act, 1994, the State Election Commission hereby authorise the following persons before whom a person having been nominated as a candidate (hereinafter referred to as the candidate) can make or subscriber oath or affirmation in the Form prescribed under Schedule I of the Kerala Panchayat Raj Act or Schedule II of the Kerala Municipality Act.

- i. Gazetted Officers of the State Service;
- ii. Superintendent of Prison in the case of a candidate confined in a Prison;
- iii. Commandant of the detention camp in the case of a candidate under preventive detention;
- iv. Medical Superintendent in-charge of the hospital or the Medical Practitioner attending in the case of a candidate who is confined to bed in a hospital or elsewhere owing to illness or any other cause, and;
- v. Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be.

Office of the State Election Commission,  
L. M. S Junction,  
Thiruvananthapuram-33.

M. S. K. RAMASWAMI,  
State Election Commissioner.

## **Annexure III**

(See para 5.12)

### **Guidelines on Printing and Publishing of Election Pamphlets and Posters**

1. The attention of all political parties, contesting candidates and owners of printing presses is invited to the section 124 of the Kerala Panchayat Raj Act, 1994/148 of Kerala Municipality Act, 1994 and the restriction it imposes. This section lays down that every election pamphlets and posters. This section lays down that every election pamphlet, hand-bill, placard or poster which is printed or multigraphed by any process (except copying by hand) must bear on the front the name and address of the printer and the name and address of the publisher.

2. The printer of any such document must obtain from the intending publisher a declaration (in duplicate) as to his identity signed by him and attested by two persons to whom he is personally known.

3. As soon as the document is printed, the printer must send one copy of the declaration and one copy of the document to the District Election Officer concerned.

4. Contravention of any of the provisions of the Section is made punishable with imprisonment up to six months or fine or with both.

5. In order that there is a strict observance of, and compliance with the requirements of the above mentioned provision of law on the subject, the Commission directs that:-

- (1) The District Magistrates and other concerned authorities shall write to all printing presses in their Districts:-
  - (i) Pointing out to them the requirements of the above mentioned section 124/148 and instruction them to indicate clearly in print line the names and addresses of printer and publisher;

- (ii) Asking them to send two copies of the printed material and the declaration of the publisher WITHIN TEN DAYS OF ITS PRINTING, the failure of which would be treated as a violation of the above provisions;
  - (iii) Impressing upon them in clear terms that any violation of the provision of section 124/148 would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence under the relevant law, would be taken.
- (2) The printer shall be asked to furnish along with the declaration and a copy of the printed material the particulars regarding number of copies of the printed materials and the cost thereof in the proforma prescribed by the Commission, duly signed and authenticated by the printer.
- (3) The District Magistrates shall exhibit at some conspicuous place in their office, all the election posters, pamphlets, etc. received by them from the printing presses so that the candidates and other interested persons may be able to check in respect of which documents the requirements of law have been complied with, so as to enable them to bring to the notice of the authorities concerned the cases of other election posters, pamphlets, etc., in respect of which the above requirements of law have been violated.

The District Magistrates and other authorities charged with the detection and investigation of offences shall initiate prompt action regarding violation of the provisions of section 124/148 of Kerala Panchayat Raj Act/Kerala Municipality Act.

**Annexure IV**

(See para 5.12)

**Form No. N-5**

**Pro forma for Declaration to be submitted by the  
Publisher of Election Posters, Pamphlets etc.**

(See Section 124 of the Kerala Panchayat Raj Act 1994/148 of the Kerala Municipality Act, 1994)

I, ..... son/ daughter/ wife of  
..... resident of  
.....(village/town) .....  
(District) ..... (State), hereby declare that I am  
the publisher of .....

I, ..... being printed by .....

Place .....

Date .....

Signature of Publisher

Full Address .....

.....

.....

Attested by (persons to whom he is personally known)

1. Signature  
(name and address)

2. Signature  
(name and address)

**Annexure V**

(See para 5.12)

**Form No. N-5A**

**Form to be submitted by the owner of the press in respect of printing of election posters, pamphlets etc.**

(See Section 124 of Kerala Panchayat Raj Act 1994 / Section 148 of Kerala Municipality Act)

I ..... (Name of the printer) S/o / D/o/W/o ..... and owner of residing at ..... (full address with exact place, village /town district and state with pincode) ..... do hereby declare before the District Election Officer of ..... District that I have received a sum of Rs. .... (in words) towards printing charges of election posters, pamphlets etc. for the publisher ..... (Name of the publisher) S/o/D/o/W/o ..... residing at House ..... (Place) of ..... District ..... State.

I also enclose herewith the copies of the declaration by the publisher, printed poster, pamphlets etc.

Signature of the owner of the press

Place : .....

Date : .....

Full Address

.....  
.....

**Annexure VI**

(See para 5.12)

**Form No. N-5B**

**Proforma for Declaration regarding Hoarding s Banners etc. to be substituted to the Returning Officer by the Candidate / Election Agent**

- 1. Name of the Contesting Candidate :
- 2. Name of the Local Body where contesting :
- 3. No. and Name of Constituency / Ward. Number :
- 4. Following Number of hoarding /banners have been fixed/erected :

	Numbers	Amount spend
(a) Hoardings	.....	.....
(b) Banners	.....	.....

Certified that the above details are true to my knowledge and belief

Place .....

Date ..... Name and Signature of the Candidate / Election agent

## Annexure VII

(See para 5.14)

### Notice to Contesting Candidates regarding Penal Provisions in the Election Law

Please take note that following are the provision relation to the corrupt practices and electoral offences in the Kerala Panchayat Raj Act, 1994/ Kerala Municipality Act, 1994, and of the offences relation to election in Chapter IX A of I.P.C

#### (I) Kerala Panchayat Raj Act, 1994/The Kerala Municipality Act, 1994, Sections

##### A. Corrupt Practices

(Section 120 of the Kerala Panchayat Raj Act, 1994/section 144 of the Kerala Municipality Act, 1994).

- i). bribery;
- (ii). undue influence;
- (iii). appeal on the ground of religion, race, caste, community of language or the use of, or appeal to religious or national symbols;
- (iv). promotion of feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language;
- (v). publication of false statement in relation to the personal character or conduct of a candidate or his candidature;
- (vi). the hiring or procuring of vehicles or use of such vehicle for the free conveyance of voters;
- (vii). the incurring or authorising of election expenses in excess of the prescribed limit;
- (viii). The obtaining or procuring of or attempting to obtain or procure the assistance from specified categories of Government Servants; and
- (ix). booth capturing by the candidate or his election agent or by any person with the consent of candidate or his Election Agent.

