

# **HANDBOOK FOR PRESIDING OFFICERS OF POLLING STATIONS WHERE ELECTRONIC VOTING MACHINES ARE USED (MUNICIPAL CORPORATION)**

## **CHAPTER I**

### **PRELIMINARY**

#### **1. INTRODUCTORY**

As a Presiding officer, you have an important role to play in the conduct of poll. You enjoy full legal power to control the proceedings in the polling station under your charge. It is your primary duty and responsibility to ensure a free and fair poll at your polling station. It is necessary for this purpose to equip yourself fully with the law and procedure and the relevant instructions and directions of the SEC in relation to the conduct of elections, so as to enable you to act strictly in accordance with them and give no room for any reasonable complaint.

Elections to the wards in Municipal Corporation have hitherto been held under the traditional system of ballot papers and ballot boxes. The electronic voting machine (hereinafter referred to as voting machine) produced by BEL is a very versatile and reliable system for conduct of election. The voting machine has been designed keeping in view the present system under which ballot papers and ballot boxes are used.

You are the Presiding Officer for a polling station in which voting machines are going to be used. You should, therefore, acquaint yourself fully with the latest position about the rules and procedures prescribed for the conduct of poll by voting machines. You should not only familiarise yourself thoroughly with each step to be taken in the conduct of poll at the polling station, but also 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 your polling station.

#### **2. BRIEF INTRODUCTION TO VOTING MACHINES**

Voting machine consists of two Units, namely, Control Unit and Balloting Unit. These two 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 balloting unit.

The balloting unit caters upto sixteen candidates. On the balloting unit, there is provision for display of the ballot paper containing the particulars of the election, serial numbers and names of contesting candidates and the symbols respectively allotted to them. Against the name of each candidate, there is a button by pressing which the voter can record his vote for

him. Alongside the said button, there is also a lamp for each candidate, which will glow red when the vote is recorded for him by pressing the said button.

Four balloting units linked together catering upto sixty four candidates can be used with one control unit. On the top most portion of the control unit, there is provision for displaying the various information and data recorded in the machine, like the number of contesting candidates, total number of votes polled, votes polled by each candidate, etc. This portion is called, for easy reference, Display Section of the control unit. Below the display Section, there is a compartment for fixing the battery on which the machine runs. By the side of this compartment, there is another compartment in which there is a button for setting the machine for the number of candidates contesting the particular election. This button is called the 'Cand Set' button and the whole section of the control unit consisting of these two compartments is called the 'Cand Set Section' Next to the Cand Set Section is the 'Result Section' of the control unit. This section contains (i) 'Close' button used for closing the poll, (ii) two 'Result' buttons (iii) 'Clear' button for clearing the data recorded in the machine when not required. In the bottom portion of the control unit, there are two buttons – one marked 'Ballot' by pressing which the balloting unit becomes ready to record the vote and the other marked 'Total' by pressing which the total number of votes recorded upto that stage (but without the candidate-wise break up) can be ascertained. This section is known as the 'Ballot Section' of the control unit. The machine uses a modern microcomputer. It operates on a battery and can be used anywhere and under any conditions. It is tamperproof, error-free and easy to operate. Both the Units of the machine are supplied in two separate carrying cases which are easily portable. The polling information once recorded in the machine is retained in its memory even when the battery is removed.

The machine, especially balloting unit, is so designed as to keep intact all essential features of the present voting system and the only change is that the voter is required to press the button provided opposite the name and symbol of the candidate of his choice as against the use of arrow cross mark rubber stamp which is put on the ballot paper on or near the symbol of his choice. All the safeguards taken under the present system against the tamperability of the ballot boxes and violation of secrecy of vote are fully maintained in the voting machine. The process of voting in the voting machine is very simple and quick and even illiterates have no difficulty in using the voting machine to record their votes. The polling personnel will also not find any difficulty in operating the machine as its mechanism and operations are quite simple. The pace of polling is far quicker and the time taken for the entire operation of voter exercising his franchise is comparatively much less. The counting of votes and declaration of results by using the voting machines will be an absolutely simple affair as there will be no doubts and disputes with regard to any vote, and the result of the poll taken at a polling station will be available on the mere pressing of the result button on the control unit.

### **3. LEGAL PROVISIONS REGARDING CONDUCT OF POLL**

The provisions of the law which have a bearing on your duties as a Presiding Officer are reproduced in Annexure - I.

### **4. BROAD OUTLINES OF DUTIES**

This Handbook is designed to give you the information and guidance which you may need in the performance of your functions as a Presiding Officer. However, it may be noted that this Handbook cannot be treated as an exhaustive compendium in all aspects and as a substitute reference for various provisions of election law during the conduct of poll. You should, wherever necessary, refer to those legal provisions which are reproduced in **Annexure - I**.

While detailed directions and instruction are contained in the various Chapters of this Handbook, some of the salient and important aspects of your duties are given below for your guidance

- (i) You should acquaint yourself fully with the latest position about the rules and procedures prescribed for the conduct of poll by voting machines.
- (ii) You should familiarise yourself thoroughly with the operation of the voting machine and the functions of various buttons and switches provided therein.
- (iii) You must acquaint yourself with members of your polling party and keep contact with them right from your appointment as Presiding Officer.
- (iv) You must keep in ready possession all relevant instructions of the Returning Officer.
- (v) You must have a clear idea of the location of your polling station and your itinerary to and from the polling station.
- (vi) You should attend all rehearsals and training classes without fail.
- (vii) While collecting election materials, you should ensure that all items have been handed over to you. The most important items are electronic voting machine (ballot unit and control unit), tendered ballot papers, Register of Voters (Form 11) as in **Annexure II**, marked copy of electoral roll and extra copies of the roll, paper seals, strip seals, special tags, statutory forms, sealing wax and indelible ink.
- (viii) On arrival at the polling station, you should have a clear idea of the arrangements to be made for setting up of a proper polling station especially to secure secrecy of voting, regulation of queue of voters, protection of poll proceedings free from outside interference, etc.
- (ix) Before the commencement of poll, the voting machine has to be demonstrated to the polling agents present to satisfy them that no votes are already recorded therein. It has also to be demonstrated to them that the machine is in perfect

working condition. For these purposes, a mock poll shall be held by recording a few votes at random for each of the contesting candidates and tallying the result.

- (x) After holding the mock poll, the votes recorded at such mock pool have to be cleared from the voting machine so that no data relating to the mock poll remains in the memory of the machine. The control unit of the voting machine has then to be sealed and secured by fixing the paper seal (s) and special tag in the space provided therefor and the strip seal.
- (xi) The poll should commence at the hour fixed for such commencement by the SEC. Before commencing the poll, the candidates or their agents present and the polling officers should be warned about the maintenance of secrecy of vote and provisions of section 23 of the Haryana Municipal Corporation Act, 1994, should be brought to their notice.
- (xii) At the commencement of poll, you have to make a declaration in a prescribed form about the demonstration of the voting machine, marked copy of the electoral roll, and the Register of Voters to candidates or their polling agents present and get it signed by them.
- (xiii) The identity of elector should be properly verified by the First Polling Officer with reference to his entry in the electoral roll and the document (s) prescribed by the SEC, and the unofficial identity slip carried by an elector should not be accepted as a matter of routine.
- (xiv) After an elector is identified with reference to his entry in the electoral roll and the document (s) prescribed by the SEC, the left forefinger should be marked with the indelible ink by the Second Polling Officer.
- (xv) In order to ensure that the indelible ink mark put on the voter's finger has properly dried up and developed into a distinct indelible ink mark, third polling officer should inspect the indelible ink mark before the voter leaves the polling booth.
- (xvi) After an elector has been identified, the entry relating to the elector in the marked copy of the electoral roll should be underlined. A tick mark (✓) will also be put in the case of a female elector.
- (xvii) The serial number (not the name) of the elector as given in the marked copy of the electoral roll should be noted in the Register of Voters (Form 11).
- (xviii) The signature or thumb impression of the elector should be obtained on the Register of Voters (Form 11) before he is allowed to record his vote. If an elector refuses to put his signature or thumb impression on the Register of Voters, he shall not be permitted to vote and an entry "Refused to vote" will be made in the

'Remarks' column of the Register of Voters. You and the voter will sign below such entry.

- (xix) After the signature or thumb impression of the elector has been obtained on the Register of Voters, his left forefinger has been marked with the indelible ink, he shall be issued a voter's Slip (in the prescribed form) showing the serial number at which the entry relating to him has been made in the Register of voters.
- (xx) The electors shall be allowed to record their votes in the voting machine on the basis of the Voter's slips in the strict order in which they have been entered in the Register of Voters.
- (xxi) You have to go on recording the relevant events as and when they occur in the Presiding Officer's Diary.
- (xxii) You have to regulate the proceedings in the polling station for peaceful and smooth conduct of poll. You require much tact, but at the same time you should be firm and impartial.
- (xxiii) You shall close the poll at the hour fixed for the purpose by the SEC, even if the commencement of poll was delayed for any reason. However, all voters present at the polling station at the closing hour of poll shall be allowed to vote even if that means the continuing of poll for some more time. It should also be ensured that after the closing hour of poll nobody joins the queue of voters. For that purpose, you should distribute numbered slips to all voters standing in the queue at the time fixed for close of poll starting such distribution of slips from the end of the queue.
- (xxiv) At the close of poll, you are required to prepare, in duplicate, an 'Account of Votes Recorded' in Part I of Form 17 in **Annexure XI**. Authenticated copies of such account of votes recorded are required to be given to the polling agent of each candidate present. You are also required to make a declaration regarding furnishing of such copies to the candidates agents in the form prescribed by the SEC.
- (xxv) After the close of poll, all election papers should be sealed and secured in the manner prescribed by the SEC. If the counting is done by you, you should sealed control unit only after counting. Candidates or their agents present have also to be allowed to affix their seals, if they so desire, on the voting machine and the election papers in addition to your seals. You should follow carefully the relevant instructions about the sealing and securing of voting machines and election papers so that no mistake is committed.

(xxvi) it is your personal responsibility to hand over the voting machine and all election papers duly sealed and secured to the officer responsible for the collection thereof, under proper receipt.