#### B. Electoral Offences

K.P.R Act 1994 Sections	K.M. Act, 1994 Sections	Description
(1)	(2)	(3)
121	145	Promoting enmity between different classes in connection with election.
122	146	Holding of public meetings during the prohibited period.
123	147	Disturbance at election meetings.
124	148	Restrictions on the printing of pamphlets, posters, etc.
125	149	Maintenance of secrecy of votes.
127	151	Prohibition of canvassing in or near polling stations.
128	152	Disorderly conduct in or near Polling Stations.
129	153	Misconduct at polling station.
131	155	Illegal hiring or procuring of conveyances at elections.
136	160	Removal of ballot papers from Polling Stations.
137	161	Booth capturing by candidates or election agent or by any person at the instance of any candidate or election agent.
138	162	Fraudulent or unauthorised destruction of election papers, documents, ballot papers, ballot boxes etc.

#### C. Offences relating to election in Chapter IX A of the Indian Penal Code. Viz.

- (a). Section 171 B - Bribery
- (b). Section 171 C - Undue influence at elections.
- (c). Section 171 D - Personation at elections.
- (d). Section 171 G - False statement in connection with an election.
- (e). Section 171 H - Illegal payments in connection with an election.
- (f). Section 171 I - Failure to keep election accounts.

## **Annexure VIII**

*(See para 5.17)*

The State Election Commission publishes the following order, for the reservation, allotment and assignment of symbols in the elections to the Local Self Government Institutions in the State of Kerala.

### **THE LOCAL AUTHORITIES ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) ORDER, 2017**

An Order to provide for Reservation, allotment and assignment of symbols in elections to Local Self Government Institutions in the State of Kerala and matters in relation thereto and connected therewith.

WHEREAS, the superintendence, direction, control and conduct of all elections to Local Self Government Institutions in the State of Kerala are vested in the State Election Commission as provided under Articles 243 K and 243 ZA of the Constitution of India;

AND WHEREAS, it is necessary and expedient to provide, in the interest of purity of elections to such institutions in the State of Kerala and in the interest of the conduct of such elections in a fair and efficient manner, for the reservation, allotment and assignment of symbols, in relation thereto and for matters connected therewith;

NOW THEREFORE, in exercise of the powers conferred by Articles 243 K and 243 ZA of the Constitution of India, the Kerala Panchayat Raj Act, 1994 the Kerala Municipality Act, 1994 and Rule 12 of the Kerala Panchayat Raj (Conduct of Election) Rules, 1995 and the Kerala Municipality (Conduct of Election) Rules, 1995 and all other powers enabling it in this behalf and in supersession of notification no. 102/2015/SEC dated 24th June 2015, the State Election Commission, Kerala hereby makes the following Order:

1. Short title, extent, application and commencement. - (1) This Order may be called the Kerala Local Authorities Election Symbols (Reservation and Allotment) Order, 2017.

(2) It extends to the whole of the State of Kerala (except the areas specifically excluded by Section 1(2) of the Kerala Panchayat Raj Act, 1994) in relation to the elections to Local Self Government Institutions.

(3) It shall come into force on the date of its publication in the Kerala Government Gazette.

2. Definitions. - In this Order, unless the context otherwise requires, -

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 or the Kerala Municipality Act, 1994;

(b) 'Commission' means the State Election Commission, Kerala;

(c) 'Contested election' means an election to the Panchayats, Municipality or Municipal Corporation where a poll is taken;

(d) 'Local Authority or Local Self Government Institution' means a Panchayat at any level or a Municipality or a Municipal Corporation;

(e) 'National Party' means a political party recognised by the Election Commission of India as a National Party;

(f) 'Paragraph' means a paragraph of this Order;

(g) 'Recognised Political Party' means a political party recognised by the Election Commission of India as a National Party or as a State Party in a State or Union Territory;

(h) 'Registered unrecognised political party' means and includes every political party registered under section 29A of the Representation of the People Act, 1951, but classified under Paragraph 6 of the Election Symbols (Reservation and Allotment) Order, 1968 as unrecognised political party;

(i) 'State Party in the State of Kerala' means and includes any political party recognised by the Election Commission of India as a State Party in the State of Kerala;

(j) Words and expressions used but not defined in this Order but defined in the Kerala Panchayat Raj Act, 1994 or the Kerala Panchayat Raj (Conduct of

Elections) Rules, 1995 or in the Kerala Municipality Act, 1994 or the Kerala Municipality (Conduct of Elections) Rules, 1995 shall have the meanings respectively assigned to them in those Acts and Rules.

3. Classification of symbols. - (1) For the purpose of this Order, symbols are either reserved, allotted or free.

(2) Save as otherwise provided in this Order, a reserved symbol is a symbol which is reserved by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968 to a National party or a State party in the State of Kerala.

(3) Allotted symbol means a symbol allotted to the recognised political party of other States or Union Territories or a symbol allotted to the registered unrecognised political parties having a member or members either in the Kerala Legislative Assembly or in any Local Self Government Institution in the State of Kerala.

(4) A free symbol is a symbol other than a reserved or allotted symbol.

4. Allotment of symbols by the Commission. - (1) The candidates of a recognised National party or a recognised State party in the State of Kerala shall be assigned the same symbol reserved to it by the Election Commission of India.

(2) The candidates of recognised State parties of other States or Union Territories shall be allotted, as far as possible, the same symbols reserved to them by the Election Commission of India:

Provided that where the symbol reserved by the Election Commission of India for the recognised political parties of other States or Union Territories is not available in the list of free symbols published by the Commission, the party concerned shall make available the sketch/drawing of its symbol along with the application to be submitted under paragraph 5.

(3) The candidate of a registered unrecognised political party having a member or members in the Kerala Legislative Assembly or in any Local Self

Government Institution in the State of Kerala shall be allotted, as far as possible, the symbol of its choice:

Provided that where the Election Commission of India has allotted a symbol to a political party coming under sub paragraphs 2 or 3 above, the Commission shall, as far as possible, allot the same symbol to the candidates of that party.

(4) The candidates of registered unrecognised political parties not coming under any of the above sub paragraphs shall be assigned the symbol in the order of preference made by them, subject to availability, from the list of free symbols and in such a case the said symbol shall, as far as possible, be assigned to their candidates throughout the state.

(5) Any other candidate shall be given a symbol from the list of free symbols.

(6) Every independent candidate may give in his or her nomination paper choice of three symbols in the order of preference, from the list of free symbols published by the Commission.

(7) Where any free symbol has been chosen by only one candidate at such election, the Returning Officer shall allot that symbol to that candidate and to no one else.

(8) Where a free symbol has been chosen by two or more candidates in such election, then the Returning Officer shall decide, by lot, to which candidate that free symbol shall be allotted and then he shall allot that symbol to the candidate on whom the lot falls and to no one else.

5. Procedure for allotment or assignment of symbols. - (1) The political parties referred to sub paragraphs 2, 3 & 4 of paragraph 4 above and desirous of getting specific symbols, may make an application to the Commission for that purpose.

(2) The Commission, on receipt of such application, shall make an inquiry as it deems fit and pass an order and its decision thereon shall be final.

6. Objections to the allotment or assignment of symbols. - (1) Any political party or a person authorised by it in this behalf may file objection regarding the allotment or assignment of symbols to a political party, before the Commission.

(2) The Commission, on receipt of such objection, shall make an inquiry as it deems fit and pass an order and its decision thereon shall be final.

7. Notification of list of symbols. - (1) The Commission shall, by one or more notifications publish list of, -

(a) The National parties and the symbols respectively reserved for them;

(b) The State parties in the State of Kerala and the symbols respectively reserved for them;

(c) Political parties coming under recognised State parties of other States or Union Territories to which symbols have been allotted by the Commission and the registered unrecognised political parties having a member or members in the Kerala Legislative Assembly or having a member or members in any of the Local Self Government Institution in the State of Kerala, and the symbols respectively allotted to them.

(d) Free symbols for the independent candidates which include the symbols allotted to registered unrecognised political parties having no member or members in the Kerala Legislative Assembly or in any of the Local Self Government Institutions in the State of Kerala.

(2) Every such list shall, as far as possible, be kept up to date.

8. When a candidate shall be deemed to be set up by a political party. - For the purpose of this Order, a candidate shall be deemed to be set up by a political party, only if -

(i) The candidate has mentioned the name of the political party in the prescribed column in the nomination paper and has chosen the symbol, if any, reserved or allotted for that party in the nomination paper;

Provided that if a political party recommends the symbol of that party

to a candidate who has not mentioned the name of the political party or its symbol in the nomination paper and has mentioned a symbol from the list of free symbols in the nomination paper, he is eligible to get the symbol of that party allotted to him.

(ii) A notice by the political party in writing to that effect, not later than 3.00 pm on the last date for withdrawal of nominations, is delivered to the Returning Officer of the constituency;

(iii) The said notice is signed by the person authorised by the political party from time to time to recommend the symbol of that political party;

Provided that no facsimile signature, signature by means of rubber stamp, signature transmitted by electronic means etc. of such authorised person shall be accepted.

(iv) The State President, Secretary or Convener as the case may be, of the political party shall authorise a person to recommend the symbol of that political party and shall intimate his name and office to the State Election Commission, District Election Officer or the concerned Returning Officer;

9. Substitution of a candidate by a political party. - For removal of any doubt it is hereby clarified that a political party which has given a notice in favour of a candidate in a constituency may rescind that notice and may give a revised notice in favour of another candidate for that constituency:

Provided that the revised notice clearly indicating therein that the earlier notice has been rescinded reaches the Returning Officer of the constituency not later than 3.00 pm on the last date for withdrawal of nominations and the said revised notice is duly signed by the authorised person referred to in sub paragraph (iii) of paragraph 8:

Provided further that in case more than one notice is received by the Returning Officer in respect of two or more candidates and the political party fails to indicate in such notices that the earlier notice or notices have been rescinded, the Returning Officer shall accept the notice in respect of the candidate whose nomination paper was first delivered to him and the

remaining candidate or candidates in respect of whom notice or notices has or have been received by him, shall not be treated as candidates set up by such political party.

10. Power of the Commission in the case of Splinter Groups. - In the case where a political party recognised by or registered with the Election Commission of India is split into two or more political parties and each of such party raises claim for the same symbol assigned by the Election Commission of India or for which that party was eligible for preference, the Commission shall not assign such symbol to the candidates belonging to those political parties and shall assign one symbol each from the free symbols notified under paragraph 7(1)(d) of this order to the candidates belonging to such political party.

11. Power of the Commission to reconsider the action of the Returning Officer. - The Commission may reconsider the action of the Returning Officer in assigning symbol to a candidate and if it is satisfied that the action of the Returning Officer is wrong another symbol may be assigned.

12. Power of the Commission to issue instructions and directions. - The Commission may issue instructions and directions -

(a) For the purpose of clarifying any of the provision of this Order; or

(b) For the removal of any difficulty which may arise in relation to the implementation of any such provisions; or

(c) In relation to any matter with respect to which this Order does not make provision or makes insufficient provision, or such instruction is, in the opinion of the Commission, necessary for the smooth and orderly conduct of elections.

V. Bhaskaran  
State Election Commissioner

## Annexure IX

(See para 8.6)

### FORM N-L1-Check List

#### STATE ELECTION COMMISSION, KERALA, ELECTION TO PANCHAYAT / MUNICIPALITY

Invoice of articles supplied to the Presiding Officer of Polling Station. (No. and Name) ..... of the..... Panchayat/Municipality.

Date of Poll .....

Sl. No. (1)	Description of Articles (2)	Quantity Supplied (3)
----------------	--------------------------------	--------------------------

#### **List of Stationery Materials for Polling Team**

1	Ordinary Pencil (Lead)	1 No.
2	Stamp Pad Medium - Purple ( 110x70mm)	1 No.
3	Sketch Pen (Black)	1 No.
4	Ball Point Pen (Blue)	4 No.
5	Ball Point Pen (Red)	1 Nos.
6	Writing Paper 75gsm (A4 size)1 ream=500 sheets	4 Sheets
7	Paper pin 26mm (25 nos/ sheet)	1 Sheet
8	White Twine 20gms (small ball)	1 ball
9	Sealing wax (15cm, 25gm)	2 Sticks
10	Gum Paste (25ml small Bottle)	1 No.
11	Tag "8 long (10 nos/bundle)	1 ball
12	Pencil Carbon Paper Blue A4 (Packet of 100)	2 sheets
13	Material for portable voting compartment 3 ply- 3 fold Municipality (60" length x 23" height) Breadth -20" x length-20" x breadth-20" Bottom fold -3"	1 No.