Your duties in brief at various stages are given in **Annexure IV** under five different heads for your ready reference and convenience.

## **6. CHECK MEMO**

To ensure that you have fulfilled the various statutory requirements in connection with the election, the SEC has drawn up a CHECK MEMO for you, which is given in **Annexure V**. The said CHECK MEMO should be properly maintained by you.

# **CHAPTER II**

## **FORMATION OF POLLING PARTY AND REHEARSALS**

### **1. POLLING PARTY**

For the conduct of poll in the conventional method with the use of ballot papers and ballot boxes, the existing instructions allow appointment of one Presiding Officer and 4 Polling Officers. While appointing the polling party your Returning Officer will authorise one of the Polling Officers in your party to perform the duties of Presiding Officer in case you are to be unavoidably absent from the polling station.

### **2. CONTACT WITH THE OTHER MEMBERS OF THE POLLING PARTY**

Ascertain as soon as it is practicable, with the others those members who are going to be of your polling party. It is necessary for you to have the residential addresses of all the Polling Officers appointed to work under you. You should go over with them as frequently as possible, and explain to them, the part to be taken at the poll by each member of the party. Unless there is team work, your task as Presiding Officer will be more difficult.

### **3. POLLING REHEARSALS**

Attend as many polling rehearsals as you can. This is essential for fully acquainting yourself with the operation of voting machine and for obtaining a clear idea of the polling procedure to be followed at the polling station and understanding the provisions of the law. Ensure that at the polling rehearsals arranged by the Returning Officer you and your Polling Officers present are provided with a copy of the Handbook for Presiding Officers separately published by the SEC explaining the detailed procedure to be followed at the polling stations, where voting machines are to be used.

You must take with you the Polling Officer authorised to perform your duties in your unavoidable absence to these rehearsals. It is very necessary that you and such authorised Polling Officer should do the various operations on the voting machine yourself/himself and should not be content with simply watching the demonstration. Both of you should also familiarize yourselves with the fixing of the paper seals, special tag, strip seal and address tags, etc.

Even if you had worked as Presiding Officer or Polling Officer in some earlier election, you must attend the training classes/rehearsals as you may not have handled the voting machine earlier. Further, the election law and procedure, are being amended from time to time and it is necessary that you should follow the revised procedure as otherwise the conduct of election may not be in accordance with the latest procedures or instructions. Furthermore, it is always advantageous to refresh your memory even if there is no change in the law and procedure.

# **CHAPTER III**

## **COLLECTION OF VOTING MACHINE AND POLLING MATERIALS**

### **1. POLLING MATERIALS**

On the day previous to the day poll or on the day of departure for the polling station you will be supplied with all the election materials, a list of which is set out in **Annexure VI**. Before leaving for your polling station, make sure that you have received all the items.

### **2. CHECKING OF VOTING MACHINE**

Check, in particular, the following:

(1) That the control unit and the balloting unit(s) of the voting machine given to you are the same which are meant for use at your polling station. This shall be checked with reference to the address tags attached to the said units as the number and name of the polling station shall be indicated by the Returning Officer on each of those address tags. The address tag for control unit will contain the following particulars:

Name of the Municipal Corporation .....  
Ward No .....  
Control Unit No. ....  
Serial No. and name of polling station where used .....  
Date of poll .....

The address tag for balloting unit will contain the following particulars:

Name of the Municipal Corporation .....  
Ward No .....  
Ballot Unit No. ....  
Serial No. and name of polling station where used .....  
Date of poll .....

(2) That the 'Cand Set Section' of control unit is duly sealed and the address tag is firmly attached thereto.

(3) That the battery installed in the 'Cand Set Section' of the control unit is fully operational. This may be checked by putting the Power Switch provided in the rear compartment to 'ON' position. After the said checking, the power switch must be put to 'OFF' position.

(4) That you have been supplied with the requisite number of balloting units and the ballot papers are duly fixed under the Ballot Paper Screen in each of them. The number of balloting units to be supplied to you will be dependent upon the number of contesting candidates in your constituency. If the number of contesting candidates is between 2 and 16, only one balloting unit will be supplied and the slide switch seen through the window at the right side top of the balloting unit will have been set by the Returning Officer at position '1'. If the number of contesting candidates is between 17 and 32, you will be supplied with two balloting units. On the first balloting unit in which the above mentioned slide switch will be set to position '1' the ballot paper will contain the names of the candidates at Sl. Nos., 1 to 16 in the list of contesting

candidates. The second balloting unit will display the second sheet of the ballot paper containing the names of contesting candidates from 17 onwards (and upto 32) and the slide switch in that unit will be set to the position '2'. Likewise, three balloting units will be supplied if the number of contesting candidates is between 33 to 48 and there will be four such units if the number of candidates exceeds 48 and is upto 64. In the third balloting unit the ballot paper will contain the names of candidates from Sl. Nos 33 onwards (upto 48) and its slide switch will be set to the position '3' The fourth balloting unit will display on the ballot paper fixed therein the names of candidates from serial No. 49 onwards and its slide switch will show the position '4'.

(5) That the ballot papers and slide switches on each of the balloting units have been correctly fixed/set as explained in the preceding item. It also must be ensured that the ballot papers as fixed on the balloting units are properly aligned and that the name and symbol of each candidate is in line with his corresponding lamp and button and the thick lines dividing the panels of the candidates on the ballot paper are in line with the corresponding grooves on the balloting unit.

(6) That the candidates buttons which are visible on the balloting units are equal to the number of contesting candidates, and that the remaining buttons, if any, have been masked.

(7) That each of the balloting units is duly sealed and secured at two places, i.e. at right top and right bottom portions, with the seals of the Returning Officer, and that the address tags are firmly attached thereto.

### **3. CHECKING OF POLLING MATERIALS**

Check also-

(1) that there is sufficient quantity of indelible ink in the phial ? supplied to you and that the stamp pads are not dry;

(2) that all the three copies of the relevant part of the electoral roll are complete and identical in every respect and, in particular, that-

- (a) the relevant part given to you pertains to the area for which the polling station has been set up and that it is complete in all respects alongwith the supplements, in every copy;
- (b) all deletions of names and corrections of clerical or other errors as per the supplement have been duly incorporated in all the copies;
- (c) all the pages in each working copy of the roll have been serially numbered in manuscript from No.1 onwards.
- (d) the printed serial numbers of the voters are not corrected and no new numbers are substituted for them;

(3) That the tendered ballot papers supplied to you are for the ward in which the polling station assigned to you is situated and that they are not defective in any respect. You should also check that their serial numbers tally with the details supplied to you.

(4) If you find any voting machine or any polling material defective in any respect, you must immediately bring such defect to the notice of the officer in-charge of distribution of voting machines/polling materials or the Returning Officer for necessary remedial action.

(5) Check also that photocopies of specimen signatures of the contesting candidates and their election agents are also given to you. This will help you in verifying genuineness of the signature of the candidate/his election agent in the appointment letter of polling agent(s) at the polling station.

# **CHAPTER IV**

## **SET UP OF POLLING STATIONS**

### **1. ITINERARY**

Have a clear idea of the routes and timings that you have to follow to reach your polling station. Details of the itinerary including the means of transport for yourself and the other members belonging to your party will be supplied to you in advance.

### **2. ARRIVAL AT THE POLLING STATION**

You should be at the polling station with your party at least 75 minutes before the poll is due to commence.

### **3. ABSENCE OF POLLING OFFICER**

If any Polling Officer appointed for your polling station is absent from the polling station, you have the power to appoint another on the spot in his place. Later, you have to inform the Returning Officer of such appointment formally. Do not, however, appoint any person who is an active supporter or worker of any of the candidates or an active opponent of any candidates.

### **4. DELEGATION OF DUTIES OF PRESIDING OFFICER**

If you yourself have to be absent from the polling station on account of illness or other unavoidable reason, the Polling Officer previously authorised in this behalf by the Returning Officer will act in your place. He will exercise all the powers and duties of the Presiding Officer.

You may also delegate any of your functions in the polling station to any Polling Officer working with you at the polling station. Such delegation, however, does not relieve you of your own responsibility as you are in overall charge of the entire polling station in any case.

### **5. SET UP OF POLLING STATIONS FOR ELECTION**

On your arrival at the place where the polling station is to be set up, inspect the building proposed for the purpose and the polling station itself, if it has already been set up. Diagrams of model polling stations showing the layouts when the polling party consist of 4 Polling Officers at an election, is set out in **Annexure VII**. It is open to you to make minor modifications in the actual set up of the polling station, if considered necessary; but make sure that -

- (a) there is enough space for the voters to wait outside the polling station;
- (b) there is separate waiting space for men and women as far as practicable;
- (c) there is separate entrance and exit for voters. (this purpose can be achieved by tying a rope to make separate entrance and exit through the same door);
- (d) there is easy flow of voters from the time they enter the polling station to the time they leave it and there is no criss-cross movement within the polling station;

- (e) the Polling Agents are seated in such a way that they can see the face of an elector as and when he enters the polling station and is identified by the first Polling Officer so that they can challenge the identity of the elector, if need be. They should also be able to see the entire operation at the Presiding Officer's table where the control unit is kept and also see the movement of the elector from the Presiding Officer's table to the voting compartment and his exit from the polling station after recording his vote. But they should not in any event be seated in a place where they have the chance of seeing voter actually recording his vote by pressing particular button;
- (f) the seating arrangement of all the Polling Officers is also such that they are not in a position to see the voter actually recording his vote by pressing particular button;
- (g) even if there is only one door to the room housing the polling station, separate entrance and exit can be provided with the help of bamboos and ropes in the middle of the doorway. Make sure that the inside of the voting compartment is sufficiently lighted. If necessary, arrange for a suitable light to be provided for each compartment.

### **VOTING COMPARTMENT**

(a) Voters have to vote in secrecy and for this purpose, the Balloting Units are required to be kept in Voting Compartments. Voting Compartment has to be covered three sides. The Balloting Unit is to be placed inside the Voting Compartment on a Table. The Balloting Unit is to be placed in such a way that voters do not find any difficulty to record their votes. The connecting Cable, which is permanently attached to the Balloting 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 Balloting 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.