(1)	(2)	(3)
14	Material for portable voting compartment 3 ply – 3 fold Panchayat 1. The single sheet board shall have a length of 84” and height of 23” including a 3” allowance for bottom fold. The cardboard shall be foldable at a length of 20” from both ends so as to form a box like structure.(84” length and 23” height - Breadth 20” x length- 44” x breadth 20”) 2. The inner separator compartment shall be made of a single sheet of length 38” and height 12”. It should be foldable at a length of “10 from both ends . (Breadth- 10”x length18” x breadth-10”)- Bottom fold 3”	1 No.
15	Packing/Gum Tape for fixing voting compartment (2.5” width, 4 m length )	1 No.
16	Self adhesive labels for voting Compartments – (Grama Panchayat- white colour/ Block Panchayat-pink colour/ District Panchayat- sky blue colour)	3 Nos.(one each)
17	Cup for setting the indelible Ink(4.5cm x 4cm x 2.5cm)	1 No.
18	Cloth bag with wooden handle to contain polling materials with SECEmblem (20”x18”x4”)	1 No.
19	Waste Paper Basket (12”x12”x9.5”)	1 No.
20	Candle (6” length 1.5 cm diameter)	2 Nos.
21	Baniyan Waste ( 50gm)	1 Packet
22	Blade	1 No.
23	Match Box	1 No.
24	Gem Clip 30mm (10nos/packet)	1 Packet
25	Rubber Band 5 cm long (25 nos. in a packet)	1 Packet
26	Dummy Ballot for Three Tier Panchayat (31cm x 45.5cm - multi colour- white, pink & blue)	1 No.
27	Cello Tape - small core (5m length x 1/2” width)	1 No.
28	Card Board pieces 79 dg (22 cm x18 cm)	1 No.

(1)	(2)	(3)
<b><u>Polling Materials</u></b>		
1	EVMs (1CU+1BU for Municipality, 1CU + 3BU for Panchayats)	
2	Green Paper Seals	2
3	Strip Seals	2
4	Special Tag	2
5	Address Tag for CU (Urban)	2
6	Address Tag for CU (Rural)	2
7	Address Tag for BU (Urban)	1
8	Address Tag for BU (Rural)	1
9	Indelible Ink (5ml bottle)	2
10	Marked copy/working copy of the Electoral Roll	P-5, M-3
<b><u>Seals</u></b>		
1	Presiding Officers Metal Seal	2 Nos.
2	Presiding Officers Rubber Seal	2 Nos.
3	Arrow Cross Mark Seal	1 Nos.
4	Distinguishing Mark Seal	1 Nos.
<b><u>Covers</u></b>		
1.	Packet I	2 nos.
2.	Packet I (i) Marked copy of the Electoral Roll	2 nos.
3.	Packet I (ii) Register of Votes	2 nos.
4.	Packet I (iii) Used tendered ballot paper & list in Form No. 21B	2 nos.
5.	Packet I (iv) List of challenged voters	2 nos.
6.	Packet I (v) Unused Tendered Ballot Papers	2 nos.
7.	Packet II	2 nos.
8.	Packet III	2 nos.
9.	Packet IV	2 nos.
10.	Packet V	2 nos.

(1)	(2)	(3)
<b>Forms</b>		
<b><u>I. Statutory Forms</u></b>		
1.	Form 10 - Appointment of Polling Agent	P-30, M-18
2.	Form 11 - Revocation of appointment of Polling Agent	P-6, M-3
3.	Form 20 - Ballot Label	P-2(each)+10 tendered, M-2+10 tendered
4.	Form 21 - List of challenged votes	P-2, M-2
5.	Form 21 A - Register of Votes	P-1, M-1
6.	Form 21 B - List of Tendered Votes	P-2, M-2
7.	Form 22 - List of Blind & Infirm Voters	P-2, M-2
8.	Form 24 A - Account of votes recorded	P-20, M-10
<b><u>II. Non Statutory Forms</u></b>		
1.	Form N7-Notice Specifying Polling Area	P-4, M-4
2.	Form N8-List of contesting candidates	P-4, M-4
3.	Form N9-Pass to Polling Agents	P-30, M-18
4.	Form N10A-Declaration by the Presiding Officer before commencement of Poll	P-2, M-2
5.	Form N13-Presiding Officers Diary	P-2, M-2
6.	Form N14A-Record of Paper Seals used	P-2, M-2
7.	Form N15-Declaration of companion of blind & infirm voters	P-10, M-10
8.	Form N16-Declaration of electors about their age	P-3, M-3
9.	Form N17-Acquittance for the disbursement of TA&DA	P-2, M-2
10.	Form N18-List of voters from whom declaration as to their age have been obtained	P-2, M-2
11.	Form N19-Letter of complaint to SHO Police.	P-2, M-2
12.	Form N20-Receipt for challenge fee	P-10, M-10
13.	Form N21-Certificate of Attendance	P-4, M-4

(1)	(2)	(3)
14.	Form N22-Receipt for return of election records and materials after poll	P-2, M-2
15.	Form N37- Form for receipt of subsequent EVM during poll.	P-2, M-2
16.	Form N40-Voters slip	P-1200, M-1500
<b><u>List of articles supplied to Returning Officer</u></b>		
<b><u>Seals- (MetalSeals, Rubber Seals and Paper Seal)</u></b>		
1.	Secret Seal	1
2.	Returning Officers Metal Seal	7
3.	Postal Ballot Paper Seal	2
4.	Rejected Rubber Seal	1
5.	Pink Paper Seal	P-5, M-2
<b><u>Tags</u></b>		
1.	Address Tag for CU (Urban)	4
2.	Address Tag for CU(Rural)	4
3.	Address Tag for BU (Urban)	5
4.	Address Tag for BU (Rural)	13
<b><u>Covers</u></b>		
1.	Cover for Postal Ballot Paper (Form 18 Cover C)	P-20(each), M-30
2.	Cover for Postal Ballot Paper (Form 19)	P-20(each), M-30
3.	Cover for Postal Ballot Paper (Big Cover for sending)	P-20(each), M-30
<b><u>Stationery Items</u></b>		
1.	Small box for keeping DMM	1 /CU
2.	Cloth lined cover for containing DMM box	1/CU
3.	Canvas bag with string for keeping DMM	1
4.	Candle sticks	7
5.	Sealing wax	10
6.	White Twine	7
7.	Card board piece	7
8.	Match box	7
9.	Cello tape	7
10.	Craft cutter/knife	7

(1)	(2)	(3)
<b>Forms</b>		
<b><u>Statutory Forms</u></b>		
1.	Form 1 -Notice of election	Ward -P-10,M-10
2.	Form 2- Nomination Paper	Ward -GPx100, BPx50, Dpx50, Munx 50
3.	Form 2A- Details to be furnished along with nomination paper by the candidate before RO	Ward-GPx100, BPx50, Dpx50, Munx 50
4.	Form 3- List of nomination paper received	Ward -P-15, M-20
5.	Form 4- List of validity nominated candidates	Ward -P-10,M-10
6.	Form 5- Notice of withdrawal of candidate	Ward -P-50,M-25
7.	Form 6- List of contesting candidates	Ward -P-30,M-20
8.	Form 7- Declaration of result of election under subsection 2 of section 69 of KPR act 1994	Panchayat-wardx3, Municipality- Districtx100
9.	Form 8- Appointment of election agent	Ward -P-25, M-30
10.	Form 9- Revocation of application of election agent	Ward -P-15, M-10
11.	Form 12- Appointment of counting agent	Ward -P-30, M-20
12.	Form 13- Revocation of counting agent	Ward -P-10, M-10
13.	Form 15- Application for Postal ballot Paper	Booth-P-20(each)M-30
14.	Form 16- Declaration by elector	Booth-P-20(each) M-30
15.	Form 17- Instruction to the electors	Booth-P-20(each)M-30
16.	Form 20- Postal Ballot Paper+Ballot Label + Tendered Ballot Paper	Paper, 35 nos of Postal Ballot Paper per Polling station. 2 Ballot Labels + 10 Tendered Ballots to be supplied to Presiding Officer by the Returning Officer
17.	Form 25- Result sheet	Ward -P-15, M-10

(1)	(2)	(3)
18.	Form 25A- Declaration of result of election under section 80 of the KPR Act 1994	Ward -P-15, M-15
19.	Form 26- Certificate of election	Ward -P-10, M-10
20.	Form 27-Return of election	Ward -P-10, M-10
21.	KPR Act Schedule 1	Ward -50
22.	KM Act Schedule 2	Ward -30
<b><u>Non Statutory Forms</u></b>		
1.	Form N1- Intimation to the candidate that he has not produced documentary evidence to prove that he is an elector of a different constituency	ROx50
2.	Form N2- Intimation to the candidate that he has not made and subscribed an oath / affirmation	ROx50
3.	Form N3- List of nominated candidates	Panx100 / Munx250
4.	Form N4- Candidate's Identity Card	Wardx8
5.	Form N5- Proforma for Declaration to be submitted by the Publisher of Election Posters, Pamphlets etc.	Wardx6
6.	Form N5A-Form to be submitted by the owner of the Press in respect of printing of election posters, pamphlets etc.	Wardx6
7.	Form N5B- Proforma for declaration regarding Hoarding Banners etc.to be substituted to the Returning Officer by the Candidate/Election Agent	Wardx6
8.	Form N6- Intimation to candidate about the punishment in election rules	Wardx6
9.	Form N23 - Log book of strong room in which EVMS	counting centre x5
10.	Form N24 - Appointment of counting Supervisors/Assistants	ROx 20
11.	Form N25 - Pass to Counting Agent	Wardx4

(1)	(2)	(3)
12.	Form N27 - Report on the election by the RO	ROx10
13.	Form N31 - Application for refund of deposit (By candidate)	Wardx5
14.	Form N32 - Application for refund of deposit (by legal representative)	Wardx3
15.	Form N33 - Application for refund of deposit (by a depositor)	Wardx3
16.	Form N35 - Receipt of acknowledgement of EVMs	Boothx3
17.	Form N36 - Receipt of return of EVMs	Boothx3
18.	Form N38 - Report on retrieving result from control unit using Auxilliary Display Units & Printer	ROx10
19.	Form N39 - Report on non retrieving result from control unit using Auxilliary Display Units & Printer	ROx10
20.	Form N41 - Acknowledgement receipt	Wardx4
21.	I 1 - Instruction to candidate regarding election expenses	Wardx10
22.	I 2 -Instruction for publishing pamphlets	Wardx10
23.	I 4 -Instruction to counting supervisor and Assistants	ROx15
24.	M 1 -List of symbols reserved to political parties	LSGlx20
<b><u>Register</u></b>		
1.	Register for Allocation of EVM, Polling Station wise	2
2.	Register for distribution and receipt of CU, BU & DMM from Returning Officer to Presiding Officer and Presiding Officers to Returning Officers.	2
<b><u>Ballot Paper</u></b>		
1.	Postal Ballot Paper	P-20, M-30
2.	Ballot Label	P-8, M-8

**Annexure X**  
(See para 11.2)  
**Register for distribution of Control Unit, Ballot Unit & DMM from Block Officers to Returning Officers**

District : .....

Block Warehouse No. : .....

SL. No.	Date	Box No.	Control. Unit No	DMM No	BU No.	Allotted to (Name of	Name Desig & Sign RO person
1	2	3	4	5	6	7	8
of the receiving							

**Annexure XI**

(See para 13.7)

FORM N 10A

**Declaration by Presiding Officer**

**Part - I**

Declaration by the Presiding Officer before the commencement of the poll for the election to ..... District/Block/Grama Panchayat Constituency/Municipal Ward.

Serial Number &Name of Polling Station .....

Date of Poll .....

I do hereby declare:

- (1) that I have demonstrated to the polling agents and others presents-
  - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
  - (b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
  - (c) that the Register of Votes (Form 21A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my signature on the paper seal(s) used for securing the Result Section of control unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have read out the pre-printed serial number of the special tag and asked the candidates/ polling agents present, to note down the serial number.

Signature : .....

Name of Presiding Officer : .....

Signature of polling agents

1 ..... (of candidate.....)

2.....(of candidate.....)

3 .....(of candidate.....)

4.....(of candidate.....)

The following polling agent(s) declined to affix his/her signature(s), on this declaration.

1 ..... (of candidate.....)

2.....(of candidate.....)

3 .....(of candidate.....)

4.....(of candidate.....)

Date .....

Signature .....

Presiding Officer

**Part II**

**Declaration by the Presiding Officer at the time use of subsequent EVMs, if any.**

Declaration by the Presiding Officer before the commencement of the poll for the election to ..... District/Block/Grama Panchayat Constituency/Municipal Ward.

Serial Number &Name of Polling Station .....

Date of Poll .....