If sufficiently large number of pardanashin (burqa-clad) women electors are assigned to your polling station, you should make special arrangements for their identification and application of indelible ink on the left forefinger by a lady polling officer in a separate enclosure having due regard to privacy, dignity and decency. For such special enclosure you may use locally available but absolutely inexpensive devices and using local ingenuity, such as use of charpoys or cloth such as bed spreads.

If more polling stations than one are located in the same building, you should satisfy yourself that necessary arrangements have been made for segregating the voters and making

them wait in different parts of the space in front of each polling station without causing confusion.

If the polling station is located in a private building, the building and the area around it up to a radius of two hundred metres should be under your control. No watch and ward or other personnel connected with the owner, whether armed or unarmed, should be allowed to remain either at the polling station or within a radius of two hundred metres around it. The security arrangements at the polling station and within the above area will be entirely the responsibility of the police under your control.

No photos of leaders of political parties or slogans having a bearing on elections should be exhibited and if they are already there, you should take steps to remove them till the poll is over.

No cooking or lighting of fire for any purpose should be allowed inside the polling station during the day of the poll.

## **6. DISPLAY OF NOTICE**

Display prominently outside each polling station-

- (a) a notice specifying the polling area or the particulars of electors to be served by the polling station; and
- (b) a copy of the list of contesting candidates and wherever practicable the facsimile of the symbol of each candidate.

The language of the notice should be the same as for the list of contesting candidates and the order of the names should also be the same.

## **7. VOTING PROCEDURE**

The voters when they enter the polling station will proceed to the first polling officer. The First Polling Officer will identify the electors and make necessary entries in the marked copy of the electoral roll. He will maintain only one marked copy of electoral roll.

The voter will then move to Second Polling Officer who will apply the indelible ink mark on his finger. The Second Polling Station is also incharge of register of voters. He will ask the voter to sign or put thumb impression in the Voters Register. If the Voter puts his thumb impression, the polling officer should ask the voter to wipe off the residuary stamp pad ink from his thumb on a piece of wet cloth kept on the table for this purpose.

The Third Polling Officer will prepare a voters slip and after examining the finger of the voter to ensure the indelible ink mark is duly applied and not erased, will hand over the voters slips to the voter and direct him to the Fourth Polling Officer, who is incharge of the control unit.

## **8. ENTRY OF VOTER IN THE VOTING COMPARTMENT**

It shall be ensured that the voter goes to the Fourth Polling Officer. After taking the Voter Slip from the voter and ensuring that now it is his turn to vote, the Fourth Polling Officer shall

activate the machine by pressing the Ballot Button on the Control Unit and direct the voter to go inside the Voting Compartment to vote. The Fourth Polling Officer will also inspect the indelible ink mark on the left forefinger of the voter to ensure that the same is intact before entry into the voting compartment and also at the time of exit after casting vote.

# **CHAPTER V**

## **ASSIGNMENT OF DUTIES TO POLLING OFFICERS**

### **1. VOTING PROCEDURE IN POLLING STATION AND DUTIES OF POLLING**

For efficient and smooth conduct of poll at your polling station, you should be thoroughly conversant with the procedure that is to be followed from the time an elector comes into the polling station and till he leaves it after casting his vote. Such voting procedure and the duties which each Polling Officer has to perform in this whole operation are explained in detail in subsequent chapters. However, a broad distribution of duties among the Polling Officers is indicated below.

### **DUTIES OF POLLING OFFICERS**

#### **2. FIRST POLLING OFFICER**

The first Polling Officer will be in charge of the marked copy of electoral roll and responsible for identification of electors. On entering the Polling Station, the elector will proceed direct to the first Polling Officer, who will satisfy himself about the identity of the elector.

#### **3. SECOND POLLING OFFICER**

The second polling officer will be in charge of indelible ink. He will inspect the elector's left forefinger to see that it does not bear any sign or trace of indelible ink and then put a mark with the indelible ink above the root of the nail in such a way that the mark falls partly on the skin and partly on the nail and spreads on the ridge between the skin and the root of the nail and clear mark is left on the forefinger. He is also incharge of register of voters.

The Second Polling Officer will also be in-charge of the Register of Voters in Form 11. He will be responsible for maintaining in that Register the proper account of electors whose identity has been established and who vote at the Polling Station. He will obtain the signature or thumb impression of each elector on that Register.

#### **4. THIRD POLLING OFFICER**

The Third Polling Officer will issue a voter's slip to each elector in accordance with the procedure described in chapter XVI and direct the voter to the Fourth Polling Officer.

#### **5. FOURTH POLLING OFFICER**

The Fourth Polling Officer will be in-charge of the Control Unit of the voting machine. He will be seated on the same table where the Presiding Officer sits so that the Presiding Officer can keep a close watch on the Control Unit and the Voting process. The Fourth Polling Officer will allow the elector to proceed to the Voting Compartment only on the basis of the voter's slip issued by the Third Polling Officer and strictly in accordance with the Serial No. indicated in that

slip. He will activate the balloting unit kept in the Voting Compartment by pressing the appropriate (Ballot) button on the Control Unit as explained in detail in Chapter XVII. Before allowing the elector to proceed to the Voting compartment, he will also check and ensure that the elector's left forefinger bears a clear indelible ink mark.

Where the number of electors assigned to a Polling Station is small, the duties of the Fourth Polling Officer can be performed by the Presiding Officer himself, thus making a further economy in the formation of Polling Parties.

## **6. CLOSING THE POLL**

The Presiding Officer should ensure that the poll is duly closed at the end of the polling hour as per the direction of the Returning Officer and as per the prescribed voting procedures. After the last voter has voted as per the above procedure, he should press CLOSE BUTTON of the Control Unit. After prescribed Forms have been carefully and duly filled for the election, he should disconnect the Balloting Units from the Control Unit and seal it in its carrying cases.

Presiding Officer should ensure that all the sealed Units and election records are duly handed over to the Returning Officer, at the reception center, as per the prescribed procedure.

## **CHAPTER VI**

### **REGULATION OF ENTRY INTO AND SEATING ARRANGEMENTS IN THE POLLING STATION**

#### **1. PERSONS ENTITLED TO ENTER THE POLLING STATIONS**

Apart from the electors assigned to your polling station, the following persons can be admitted into the Polling Station:-

- (a) Polling Officers;
- (b) Each candidate, his election agent and one polling agent of each candidate at a time;
- (c) Persons authorised by the SEC ;
- (d) Public servants on duty in connection with election;
- (e) Observers appointed by the SEC ;
- (f) A child in arms accompanying an elector;
- (g) A person accompanying a blind or an infirm voter who cannot move without help; and
- (h) Such other persons as you may from time to time admit for the purpose of identifying voters or otherwise assisting you in taking the poll.

You should note that 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 polling booth, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the polling booth without any compelling reason has on occasion given rise to complaints by some candidates or parties who have alleged that their agents had been overawed by unnecessary show of force.

Similarly, security personnel accompanying, if any, an elector or candidate or his election agent or polling agent should also not be allowed to enter the polling station.

You should also note that the above expression, "Public servant on duty in connection with election" does not include the Ministers, State Ministers and Deputy Ministers of the Union and the States. They cannot be allowed to be appointed even as election agents or polling agents, as they have to be escorted by security guards who cannot be allowed entry into the polling station.

Entry of persons should be strictly regulated as detailed above, otherwise, the smooth and orderly conduct of poll may be vitiated. You should allow only three or four electors to enter the polling station at a time.

If you have a reasonable doubt about the presence of any person about whose credentials you have a reasonable suspicion in the polling booth, you can have him searched, if

necessary, even though the person concerned may be in possession of a valid authority letter to enter the polling booth.

In the performance of your duties, you are only bound by the instructions of the SEC. You are not to take orders from or show any favour to your official superiors or political leaders including Ministers. Even in the matter of requests for entry into the polling booth from these, you should allow them only if they are in possession of a valid authority letter issued by the SEC.

A village officer or other officer or a woman attendant employed by you for helping you in the identification of electors or to assist you otherwise in taking the poll should normally be seated outside the entrance to the polling station. He/she should be admitted into the polling station only when he/she is required for identification of a particular voter or for assisting you for a particular purpose in connection with the taking of the poll. No one inside the polling station should be allowed to influence or try to influence the voters by words or gestures to vote in a particular way.

## **2. ATTENDANCE OF POLLING AGENTS**

The polling agents of the candidates should be asked to reach the polling station at least one hour before commencement of poll in order to be present when you are going through the preliminaries. If any part of these preliminaries has already been gone through, the proceedings need not be re-commenced to accommodate any late comer.

## **3. PRODUCTION OF APPOINTMENT LETTERS BY POLLING AGENTS**

Every polling agent must produce before you the appointment letter in Form 2 (prescribed in election rules) by which the candidate or his election agent has appointed him. Check that the appointment is for your polling station. The polling agent should then complete the document and sign the declaration therein in your presence and then deliver it to you before he can be admitted into the polling station. Preserve all such appointment letters and at the end of the poll send them in a cover to the Returning Officer along with other documents.

In case of any doubt about the genuineness of appointment letter in the said Form 2 of any polling agent presented before you, you should compare the specimen signature of the candidate/his election agent with their specimen signatures as provided by the Returning Officer.

## **4. PASSES FOR POLLING AGENTS**

Each candidate can appoint one polling agent and one relief polling agents at each polling station. However, only one polling agent of a candidate should be allowed inside the polling station at any given time. Give every polling agent, who is admitted into the polling station, a permit or pass on the authority of which he can come in and go out of the polling

station as may be necessary. However, it should be ensured that the polling agents do not take the copy of the electoral roll outside the polling booth.

## **5. SEATING OF POLLING AGENTS**

The polling agents have to be seated behind the Polling Officer in-charge of marked copy of the electoral roll. Wherever this is not practicable because of the situation of the door for entrance, they may be given seat just opposite the polling officers. In any seating arrangement, they should be provided opportunity of seeing the faces of the electors and challenging their identity whenever necessary. They should not be allowed to move about in the polling station.