I hereby declare ;

- (1) that I have demonstrated to the polling agents and others present by holding a mock poll that the subsequent voting machine is in perfect working order and that no vote is already recorded therein
- (2) that I have affixed my signature on the paper seal(s) used for securing the Result Section of control unit of the voting machine I have affixed my own signature and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.

- (3) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have read out the pre-printed serial number of the special tag and asked the candidates/ polling agents present, to note down the serial number

Signature : .....

Name of Presiding Officer : .....

Signature of polling agents

- 1 ..... (of candidate.....)
- 2.....(of candidate.....)
- 3 .....(of candidate.....)
- 4.....(of candidate.....)

The following polling agent(s) declined to affix his/her signature(s), on this declaration.

- 1 ..... (of candidate.....)
- 2.....(of candidate.....)
- 3 .....(of candidate.....)
- 4.....(of candidate.....)

Date .....

Time ..... Signature :

Name of Presiding Officer:

PART III

**Declaration at the End of Poll**

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in 'Part I -Account of Recorded Votes' of Form 24A as required.

I have also affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the control unit and balloting units of the voting machine.

Date..... Signature : .....

Name of Presiding Officer : .....

Received an attested copy of the entries in the account of votes recorded (Part I of Form 24A)

Signature of polling agents

- 1 ..... (of candidate.....)
- 2.....(of candidate.....)
- 3 .....(of candidate.....)
- 4.....(of candidate.....)

The following polling agents who were present at the close of the poll declined to receive an attested copy of the Part I of Form 24A and to give a receipt there for and so an attested copy of that Form was not supplied to them:

Signature of polling agents

- 1 ..... (of candidate.....)
- 2.....(of candidate.....)
- 3 .....(of candidate.....)
- 4.....(of candidate.....)

Date .....

Time .....

Signature : .....

Name of Presiding Officer:.....

## ANNEXURE XII

### SEALS AND ITS USE

In the process of Election, the Returning Officer and the Presiding Officer have to use various Seals in different occasions.

#### A. Seals for the use of Returning Officer/Asst. Returning Officer

##### I. Seals to be procured by RO/ARO

###### Name and Designation Seal

The Returning Officer and Asst. Returning Officer should make their own arrangements to procure Name and Designation Seals to be used in various Notice, Proceedings and official communications.

##### II. Seals supplied by State Election Commission

###### 1. Returning Officers Metal Seal

This seal is meant for the purpose of affixing it on the molten wax, while sealing with sealing wax in different occasions where R.O's Seal is insisted.

###### 2. Postal Ballot- Seal

This seal with the imprint "POSTAL BALLOT" is meant for the purpose of affixing on the reverse side of the Postal Ballot Papers before sending to the Voters.

###### 3. Rejected- Rubber Seal

This Seal is used for affixing on the Postal Ballots that are rejected by the R.O while counting the Postal Ballots.

###### 4. Secret Seal

This is the unique Seal provided by the SEC to the R.Os to seal the covers, packets, boxes/trunks etc. in which the Election Materials are kept under safe custody as enshrined in Rule 55(2). This seal should be returned to the SEC immediately after the above mentioned materials are sealed and kept in safe custody.

###### 5. Paper Seals

###### Pink Paper Seal(BU)

This paper Seal having serial number is to be pasted by the R.O around the lower part of the BU at the time of Candidate Setting.

#### B. Seals for the use of Presiding Officer

##### 1. Presiding Officers-Metal Seal

This seal is provided for the purpose of affixing it on the molten wax, while sealing with sealing wax in the Control Unit of the EVM and various covers and packets .

##### 2. Presiding Officers-Rubber Seal

The purpose of the seal is to affix it on the orders, receipts, notice etc. issued by the presiding officer.

### 3. Arrow Cross Mark-Seal

It is used for the purpose of vote mark in a Tendered Ballot paper by a Voter.

### 4. Distinguishing Mark-Seal

This is the LSGI code imprinted seal is meant for affixing on the Tags/ Paper Seals of the EVM and forms and covers.

### 5. Paper Seals

#### a) Green Paper Seal

This paper Seal having serial number printed on it is to be used by the P.O on the Control Unit at the time of setting the EVM for Poll.

#### b) Strip Seal

This is also a paper seal to be used by the P.O on the Control Unit along with the Green Paper Seal at the time of setting the EVM for Poll.

## Annexure XIII

(See para 12.5)

### Sticker for Pairing EVMs

EVM No :
CU No :
DMM No :
BU No. (1)
BU No. (2)
BU No. (3)
BU No. (4)

(Size seal of sticker colour pale yellow)

## Annexure XVI

(See para 12.5)

### Register for distribution and receipt of Control Unit, Ballot Unit & DMM from Returning Officers to Presiding Officers and from Presiding Officers to Returning Officer

District : .....Name of Block. : .....

Strong Room: .....(No & Name)

-207-

Sl No.	Date	Distribution to the P.O					Receipt of EVM from P.O	
		Control Unit No.	DMM No.	BU No.	Polling Station Name	Name, Desig, & Sign. of P.O receiving	Date & time of receipt	Name, Desig & Sign. of the R.O/Officer receiving the EVM
1	2	3	4	5	6	7	8	9

## Annexure XVII

(See para 12.8)

### Form for Maintenance of Records of Voting Machines with Returning Officers

District : ..... Name of Block. : .....

Strong Room: .....(No & Name)

-208-

The total no. of CUs in the stock of RO	The total no. of BUs in such stock	The total no. of Polling Stations in the constituency	The total no. of CU required for use at the Polling Stations	The total no. of BUs required for use at the Polling Stations	The total no. of CUs in reserve stock	The total no. of BUs in reserve stock
1	2	3	4	5	6	7

Name & Signature of Returning Officer

## **Annexure XVIII**

*(See para 16.4)*

### **Instructions to Counting Supervisors and Counting Assistants**

1. There shall be one Counting Supervisor and two Counting Assistants at each Counting Table for counting in elections conducted simultaneously to the Grama/Block/District Panchayat. But for counting votes in an election to Municipality/Municipal Corporation, one Counting Supervisor and one Counting Assistant are sufficient at a Counting Table
2. The Electronic Voting Machine shall be brought to the Counting Table in serial order of the constituency/ward from 1 onwards. That is, when there are ten counting tables in a counting hall voting machines of the constituencies or wards, as the case may be, from 1 to 10 shall be brought and counted first. Only after counting votes of the first ten constituencies/wards is completed in this way and the details are entered in Form 24A and signed by the Counting Supervisors, the voting machines for the constituencies/wards from 11 shall be brought to the counting tables. For the purpose of counting, only the control units of voting machines are required to be brought to the counting tables.
3. Where elections are conducted simultaneously to the three-tier Panchayats there shall be, along with the control unit, a cover, sealed by the Presiding Officer at the conclusion of the poll, containing Forms 24 pertaining to the Panchayats at each level and cancelled ballot labels (ballot papers) for each level (cancelled by Presiding Officers) from the ballot labels issued to the Polling Station for using them in the Ballot units etc. for election to the Grama Panchayat/Block Panchayat/District Panchayat.
4. Where elections to the three levels of Panchayats are conducted simultaneously, there shall be separate Forms 24 A for each level and shall contain thereon the accounts of votes recorded in the machine for each level.
5. If a constituency of a Panchayat /ward of a Municipality/Corporation

has more than one polling station the voting machines of that polling stations shall be brought to one counting table. Normally, there will be only one polling station in a constituency/ward. Where there are two polling stations, the voting machine in respect of the first polling stations is counted first.

6. The carry cases containing the voting machines must have already been sealed by the Presiding Officers at the polling stations. Such seals shall be opened in the presence of Counting Agents. The tags, which have been sealed in the voting machines, bears the number of the control units. Besides, the number of the control unit is also there at its bottom side. Verify this number with the number that has been recorded on Form 24 A by the Presiding Officer.
7. Around every control unit, there is a strip seal which bears the signature of Presiding Officer and the signatures of the Polling Agents. It contains a unique number and emblem of Election Commission inscribed on it.
8. The outer compartment of result section can be opened by removing the strip seal and seal on the result section. When result section is opened a special seal can be seen over the 'close' button. It bears a number and signature of the Presiding Officer. Besides, there shall be a "Green Paper Seal," which bears the signature of the Presiding Officer and the signatures of the Polling Agents, in the result section. Verify whether the number of this paper seal is the same as entered by the Presiding Officer on Form 24 A.
9. If there are differences in the numbers on the seal, the same can be verified with the Paper Seal Account or the Presiding Officer's diary.
10. Pierce a round hole on the paper seal over the Result -I Button with a knife and switch on the control unit. Press the Result-I Button.
11. The serial number and names of the contesting candidates in the Grama Panchayat/Block Panchayat/District Panchayat shall be written beforehand on the respective Forms 24 A in the same order as they appear

on the ballot labels. The results, in the sequence which they are displayed, namely Grama Panchayat, Block Panchayat, and District Panchayat, shall be entered on Form 24 A. If necessary, under proper observation and supervision of the Counting Supervisor, the Counting Assistants can be utilised for this purpose. The display panel of the control unit shall be lifted in such a way so as to make the result visible to all the Counting Agents. The votes polled by each candidate shall be called out loudly and the Counting Agents shall be allowed to note down the votes secured by each candidates. If it is satisfied that the votes recorded by the Supervisor or the Counting Assistant under the direction and supervision of the Supervisor are correct, the Counting Supervisor shall sign Form 24 A in respect of each level of Panchayat and obtain thereon the signature of the candidates. In any doubtful case, or any candidate/ Agent makes a demand in that behalf, the Result Button- I can be pressed and the votes secured by each candidate can be seen and verified again. The Voting Machines of the next polling station shall be opened and counted only after Form 24A has been given to the Returning Officer after part - II thereof completed and signed by the Counting Supervisor.

12. As soon as the counting of one constituency/ward is completed, the Counting Supervisor shall request the Returning Officer to give the voting machine of the next constituency/ward allotted to him.
13. The candidates and their agents shall have full right to watch how the control unit of the voting machines is operated for counting of votes and to note down the votes secured by each candidate. Besides, due consideration shall also be given to their objections. But they are not allowed to handle the voting machine on any account.
14. Maintain complete discipline in the counting hall.
15. As the preparation of Form 25 by the Returning Officer is based on the entries of the supervisor on Form 24 A, the supervisor shall be fully responsible for the entries thereon.

(Name & Signature of Returning Officer)

## Annexure XIX

(See para 16.13)

### Report on retrieving result from Control Unit by using Auxiliary Display Unit and Printer

Name of District :

Name of election :

Number & Name of GP/BP/DP:

Date of Counting :

It is certified that the result has been retrieved from the following malfunctioned Control Unit (s) by using Auxiliary Display Unit/Printer in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl. No.	Unique ID No. of Control Unit	DMM No.	Detailed Report	No. of votes polled in the malfunctioned Control unit as per Form 24 A
1	2	3	4	5

Final statement showing votes polled by the winning and runner up candidates

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled
1			
2			

**Annexure XX**

*(See para 16.13)*

**Report on non-retrieving of result from Control Unit by using Auxiliary Display Unit and Printer**

Name of District:

Name of Election:

Number & Name of GP/BP/DP:

Date of Counting:

**PART - I**

It is certified that the result could not be retrieved from the following malfunctioned Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl. No.	Unique ID No. of CU	Detailed Report	No. of votes polled in the malfunctioned CU as per Form 24A
1	2	3	4

**PART - II**

Statement showing votes polled by the candidate having the highest votes and the candidate having the next higher votes.

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled
1			
2			

As the margin of votes between the candidate having the highest votes and the candidate having the next higher votes is more than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being reported to the Commission for decision.

**PART - III**

Statement showing votes polled by the candidate having the highest vote and the candidate having the next higher votes.

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled
1			
2			

As the margin of votes between the candidate having the highest votes and the candidate having the next higher votes is less than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being reported to the Commission for orders.

(Name & Signature of Returning Officer)

*NB: Score whichever is not applicable.*

**Annexure XXI**

*(See para 18.1)*

**Application for refund of deposit made under Section 144 of Kerala Panchayat Raj Act, 1994/201 of Kerala Municipality Act, 1994  
(BY A CANDIDATE)**

From

Name.....

Address.....

.....

To

The Returning Officer,

..... Constituency/Ward.

*Sub:* – Return of deposit under section 144 of Kerala Panchayat Raj Municipality Act, 1994.

Sir,

1. I was a candidate for election to the ..... from the ..... Constituency/Ward.
2. I made a deposit of Rs..... for that election in the ..... Treasury/ Authorized Officer under receipt No. .... on .....
3. My nomination paper was accepted/rejected by the Returning Officer.
4. I withdrew/ did not withdraw my candidature in time.
5. I was /was not elected and secured more than one sixth of the total valid votes polled in the election.
6. I request that the deposit referred to in paragraph 2 may be returned to me.
7. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully,

Place.....

Date.....