## **6. SMOKING TO BE PROHIBITED INSIDE POLLING STATION**

You should not allow smoking inside the polling station. If any of the polling agents desires to smoke, he may go out of the polling station without causing any dislocation to the polling.

**MOBILE PHONES PROBIHITED:** The Polling Agents are not permitted to use mobile phones inside the polling booth.

## **7. FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS**

Subject to the maintenance of peace and order there is no objection to any photographer taking photographs of a crowd of voters lining up outside the polling station. He should, however, in no circumstances be allowed to take photographs inside the polling station.

Neither the Deputy Commissioner nor the Returning Officer is empowered to authorise any person who is not an elector or who is not required to assist you in taking the poll, to enter a polling station. Any such person including publicity officials of the State Government should not be allowed inside a Polling Station without a letter of authority from the SEC. In no circumstances will any photograph be allowed to be taken while a voter is exercising his vote.

## **8. FACILITIES TO OBSERVERS APPOINTED BY SEC**

The SEC appoints its Observers at elections under Section 8D of the Act, 1994 read with Section 20B of the Representation of People Act, 1951.

During the day of poll, some observers might visit your polling station. It is quite possible that he may start his round of the ward with the visit to your polling station and may be present there when you are going through the preliminaries before the commencement of poll. You should show him due courtesy and regard when he visits your polling station and should furnish him with such information as he may require from you for the purpose of his report to the SEC. He will only observe the poll being taken at your polling station, but will not give you any direction. If, however, he makes any suggestion with a view to providing more convenience to electors or making the poll process at your polling station smoother, you should give due

consideration to such suggestion. In case, you are facing any particular problem or feeling any difficulty at your polling station, you may bring it to his notice, as he might be of help to you in solving that problem or removing that difficulty by bringing the matter to the notice of the Returning Officer or other concerned authorities for necessary remedial action.

The Observers will be carrying appointment letters and authority letters issued by the SEC.

### **9. WEARING OF BADGES, ETC., INSIDE POLLING STATION**

No person should be allowed within the polling station or within 100 metres thereof to wear badges, emblems, etc., bearing the names of candidates or political leaders and/or their symbols or pictorial representation thereof.

The polling agents may, however, display on their person a badge showing the name of the candidate whose agents they are.

# **CHAPTER VII**

## **PREPARATION OF VOTING MACHINE BEFORE COMMENCEMENT OF POLL**

### **1. PRELIMINARIES BEFORE POLL**

Before a voting machine is put in actual use at the polling station, some preparations, in addition to the preparations made at the Returning officer's level, are necessary at the polling station. These preparations have to be done by the Presiding Officer in the presence of the candidates/ their agents before the commencement of poll.

You should start these preliminary preparations about one hour before the time fixed for the commencement of poll. If any polling agent is not present, the preparations should not be postponed so as to await the arrival of the polling agent. Nor should you start the preparations again if any polling agent turns up late.

### **2. PREPARATIONS ON THE BALLOTING UNIT**

The balloting unit is already duly prepared in all respects at the Returning Officer's level and no further preparation of this unit is required at the polling station on the day of poll, except that its interconnecting cable has to be plugged into the control unit.

At the time of taking delivery of the voting machine alongwith other polling materials before proceeding to the polling station, you must have already carried out the checks mentioned in para 2 of chapter III. As instructed therein, you must have checked that you have been provided with the requisite number of balloting units, the ballot paper on each such unit has been properly fixed and properly aligned under the ballot paper screen, the slide switch on each unit has been set to the appropriate position and each unit is duly sealed and carries the address tag both at the right top portion and the right bottom portion.

### **3. INTERLINKING OF BALLOTING UNITS AND CONTROL UNIT**

Where the number of contesting candidates exceeds 16, balloting units more than one, depending upon the actual number of contesting candidates, are to be used. All such balloting units to be used at a polling station are to be inter-linked and the first balloting unit will alone be linked with the control unit.

The balloting units shall be so inter-linked that the second balloting unit, i.e., the balloting unit in which the slide switch is set at position 2, is linked with the first balloting unit in which the slide switch is set at position 1. Where three balloting units are to be used, the third balloting unit will be linked with the second balloting unit and the second with the first, and where all the

four balloting units are to be used, the fourth unit will be linked with the third unit, the third with the second and so on.

For linking a balloting unit with another, there is a socket provided in a compartment at the bottom portion of the balloting unit. The connector of the interconnecting cable of the second balloting unit will be plugged into the abovementioned socket of the first balloting unit. Likewise, the connector of the third balloting unit's interconnecting cable will be plugged into the second unit and that of the fourth unit into the third unit.

As mentioned above, the first balloting unit alone will be plugged into the control unit. The socket of plugging the interconnecting cable of the balloting unit into the control unit is provided in the rear compartment of the control unit.

The rear compartment in the control unit also contains the 'Power' switch and this switch when put to 'ON' position makes the battery of the voting machine operational and supplies the power both to the control unit as well to all the balloting units when linked to the control unit in the manner described above.

**Note:** (1) When more than one balloting units are used, the same should be interlinked in the proper sequential order as explained in paragraph 3.above. Any wrong linking of the balloting units will render the machine non-functional and on pressing any button on the control unit the letters 'LE' indicating "linking error" will appear on the display panel of the control unit. The linking error should be set right by interlinking the balloting units in the proper sequential order.

(2) The connector of the interconnecting cable, one end of which is attached to the balloting unit, is a multi-pin connector. The connector goes into the socket of the other balloting unit or of the control unit only one way, which can be found out easily by looking at the orientation of the pins and the word 'Top' written or inscribed on the hood of the connector. The pins of the connector are quite delicate and the connector should not be forced in the socket in such way as may damage or bend the pins. The machine will work only when the connection is made properly.

(3) The connector of the interconnecting cable can be disconnected from the control unit or from the other balloting unit only by releasing the spring type clips on both sides of the connector hood. These spring type clips will be released when pressed inward simultaneously and the connector should then be pulled out while keeping the spring type clips so pressed.

(4) Connecting the balloting units and the control unit or disconnecting them properly requires some practice so as to avoid any damage to the machine. This aspect should be clearly borne in mind and you yourself should connect the balloting units and the control unit.

# **CHAPTER VIII**

## **PREPARATION OF CONTROL UNIT**

### **1. CHECKING OF CONTROL UNIT**

At the time of taking delivery of the control unit at the distribution centre before proceeding to the polling station, you must have carried out the checks on the control unit as mentioned in para 2 of Chapter III.

You must have already checked that 'Cand Set Section' of the control unit is duly sealed and the address tag is firmly attached there to and that the battery installed in that section is fully operational.

### **2. PREPARATION OF CONTROL UNIT**

Before a control unit is put in use at the polling station, some further preparations, apart from the preparations made therein at the Returning Officer's level for the installation of the battery and setting the number of contesting candidates, are necessary at the polling station.

The preparations to be made on the control unit by the Presiding Officer are as follows:-

- (i) Interlinking the control unit with the balloting unit or the first balloting unit where more than one balloting unit is used;
- (ii) switching the power switch to 'ON' position;
- (iii) closing the rear compartment after performing the functions at (i) and (ii) above;
- (iv) conducting the mock poll (as explained in Chapter IX);
- (v) clearing the machine after the mock poll and setting all counts to ZERO (as explained in Chapter IX);
- (vi) Switching the Power switch to 'OFF' position;
- (vii) fixing the paper seal (s) to secure the inner compartment of the Result Section (as explained in Chapter X);
- (viii) closing and sealing the inner door of the Result Compartment by fixing the special tag (as explained in Chapter XI) and
- (ix) closing and sealing the outer cover of the Result Section with Address Tag and Strip Seal (as explained in Chapter XI)

### **3. CONNECTING THE CONTROL UNIT AND BALLOTING UNIT**

You should plug the interconnecting cable of the balloting unit or the first balloting unit where more balloting units than one are used, into the socket provided of the purpose in the rear compartment of the control unit. While interlinking the control unit with the balloting unit, you must take necessary precautions as mentioned in para 3 of chapter VII.

#### **4. SWITCHING 'ON' THE POWER**

The voting machine runs on a battery, which has been installed in the 'Cand Set Section' of the control unit at the Returning Officer's level. For activating the battery which will supply power both to the control unit and balloting unit(s) when the same are interlinked, there is a power switch provided in the rear compartment of the control unit. After the control unit and the balloting unit(s) have been interlinked, you should put the power switch to 'ON' position. Thereupon, there will be a beep sound emitting from the control unit and the 'ON' lamp on the Display Section of the control unit will start glowing Green.

#### **5. CLOSING THE REAR COMPARTMENT**

You should then close the rear compartment. To keep it firmly closed, a piece of thin wire or a thick thread may be run through the two holes provided for the purpose and the ends of the wire may be given a few twists or a knot, as the case may be. You should note that the rear compartment is not to be sealed as it will require to be opened again after the close of poll for switching 'OFF' the power and disconnecting the balloting unit.

# **CHAPTER IX**

## **CONDUCTING MOCK POLL**

### **1. DEMONSTRATION OF 'CLEAR' VOTING MACHINE**

Before commencing the poll, you have to satisfy not only yourself but also all polling agents present that the voting machine is in perfect working order and that no votes have already been recorded in the machine.

For such satisfaction, you should first show to all present that all counts have been set to ZERO by pressing the 'Clear' button. The 'Clear' button is provided in a compartment in the Result Section of the control unit. This compartment is covered by an inner door and an outer cover. The inner door covers the compartments containing 'Clear' button, 'Result I' button and 'Result II' button, and the outer cover is provided above the inner door and covers also the compartment containing the 'Close' button. For reaching the 'Clear' button, you should first open the outer cover by pressing slightly inwards the latch provided on the left side. Thereafter, the inner door can 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 latches inside simultaneously slightly inwards. In no case, this inner door should be forced open without releasing the latches in the manner described above as otherwise this most vital compartment will get damaged.

When the 'Clear' button is pressed, the Display Panels on the control unit will start displaying the information available in the machine in the sequential manner.

**Note:** If on pressing 'Clear' button, the Display Panels do not display the information, it means that some of the earlier operations needed for clearing the machine have not been performed. To clear the machine, ensure that balloting units and control unit have been properly linked. Press .Close. button and thereafter press 'Result I' button. Now press the 'Clear' button, the Display Panels will start displaying the information.

The display of the information on the Display Panels shall satisfy the polling agents present at the polling station that no votes are already recorded in the machine.

### **2. MOCK POLL**

After demonstrating as above that no votes are already recorded in the machine, you should hold the mock poll by recording some votes for each of the candidate at random.

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 balloting unit will also start glowing green.
- (b) Ask any polling agent to press, according to his choice, any of the candidate's button on the balloting unit. Ensure that each of the blue (unmasked) buttons is

pressed at least once, so that each button left unmasked is tested and found functioning properly.

- (c) On the candidate's button being so pressed, the 'Ready' lamp on the balloting unit will go off and the candidate's lamp near the button will start glowing Red. Also, a beep sound will be heard emitting out from the control unit. After a few seconds, the Red light in the candidate's lamp, Red light in the 'Busy' lamp and the beep sound will go off. This will be the indication that the vote for the candidate, whose button has been pressed, has been recorded in the control unit and the machine is now ready to receive the next vote.
- (d) Repeat the process explained in the preceding paras (a), (b) and (c) for recording one or more votes for each of the remaining candidates. 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 of the control unit to verify at any time that the total votes recorded in the machine tally with the number of votes which have been polled upto that stage.

**Note:** 'Total' button should be pressed only after the vote has been recorded for any candidate and the 'Busy' lamp in the Display Section is off.

- (f) At the end of the mock poll, press the 'Close' button in the Result Section. On the 'Close' button being so pressed, the Display Panels in the Display Section will show the following information available sequentially:-

**Note:** Subject to availability of time, there is no objection to permit the recording of more votes at mock poll. It is not necessary that the number of votes recorded 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 Panels will start showing the information available in the machine sequentially.
- (h) Next, press the 'Clear' button to clear the account of votes recorded during the mock voting. On the 'Clear' button being so pressed, all counts will show ZERO as explained in para 1.3 above.

# **CHAPTER X**

## **FIXING OF PAPER SEAL IN THE CONTROL UNIT**

In the conventional system of voting where ballot papers and ballot boxes are used, the ballot boxes are sealed and secured by fixing a green paper seal specially got printed by the SEC. Once the paper seal is fixed in a ballot box and the lid of the box is closed, the box cannot be opened and the ballot papers contained therein cannot be tampered with or taken out for counting unless the paper seal is torn. Similar safeguard has been provided in the voting machine so that once the control unit is sealed and poll commences, nobody should be able to tamper with the voting machine. To achieve and ensure this, provision has been made for fixing the same green paper seal as is used for securing a ballot box in the control unit of the voting machine.

There is a frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the Result Section of the control unit.

The seal should be so fixed that its green surface is seen through the aperture from outside.

It should be ensured that no damaged paper seal is used in any case and if any paper seal gets damaged in the process of fixing, it should be replaced then and there before the door of the inner compartment is closed.

### **2. SIGNATURES OF PRESIDING OFFICER AND POLLING AGENTS ON PAPER SEAL**

After fixing the paper seal, the door of the inner compartment should be closed by being pressed fit. It should be closed in such a manner that the two open ends of the paper seal project outwards from the sides of the inner compartment. Before the paper seal is fixed in the frame provided for the purpose, the Presiding Officer should affix his signature in full immediately below the serial number of the paper seal on the white surface of the paper seal. It shall be got signed by such of the candidates or their polling agents as are present and are desirous of affixing their signatures. The Presiding Officer should verify that the signatures of the polling agents on the paper seal tally with their signatures on their letters of appointment.

### **3. ACCOUNT OF PAPER SEALS**

The Presiding Officer should keep a correct account of the paper seals supplied to him for use at the polling station and the paper seals actually used by him for sealing and securing the control unit. Such account shall be maintained by him in the form specifically prescribed for the purpose vide Item 9 of Part I of Form 17 (**Annexure – XI**).

The Presiding Officer should allow the candidates or their polling agents present to note down the serial number of paper seals so supplied for use and actually used.

# **CHAPTER XI**

## **CLOSING AND SEALING OF CONTROL UNIT**

### **1. SPECIAL TAG**

The size of Special Tag to be used in the Electronic Voting Machines will be a 7.5 cms. X 5.5 cms.

Its thickness is equal to the thickness of a postcard. There is a hole on the right corner on top of front side with a metal ring to pass thread for sealing. Further, on the right hand side below the hole there is a groove cut on the special tag to just enough to fit with the door-knob of Result compartment. There is also an opening in the middle of the special tag, so that when the tag is fixed in the 'CLOSE' button compartment of the Result Section, the 'CLOSE' button is visible so that button can be reached to operate without disturbing the tag.

After the green paper seal has been signed by you and Polling Agents and fixed and secured, the door of the inner compartment over the 'Clear' button and 'Result' buttons should be pressed fit and closed in such a manner that the two open ends of the paper seal continue projecting outwards from the sides of the inner door. Then this inner door should be sealed with a Special Tag. For this, you should pass the high quality twine thread specially supplied for this purpose by the Returning Officer through the two holes provided in the inner door and through the hole provided in the Special Tag.

### **CONTROL UNIT NUMBER**

Before the Special Tag is used, you shall write the serial number of the Control Unit on the special Tag.

### **SIGNATURE**

After writing the serial number of the Control Unit on the Special Tag, you shall put your signature on the BACK SIDE of the Special Tag. You should also ask the candidates/polling agents present in the polling station before the commencement of the poll to put their signatures on the back, if they so desire. You should also read out the pre-printed serial number on the Special Tag and ask the candidates/polling agents present to note down that serial number. If, by any chance, the Special Tag is spoiled or torn, you should use another one. For this purpose, like Paper Seals, the Returning Officer supplies you with 3 or 4 "Special Tags"

After doing all this tie the thread into a knot and seal the thread on the Special Tag with sealing wax. Thereafter without breaking the seal, you should adjust the Special Tag in the compartment of 'CLOSE' button ensuring that the 'CLOSE' button protrudes through the hole cut in the middle of the special Tag.

## **2. CLOSING AND SEALING OF OUTER COVER OF RESULT SECTION**

After the inner compartment of Result Section of the control unit has been closed and sealed, the outer cover of the Result Section should be pressed fit for closing that Section. Before pressing that outer cover, it should be ensured that the two open ends of the paper seal project outwards from the either sides of the outer cover.

After the outer cover of Result Section has been closed, that cover should be sealed by (i) passing a thread through the two holes provided for the purpose on the left side of the outer cover, (ii) tying thread into a knot (iii) attaching a label (address tag) similar to the one which is attached to the 'Cand Set Section' at the Returning Officer's level and sealing the thread on the Address Tag with wax and the seal of the Presiding Officer.

The address tag will contain the following particulars:

"Election to the Ward No.....

Name of the Municipal Corporation..... Control unit No.....

Sl. No. and Name of Polling Station.....

Date of Poll.....

The Returning Officer will provide sufficient number of blank printed address tags as part of polling materials. Particulars in the address tag should be carefully filled by you. The serial number of each control unit is inscribed on its bottom portion.

The candidates or their Polling Agents present should also be permitted to affix their seals, if they so desire, on the Address Tag alongwith your seal.

By so closing and sealing the inner compartment and the outer cover, the whole Result Section gets sealed and secured and the votes which will be recorded by the Control Unit cannot be tampered with.

## **3. STRIP SEAL**

To further improve the sealing arrangements for Electronic Voting Machines, the SEC has introduced an additional outer seal for sealing the 'Result Section' of the Control Unit completely with an Outer Paper Strip Seal (hereafter referred to as "Strip Seal") so that this portion of the Control Unit cannot be opened once the polling has started and till the counting is taken up. This will ensure that from the time the first vote is cast in the machine at the polling station and till it is brought to the counting table, no person could have opened the Result Section without damaging the Strip Seal.

Accordingly at every polling station where the election is held with the use of EVM, the Control Unit shall be secured and sealed from outside completely with the Strip Seal so that this section cannot be opened without damaging the Strip Seal. The Strip Seal shall be positioned on the outer door of 'Result Section' just below the rubber cap covering the 'CLOSE' button in such a way that the covering the 'CLOSE' button is not covered by the Strip Seal.

## **STRIP SEAL - PHYSICAL FEATURES:**

(i) Strip Seal is a paper seal with a measurement of 23.5. (twenty-three point five inches) in length and 1. (one inch) in width. The length of the strip is such that it can easily be draped round the breadth of the Control Unit to provide an extra outer seal of the Control Unit before the commencement of the poll and after the other standard seals have been affixed in the Control Unit.

(ii) Each Strip Seal has a Unique Identity Number.

(iii) These Strip Seals approved by the SEC will be supplied to all the Returning Officers for Municipal Corporation through the Deputy Commissioner.

(iv) At both the ends of the Strip Seal, there are FOUR (4) pre-gummed portions. Of these three are about one square inch area (identified by letter 'A', 'B' & 'C') and one is about two square inch area (identified by letter 'D'). Each gummed portion is covered by a strip of wax paper.

(v) The Strip Seal has an inner side and an outer side. On the inner side of the strip, at one end there are two adjacent pre-gummed portions marked by letter 'A' & 'B'. At the other end of the inner side of the strip, there is about 2. (two inches) pre-gummed portion marked 'D'. On the outer side of the strip, there is only one pre-gummed portion marked 'C' The dark portions are the gummed portions on inner side and outer side of the strip.

## **IMPORTANT CHANGE INFIXING THE PAPER SEAL**

Now, there is an important change in the method of folding the Paper Seals. After fixing the Paper Seals in the slot provided in the windows of the Inner Door covering the Result Buttons, the inner door as well as outer door above the Result Section shall be closed. While doing so, the loose ends of the Paper Seals should be allowed to protrude outside from both the sides of the outer door above the Result Section.