*Signature of Candidate*

\* Strike off the words not applicable in your case.

**Annexure XXII**

*(See para 18.2)*

**Application for Refund of Deposit made under section 144 of Kerala Panchayat Raj Act, 1994/201 of Kerala Municipality Act, 1994**

**BY THE LEGAL REPRESENTATIVE OF THE CANDIDATE**

From

Name.....

Address.....

.....

To

The Returning Officer,

..... Constituency/Ward.

*Subject:* – Return of Deposit under section 144 of Kerala Panchayat Raj Act, 1994/201 of Kerala Municipality Act , 1994.

Sir,

1. The late..... was a candidate for election to the.....Panchayat Constituency/Municipal Ward. He died on the ..... and I am his legal representative.
- 2 He made a deposit of Rs. ....for the election in the ..... Treasury/ Authorized Officer under receipt No. .... on ..... (Original receipt enclosed).
3. His nomination paper was accepted/rejected by Returning Officer.
4. He withdrew/ did not withdraw his candidature in time.
5. He was /was not elected and secured more than one- sixth of the total number of valid vote polled in the election.
6. I request that the deposit referred to in paragraph 2 may be returned to me.
7. I hereby declare that I have verified all the statements made in this application, and they are true to my knowledge.

Yours faithfully

Place.....

Date.....

*Signature of Applicant.*

\* Strike off the words not applicable in your case.

**Annexure XXIII**

(See para 16.6)

**Appointment of Counting Supervisors/Assistants**

Election to the ..... Panchayat/  
Municipality ..... Panchayat/Municipality  
..... Constituency.

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 : .....

**Annexure XXIV**

(See para 19.3)

FORM N-27

**Report on the Election by the Returning Officer**

1. Name of Constituency/Ward ..  
(In Block Letters)

2. Date or dates of poll in the Constituency ..

3. Number of polling team deployed in the  
Constituency, the composition of each team  
including Police or similar Officers employed  
for maintaining order at the polling station:

No. of parties	..	Composition	
		Polling Officers	Police Personnel
			Presiding Officer
			Polling Officers
			Polling Assistants
			Policemen

4. Nature of the polling programme, single-  
day poll or otherwise ..

5. Total number of electors in the Constituency	..	
	Men	Women

6. Names of candidates nominated and the  
choice of Symbols expressed by each in the  
nomination paper first delivered by or on  
his behalf :

Name of candidates	Preference of Symbol
1.	i) ii) iii)
2.	i) ii) iii)

3.	i) ii) iii)
4.	i) ii) iii)
5.	i) ii) iii)
6.	i) ii) iii)

7. Number of nomination papers filed on behalf of each candidate:

Name of Candidate	No. of nominations
-------------------	--------------------

(1)
(2)
(3)
(4)
(5)
(6)

8. Names of candidates whose nomination papers were rejected with brief reasons:

Name of candidate	Reasons for rejection of nomination
-------------------	-------------------------------------

9. Names of candidates who withdrew their nominations:

(1)
(2)
(3)
(4)

10. Names of contesting candidates together with the description of the symbol allotted votes polled to each, and party affiliation, etc.

	Name	Whether SC/ST (to be mentioned even if it is a general seat)	No. of votes polled to each candidate	Symbol	Name of elected candidate	Name of candidate
(1)						
(2)						
(3)						
(4)						
(5)						
(6)						

11. Number of Polling Stations located :

(i) In Government and Quasi -Government buildings ..	
(ii) In private buildings ..	
(iii) In temporary structures ..	
Total	

12 (i). Number of postal ballot papers issued ..

12 (ii) Postal ballot papers Returned ..	
(a) in time ..	
(b) after prescribed time ..	
(c) Undelivered ..	

13. Name of polling station , if any, where poll was adjourned and repoll was ordered and reasons for such adjournment or repoll:

Name of polling station	Whether adjourned or repoll ordered	Reasons

14. Total electors	
(a) Men	..
(b) Women	..
Total	..
15. Number of electors who voted :	
(a) Men	..
(b) Women	..
Total	..
16. Number of blind or infirm voters who voted with the help of companions	
17. Percentage of votes polled to total electorate	..
18. Date and time of commencement of counting	..
19. Challenged votes :	
(a) Total	..
(b) Number allowed	..
(c) Number rejected	..
(d) Amount forfeited	..
20. Tendered votes - Total	..
21. Date and time of declaration of result	..
22. Number of Polling Officer recruited locally, if any	..
23. Number of candidates; Party-wise (also independents and others) :	
(a) forfeited deposit	..
(b) amount of deposit forfeited	..

	Name of candidate	Party affiliation, if any	Amount forfeited
1)			
2)			
3)			

24. Number of candidates who were their own election agents	..								
25. Number of election agents appointed	..								
26. Number of polling agents appointed	..								
27. Number of candidates who appointed polling agents	..								
28. Number of counting agents appointed by the candidates	..								
29. a. Number of CUs used and their Serial No.									
b. No. of BUs and their Serial No.	..								
30. No. of Paper Seals used									
a. Number of Green Paper seals used	..								
b. Number of Special Tags used	..								
c. Number of Strips Seals used	..								
31. Highest and Lowest polling-Polling station-wise	..								
<table border="1"> <thead> <tr> <th rowspan="2">No. of Polling Station</th> <th colspan="2">No. of votes polled</th> </tr> <tr> <th>Highest</th> <th>Lowest</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>		No. of Polling Station	No. of votes polled		Highest	Lowest			
No. of Polling Station	No. of votes polled								
	Highest	Lowest							
32. Number of slips issued at the closing hour of the poll	..								
33. Serious complaints, if any, made by the candidates	..								
34. Number of cases of breach of law and order	..								

---

35. Recounting votes :		
(i) Number of applications received for recounting in part or in toto	..	
(ii) Number of applications allowed for recounting in part or in toto	..	
(iii) Result before recounting and after recounting of votes	..	

---

36. Was the poll interrupted or obstructed by :		
(1) riot	..	
(2) open violence	..	
(3) natural calamity	..	
(4) any other cause	..	
(Please give details of the above)		

---

37. Was the poll vitiated by :		
(1) any EVM used at the polling station having been unlawfully taken out of the custody of the Presiding Officer -		
(a) destroyed or lost	..	
(b) damaged or tampered with	..	

---

38. Whether declarations have been made by all the Presiding Officers before the commencement of the poll and at the end of the poll as necessary.	..	
--	----	--

---

*(Name and Signature of Returning Officer)*

Place.....

Date.....