## **4. COMPLETE METHOD OF SEALING CONTROL UNIT INCLUDING USE OF STRIP SEAL**

For the sake of easy understanding, the complete sequential order of the steps to be taken by the Presiding Officer at the polling station until and including fixing the Strip Seal are given below:

- (i) Before the commencement of the actual poll, the Presiding Officer conducts mock poll.
- (ii) After conducting mock poll and showing the result, the Presiding Officer shall clear the Control Unit of the data relating to mock poll by operating 'Clear' button.
- (iii) After clearing he shall insert the Paper Seal to cover the windows of the inner door of the Result Section. While inserting the Paper Seals, care should be taken

to ensure that the coloured portion of the seal is visible through the windows of the inner door after it is closed.

- (iv) After inserting the Paper Seals, the inner door above the result buttons shall be closed.
- (v) Then the inner door of the result section shall be sealed off with the special tag.
- (vi) After fixing the Special Tag, close the outer door of the Result Section ensuring that the loose ends of the Paper Seal(s) protrude out from both the sides of the closed outer door.
- (vii) Then the Presiding Officer shall seal the outer door with thread and address tag.
- (viii) Next he shall proceed to fix the Strip Seal around the Control Unit to seal the Result Section from outside completely so that this section cannot be opened without damaging the Strip Seal after the poll commences.
- (ix) Before the Strip Seal is fixed to seal the Result Section from outside the Presiding Officer should affix his signature in full immediately below the serial number of the paper seal. It shall be got signed by such of the candidates or their polling agents as are present and are desirous of affixing their signatures. The Presiding Officer should verify that the signatures of the polling agents on the Strip Seal tally with their signatures on their letters of appointment.
- (x) The Strip Seal shall, then, be positioned just below the 'CLOSE' button. The detailed procedure to fix the Strip Steals is given below.

## **5. METHOD OF SEALING MACHINES WITH STRIP SEAL**

In BEL machine only one Paper Seal is used. Therefore, the loose ends of the same Paper Seal protrudes from either ends of the outer door over Result Section. Following are the steps to seal BEL MAKE MACHINES with Strip Seal:-

**Step 1:** First double fold the inner end of the a Paper Seal in the middle ensuring that the blue portion of the seal remain outside

**Step 2:** Keep the Strip Seal with the pre-gummed portion .A. positioned near the base of the inner fold of the Paper Seal protruding from the inner side of the outer door of the Result Section. Remove the wax paper over .A. and press the inner fold of the Paper Seal over this gummed portion and paste.

**Step 3:** Remove the wax paper over the pre-gummed portion .B. and press this gummed portion over the outer fold of the Paper Seal.

**Step 4:** After pasting 'B' over the Paper Seal the pre-gummed portion 'C' will come to the top position. Remove the wax paper over 'C', press the Paper Seal protruding from the top portion of outer door so that the Paper Seal is firmly pasted over 'C'.

**Step 5:** Take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the 'CLOSE' Button. Bring the other end of the Strip Seal from

right side of the Control Unit on top of the outer door where the pre-gummed portions 'A', 'B' and 'C' have been pasted.

**Step 6 :** Remove the wax paper covering the pre-gummed portion 'D' and press it firmly over the Paper Seal protruding from the top portion of the door. The pre-gummed portion 'D' spills over the Strip Seal below the 'CLOSE' Button. Press this spilled over portion of 'D' firmly over the Strip Seal. By the above process, both the loose ends of the Paper Seal protruding from both the sides of the outer door get firmly pasted and held by the Strip Seal. At the same time the outer door over the Result Section is also sealed with this Strip Seal from all sides and this section cannot be opened without damaging this seal.

## **6. AFTER FIXING THE STRIP SEAL**

After sealing the Control Unit with the Strip Seal, the Presiding Officer shall take care that the seal is not damaged or tampered with during the poll and this seal shall NOT be removed during or after the poll in the polling station.

At the end of the poll at prescribed hour, the Presiding Officer shall remove the cap over 'CLOSE' Button without disturbing the Strip Seal and press the 'Close' Button to close the poll and replace the cap. After completing other formalities at the end of the poll, the Presiding Officer shall carefully pack the Control Unit in its carrying case and seal the carrying case with address tag. This sealed carrying case shall be delivered to the Counting Centre.

On the day of the counting, the Control Unit with the Strip Seal intact, shall be allowed to be examined by the candidates/counting agents present at the Counting Table. Only thereafter, the seal shall be removed taking care that the Paper Seals are not damaged. After examining the Paper Seals protruding outside, the thread seal on the outer door of the Control Unit shall be opened.

## **7. IMPORTANT PRECAUTIONS**

- (i) The Strip Seal shall be positioned to cover the portion below the 'CLOSE' Button cap on the outer door of the Result Section. While fixing this strip, ensure that the 'CLOSE' Button is left clear and not covered even partially by this strip so that there is no difficulty to operate that button.
- (ii) The Strip Seal shall be fixed tight and shall not be loose.
- (iii) DO NOT USE DAMAGED STRIPS.
- (iv) Each polling station will be supplied with three (3) Strip Seals like Paper Seals.
- (v) Presiding Officers shall account for each Strip Seal supplied to the polling station for the conduct of poll.
- (vi) They should return every Strip Seal that is not used (including the strips (or pieces thereof) damaged accidentally to the Returning Officers who will be held responsible if any Strip Seal is found in the hands of any unauthorized person at any time.

- (vii) The Deputy Commissioner shall keep a record of the serial numbers of the Strip Seals supplied to each Returning Officer. Similarly, each Returning Officer shall keep a record of the Strip Seals supplied to each polling station.

## **8. VOTING MACHINE READY FOR ACTUAL POLL**

The voting machine is now ready in all respects for use for actual poll.

Before commencing the poll, you should place the balloting unit(s) inside the voting compartment. As already instructed, the voting compartment should be located at sufficient distance from your table where the control unit shall be kept and operated. The interconnecting cable between the balloting unit and the control unit has a length of approximately five meters. Therefore, the voting compartment should be reasonable distance. Also, the cable should be so routed that it does not obstruct the movement for voters inside the polling station and they have not to tread or trip over it. While placing the EVM in the Voting Compartment, it must be ensured without fail that secrecy of voting is not violated.

# **CHAPTER XII**

## **COMMENCEMENT OF THE POLL**

### **1. COMMENCEMENT OF THE POLL**

Commence the poll at the stroke of the hour fixed for the purpose. Your preliminaries should be over by then. If unfortunately the preliminaries are not over, admit three or four voters at the hour fixed for the commencement of the poll and let the Polling Officer deal with them in regard to their identification, etc. until the preliminaries by you are over. This sort of overlapping of preliminaries is very undesirable and every effort should be made to avoid it. Even if for any unforeseen reason you are not in a position to commence the poll at the appointed hour, you have no authority to extend the appointed polling hours or the closing time except to continue the poll beyond the closing hour until all the electors present at the polling station at the hour appointed for the close of poll (who were distributed slips signed by you in full starting from the tail of the queue towards its head) have voted, as provided in para 1 of Chapter XXIV.

### **2. WARNING ABOUT SECRECY OF VOTING**

Before commencing the poll, explain to all present the provisions of Section 23 of the Act, 1994 ( inAnnexure I), regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

### **3. PRECAUTIONS FOR INDELIBLE INK**

Ask the Polling Officer in-charge of indelible ink to take adequate precautions to see that the phial containing the indelible ink is kept in such a manner that it does not get tilted and the ink spilt during the poll. For that purpose, take some sand or loose earth in a cup provided for the purpose or an empty tin or some such broad-bottomed vessel, and push the phial down three quarters of its length into the centre of the vessel so that it is steadily embedded in the sand or earth. Also ensure that the plastic rod attached to the cork is left standing in the phial and not taken out except for the purpose of marking the voter's forefinger. The rod should always be held with its marking end pointing vertically downwards. Otherwise, some of the ink will drip down the rod and spoil the fingers of the person using it.

### **4. MARKED COPY OF THE ELECTORAL ROLL**

Before the commencement of poll, you should also demonstrate to the polling agents and others present at the polling station that the copy of electoral roll intended to be used as the marked copy does not contain any marks or entries other than the "E.D.C" marks against the names of those voters to whom election duty certificates have been issued and marks 'PB' against the entries of those voters to whom postal ballot papers have been issued.

## **5. REGISTER OF VOTERS IN FORM 11 (ANNEXURE – II)**

Also show to the polling agents and others present that the Register of Voters (in form 11), (in which entries will be made in respect of each elector who is allowed to vote and his signature/ thumb impression obtained) does not already contain any entry in respect of any elector.

## **6. ENTRY OF VOTERS TO POLLING STATION TO BE REGULATED**

There should be separate queues for men and women voters. The persons who enforce the queues will allow three or four voters into the polling station at a time, as you direct. Other voters waiting to come in should be made to stand in queue outside. Infirm voters and women voters with babies in arms may be given precedence over other voters in the queue. Men and women voters should be admitted into the polling station in alternate batches. The formation of more than one queue for men voters or for women voters should not be allowed.

**7.** Apart from the electors assigned to your polling station, the following persons can be admitted into the Polling Station:-

- (a) Polling Officers;
- (b) Each candidate, his election agent and one polling agent of each candidate at a time;
- (c) Persons authorised by the SEC ;
- (d) Public servants on duty in connection with election;
- (e) Observers appointed by the SEC ;
- (f) A child in arms accompanying an elector;
- (g) A person accompanying a blind or an infirm voter who cannot move without help; and
- (h) Such other persons as you may from time to time admit for the purpose of identifying voters or otherwise assisting you in taking the poll.

You should note that 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 polling booth, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the polling booth without any compelling reason has on occasion given rise to complaints by some candidates or parties who have alleged that their agents had been overawed by unnecessary show of force.

Similarly, security personnel accompanying, if any, an elector or candidate or his election agent or polling agent should also not be allowed to enter the polling station.

You should also note that the above expression, "Public servant on duty in connection with election" does not include the Ministers, State Ministers and Deputy Ministers of the Union and the States. They cannot be allowed to be appointed even as election agents or polling agents, as they have to be escorted by security guards who cannot be allowed entry into the polling station.

Entry of persons should be strictly regulated as detailed above, otherwise, the smooth and orderly conduct of poll may be vitiated. You should allow only three or four electors to enter the polling station at a time.

If you have a reasonable doubt about the presence of any person about whose credentials you have a reasonable suspicion in the polling booth, you can have him searched, if necessary, even though the person concerned may be in possession of a valid authority letter to enter the polling booth.

In the performance of your duties, you are only bound by the instructions of the SEC. You are not to take orders from or show any favour to your official superiors or political leaders including Ministers. Even in the matter of requests for entry into the polling booth from these, you should allow them only if they are in possession of a valid authority letter issued by the SEC.

A village officer or other officer or a woman attendant employed by you for helping you in the identification of electors or to assist you otherwise in taking the poll should normally be seated outside the entrance to the polling station. He/she should be admitted into the polling station only when he/she is required for identification of a particular voter or for assisting you for a particular purpose in connection with the taking of the poll. No one inside the polling station should be allowed to influence or try to influence the voters by words or gestures to vote in a particular way.

# **CHAPTER XIII**

## **SAFEGUARDS FOR FREE AND FAIR ELECTION**

### **1. DECLARATIONS BY PRESIDING OFFICER AS SAFEGUARDS FOR ENSURING FREE AND FAIR ELECTION**

In order to ensure that you have duly carried out the instructions contained in the foregoing chapters regarding the demonstration of the voting machine, marked copy of the electoral roll and Register of Voters and obtaining the signatures of the candidates/polling agents on the paper seal and allowing them to note down their serial numbers, which are necessary safeguards for ensuring free and fair election, you are required to read out the declaration prescribed by the SEC in **Annexure VIII** Part I before the commencement of the poll. This should be done immediately after reading out the provisions of section 23 of the Act, 1994 regarding maintenance of secrecy of voting. You should read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration and obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. You should also record there on the names of the polling agents who decline to affix their signatures on the declaration.

### **2. PROCEDURE TO BE FOLLOWED AT THE TIME OF USE OF NEW VOTING MACHINE**

During the course of poll, if it becomes essential under compelling circumstances to use a new voting machine, you are again required to read out a further declaration, prescribed in Part II of **Annexure VIII** (At the end of the poll, you should record a further declaration in Part III of Annexure VIII in the same manner). The declaration will be put into a separate packet and delivered to the Returning Officer after the conclusion of the poll along with the account of votes recorded and the paper seal account in Form 17 and the Presiding Officer's Diary.

# **CHAPTER XIV**

## **ENFORCEMENT OF ELECTION LAW IN AND AROUND POLLING STATION**

### **1. IMPARTIALITY ESSENTIAL**

Your tact, firmness and impartiality, particularly the last, are the most important safeguards against any breach of the peace. Treat all parties and candidates equally and decide fairly and justly every disputed point. Needless to say, neither you nor any other officer at your polling station should do any act, which could be interpreted as furthering the prospects of any candidate at the election.

### **2. BAN ON CANVASSING**

It is an offence to canvass within one hundred meters of the polling station. Any person who does so can be arrested without warrant by the police and may be prosecuted.

**3. CANDIDATE'S ELECTION BOOTH :-** According to the instructions of the State Election Commission (SEC), no election booths of the candidates should be allowed to be set up as such booths pose many difficulties in the way of holding free, fair and smooth elections by creating obstructions to voters, confrontation among various party workers and law and order problems. However, the candidates may provide one table and two chairs for the use of their agents and workers for the distribution of unofficial identity slips to voters beyond a distance of 200 meters from the polling station with an umbrella or a piece of tarpaulin over their head to protect them from the sun/rain. No crowd is allowed to collect around such tables. If any instance of violation of the above instructions of the SEC is brought to your notice, you should report the matter to the Sector Magistrate or other officials responsible for maintenance of law and order around your polling station for necessary remedial action by them.

### **4. DISORDERLY CONDUCT IN OR NEAR THE POLLING STATION**

Enforce the provisions contained in Act, 1994. If any person behaves in a disorderly manner, you can have him arrested then and there by a Police Officer and have him prosecuted. The police have the power to take such steps, and use such force, as may be reasonably necessary for preventing such behaviour. These powers should, however, be resorted to only when persuasion and warning have proved ineffective. If the use of a megaphone or loudspeaker interferes with the work of the polling station, you should take steps to stop such use. The section does not prescribe any limit of distance. It is left to you to decide whether it is near enough and loud enough to disturb the proceedings at the polling station.

## **5. REMOVAL OF DISORDERLY PERSONS**

Any person who misconducts himself or fails to obey your lawful directions during the poll may be removed from the polling station on your orders by any Police Officer or other persons authorised by you.

## **6. REMOVAL OF VOTING MACHINE FROM POLLING STATION TO BE AN OFFENCE**

Any person who at any election fraudulently or unauthorisedly takes or attempts to take a voting machine out of a polling station or willfully aids or abets the doing of any such act commits a cognizable offence punishable with imprisonment upto one year or with fine upto five hundred rupees or with both. In this connection Section 30(a) of the Act, 1994 may be seen in Annexure-I.

## **7. BREACH OF OFFICIAL DUTY BY OFFICERS ON ELECTION DUTY**

Your attention is also drawn to Section 28 of the Act, 1994 in (Annexure-I) which provides that if any Presiding or Polling Officer is without reasonable cause guilty of any act, or even of any omission, in breach of his official duty, he commits a cognizable offence.

## **8. PROHIBITION OF GOING ARMED TO OR NEAR A POLLING STATION**

As per the provisions of Section 8D of the Act, 1994 read with Section 134B of the Representation of People Act, 1951 (in Annexure-I) no person (other than the Election Officer, the Presiding Officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station) can, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station. If any person contravenes these provisions, he is liable to imprisonment for a term, which may extend to two year or with fine, or with both. The offence is cognizable.

# **CHAPTER XV**

## **VERIFICATION OF ELECTOR'S IDENTITY AND PROCEDURE IN CASE OF CHALLENGE**

### **1. VERIFICATION OF ELECTOR'S IDENTITY**

As has already been explained in Chapter V, an elector on entering the polling station will proceed direct to the first Polling Officer who will be in-charge of the marked copy of the electoral roll and responsible for identification of electors. The Polling Officer should properly verify his identity with reference to the entry in the electoral roll.

Usually, each voter brings with him an unofficial identity slip, which might have been issued to him by a candidate or his agents. This slip should be on a plain white paper and may contain the name of the elector, his serial number in the electoral roll, part number of the electoral roll and the number and name of the polling station where he is to cast his vote. The slip should not contain the name of the candidate and/or the name of the party and/or facsimile of symbol allotted to him. If any slip has been issued by a candidate or his party in violation of these instructions of the SEC and is brought to the polling station, it should be brought to the notice of the polling agent of the candidate concerned forthwith for putting an immediate end to such violation.

It should be noted that carrying of unofficial identity slip by an elector does not guarantee the identity of the voter nor does it absolve the Polling Officer of his duty and responsibility of satisfying himself about the identity of such voter.

The first Polling Officer in-charge of the marked copy of the electoral roll and identification of electors should not treat the identity of an elector established by the mere production of an 'unofficial identity slip' which he brings to the polling station. Though such a slip helps in locating the entries relating to an elector in the electoral roll, it cannot be automatically taken for granted that the person producing the slip is that particular voter. Further, an illiterate voter cannot read the entries in the unofficial identity slip and satisfy himself that the slip held by him/her actually relates to him/her. Therefore, the first Polling Officer should simply take the slip and read out only the Serial Number of the entry of the elector in the electoral roll and not read out his/her name and other particulars from the slip.

The SEC is now insisting on documentary identification of electors. The electors are required to produce the electoral photo identity card (EPIC) to establish their identity. Those electors who have not been issued with the identity card, or those of them who are unable to produce the identity card for reasons beyond their control, should produce one of the alternative documents of identification specifically permitted by the SEC. You must refer to the latest order issued by the SEC and enforce its compliance. The polling officer in-charge of identification

must satisfy himself about the identity of the elector after examining the EPIC or the alternative documents, as the case may be, and in case of any doubt the elector should be directed to present himself before you to make a further probe about the identity of the elector. You should hand over the person to the police with a written complaint (as in **Annexure – X**) in case he is proved to be an impersonator. It may be noted that clerical and other minor errors in the EPIC may be ignored and overlooked.

## **2. LIST OF DEAD, ABSENT AND ALLEGEDLY BOGUS VOTERS.**

It is expected that polling agents may bring with them a copy of the list of the names of dead, absent and allegedly bogus voters. The candidate or his party may supply similar list to you. If any person claims to be a voter whose name is mentioned in that list you shall check that person's identity rigorously. This will not amount to a formal challenge.

## **3. CHALLENGED VOTES**

The polling agents can also challenge the identity of a person claiming to be a particular elector by depositing a sum of Rs.5 in cash with the Presiding Officer for each such challenge. The Presiding Officer shall hold a summary inquiry into the challenge. If after the inquiry the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote. If he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting and shall handover such person to the police with a written complaint. All such complaints to the Police should be vigorously pursued and prosecutions launched against the offenders so that they are convicted and suitably punished.

## **CHALLENGING A VOTER'S IDENTITY**

Every person whose name is entered in the electoral roll is entitled to vote at the election. Unless, there is a challenge by a candidate or his election or polling agents, or unless you are clearly satisfied that he is a bogus voter, it should normally be presumed that the person claiming to be a voter and giving out the name and other details correctly and producing the prescribed identification document is that voter. If there is a challenge or if you feel any reasonable doubt about the identity of the person from the surrounding circumstances, you should hold a summary inquiry and decide the question.

## **4. CHALLENGE FEE**

You should not entertain any challenge by a candidate or his election/polling agent of a voter's identity until the challenger pays two rupees in cash. After the amount has been paid, furnish a receipt therefore to the challenger. Warn the person challenged about the penalty for personation read out the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry, enter his name and address in the list of Challenged Votes

(Form 3) as in **Annexure-XIII** and ask him to sign or affix his thumb impression thereof. If he refuses to do so, do not allow him to vote.

## **5. SUMMARY INQUIRY**

First ask the challenger to produce evidence to show that the person challenged is not the voter that he claims to be. If the challenger fails to adduce prima facie evidence in support of his challenge, disallow the challenge and allow the person challenged to vote. If the challenger succeeds in making out a prima-facie case that the person is not the voter in question, you should call upon the latter to produce evidence to rebut the challenge i.e. to prove that he is the voter he claims to be. If he proves his claim by such evidence, allow him to vote. If he fails to do so, hold that the challenge has been established. In the course of the inquiry, you are free to ascertain the true fact from the village officer, the neighbours of the voter in question and any other person present. While taking evidence, you may administer an oath to the person challenged or any other person offering to give evidence. In case the challenge has been established, you should hand over the person to the policeman on duty, together with your complaint, as in **Annexure X**, addressed to the Station House Officer of Police Station in the jurisdiction of which your polling station falls.

## **6. RETURN OF FORFEITURE OF CHALLENGE FEE**

Immediately after the inquiry is over return the challenge fee of two rupees to the person who made the challenge after taking his receipt in Column 9 of Form 3 List of Challenged Votes and on the counterfoil of the relevant receipt in the receipt book, in every case, except where you are of the opinion that the challenge was frivolous or was not made in good faith. In the latter case, forfeit the challenge fee to Government and do not return it to the challenger and enter the word 'forfeited' in Column 9 of Form 3 and the relevant counterfoil in the receipt book, instead of taking the depositor's signature or thumb impression.

## **7. CLERICAL AND PRINTING ERRORS IN THE ROLL TO BE OVERLOOKED**

The particulars in respect of a voter as entered in the electoral roll are sometimes incorrectly printed or have become out of date e.g., regarding the exact age of the voter. You should overlook mere clerical and printing errors in any entry relating to a voter in the poll, provided that you are otherwise satisfied about the identity of the person claiming to be the voter, according to other particulars entered in electoral roll.

## **8. ELIGIBILITY OF A VOTER NOT TO BE QUESTIONED**

So long as the identity of a voter is established to your satisfaction, he has the right to vote. No question can be raised at the polling station about the eligibility of such a person to be a voter. For instance, you are not entitled to hold any inquiry into the question whether he is over 18 years of age or ordinarily resides in the constituency.

## **CHAPTER XVI**

### **APPLICATION OF INDELIBLE INK AND OBTAINING SIGNATURE/THUMB IMPRESSION OF ELECTOR BEFORE PERMITTING HIM TO RECORD HIS VOTE**

#### **1. INSPECTION OF VOTER'S LEFT FOREFINGER AND APPLICATION OF INDELIBLE INK**

As soon as may be, after the identity of an elector has been verified by the first Polling Officer, and if there is no challenge as to the elector's identity, his left forefinger will be marked with indelible ink by the second polling officer in the manner described in Chapter V. If any elector refuses to allow his left forefinger to be inspected or marked in accordance with instruction or has already such a mark on his left forefinger or does any act with a view to removing the ink, he shall not be allowed to vote.

In case it is noticed that an elector has applied any oily or greasy substance on his finger in order to neutralise the indelible ink mark to be put on his finger, such oily or greasy substance should be removed by the polling officer with the help of a piece of cloth or rug before putting indelible ink mark on the finger of that elector.

#### **2. APPLICATION OF INDELIBLE INK AT FRESH POLL**

At the time of fresh poll/countermanded poll, the marking with indelible ink made at the original poll should be ignored and fresh marking with indelible ink should be put at the root of the nail of the voter's left middle finger in such a way that a portion of the ink spreads on the ridge between the skin and the root of the nail and a clear mark is left. The procedure as explained in para 1 of Chapter XV should be followed in case of Fresh Poll also.

#### **3. APPLICATION OF INDELIBLE INK WHEN ELECTOR HAS NO LEFT FOREFINGER**

If an elector has no left forefinger, then indelible ink should be applied on any such finger which he has on his left hand. If he does not have any fingers on his left hand, the ink should be applied on his right forefinger and if he has no right forefinger, on any other finger which he has on his right hand starting with his right forefinger. If he has no fingers on either hand, ink should be applied on such extremity (stump) of his left or right hand as he possesses.

#### **4. RECORD OF ELECTORAL ROLL NUMBER OF ELECTOR IN REGISTER OF VOTERS**

After the left forefinger of the elector has been marked first time by the Second Polling Officer in the manner explained in the preceding paragraph, he should maintain the record of

such elector in the Register of Voters (Form 11) and obtain the signature/thumb-impression of the elector on that Register.

Such record shall be maintained by the Second Polling Officer in the Register of Voters in the following manner:

- (i) In column (1) of the Register of Voters, the Second Polling Officer will write down the serial numbers of electors in consecutive order, starting with serial number 1. (Generally the serial numbers of electors in consecutive order are already printed in the Register.) Each page of the Register contains 19 serial numbers. If the serial numbers are not already printed in column (1), at the commencement of poll, he can write such serial numbers in advance on a few pages.
- (ii) In column (2) of the said Register, the Second Polling Officer will write down the electoral roll number (i.e., the serial number) of the elector as entered in the marked copy of the electoral roll. For example, if the name of the first elector who comes to vote at the polling station at the commencement of poll is entered at serial number 756 in the marked copy of the electoral roll, the Second Polling Officer will write down serial number 756 in the second column against serial No.1 in the first column of the Register of voters. Likewise, if the second voter's name is entered at serial number 138 in the electoral roll, the Second Polling Officer will write serial number 138 in column 2 against serial number 2 in column 1 of the Register, and so on. Instructions regarding entering the serial number of electors voting on 'E.D.C' are given in Chapter XXI.

After columns (1) and (2) of the Register having been filled in respect of an elector in the manner described above, his signature/thumb-impression shall be obtained by the Second Polling Officer in column (3) of that Register.

## **5. SIGNATURE OF ELECTOR**

A signature may be described as the writing of a person's name on a document with the intention of authenticating that document. A literate person, while signing on the register of voters, will be required to write his name, i.e. both his name or names and his surnames in full or in any case his surname in full or names either in full or by means of initials of that name or names. The preferable course in the case of a literate voter will be to request him to sign his name, i.e., both his name or names and his surname in full. If a literate person puts simply a mark and insists that, that mark should be taken as a signature, while claiming to be a literate person, then, that mark cannot be taken to be his signature because as stated, signature means, in the case of a literate person, the writing of the name of that person by himself in

authentication of a document on which he writes his name. In such a case, if he refuses to sign his name in full as indicated above, then his thumb impression should be taken. If he refuses to give his thumb impression also, then he should not be allowed to vote in terms of rule 70H of the rules, 1994.

## **6. THUMB IMPRESSION OF ELECTOR**

If an elector is unable to sign his name, the impression of his left thumb should be obtained on the Register of Voters. It should be noted that it is not necessary for the Presiding Officer or any Polling Officer to attest such thumb impression on the Register.

In conformity with rule 70G(2)(b) of the Rules, 1994 regarding application of indelible ink, if the left thumb of voter is missing, then the impression of right thumb should be taken. If both thumbs are missing, the impression of one of the fingers of the left hand starting from the forefinger should be taken. If there are no fingers on the left hand, the impression of the fingers of the right hand should be taken. If no fingers are available, the voter being unable to record his vote himself will necessarily have to seek assistance of a companion under rule 70J of the said rules. In that case, the signature or thumb impression of the companion should be taken on the Register of Voters.

It is necessary that the thumb impression on the Register of Voters should be a clear thumb impression. The thumb of the voter should not be inked so lightly from the stamping pad that it gives only a faint or undecipherable impression. Nor should the thumb be inked so heavily that it gives a smudge impression instead of a clear thumb impression on the register.

After taking the thumb impression, the ink on the elector's thumb should be wiped off with the help of wet piece of cloth.

## **7. SIGNATURE/THUMB IMPRESSION ON THE REGISTER OF THE REGISTER OF VOTERS BY BLIND OR INFIRM OR LEPER VOTERS**

Thumb impression of a blind voter or a voter suffering from leprosy should be obtained on the Register of Voters. In case any such voter is literate, he may be allowed to put his signature in place of thumb impression. In case of infirm voter who cannot use either of his hands, his companion shall put his signature or thumb impression on the Register. A note may be made against such entry in the Register regarding that signature or thumb impression being of the companion.

## **8. ISSUE OF VOTER'S SLIP TO ELECTOR**

After an elector's left forefinger has been marked with indelible ink, the entry relating to him made in the Register of Voters and his signature/thumb-impression obtained on that Register, the Third Polling Officer shall prepare a Voter's Slip for that elector in the following form:

**VOTER'S SLIP**

- (1) .Serial No. of elector as per Col. (1) of the Register of voters .....
- (2) Serial No. of elector as entered in the electoral roll .....
- (3) Initials of Polling Officer .....

These Voter's Slips will be got printed by the SEC in a paper of half the dimension of a post-card and will be supplied to you, as one of the items of polling materials, in stitched bundles of hundred slips and/or fifty slips each, having regard to the number of electors assigned to your polling station.

The Voter's Slips prepared by the Third Polling Officer in respect of each elector under paragraph 8 above shall be delivered by him to that elector and the elector shall be directed to proceed to the Presiding Officer or, as the case may be, the Fourth Polling Officer whoever is incharge of the control unit of the voting machine.

# **CHAPTER XVII**

## **1. RECORDING OF VOTES AND VOTING PROCEDURE**

The elector will come to the Fourth Polling Officer in-charge of the control unit of the voting machine with the voter's slip issued to him by the Third polling officer. He will be allowed to vote only on the basis of such voter's slip.

It is absolutely essential that the voters go to the voting compartment to record their votes in the voting machine in exactly the same order in which they have been entered in the Register of Voters. The polling officer in-charge of control unit should, therefore, allow a voter to proceed to the voting compartment strictly according to the serial number mentioned in the voter's slip.

If due to any exceptional circumstance or unforeseen or unavoidable reason, it has not been possible to follow such exact serial order in respect of any elector, a suitable entry showing the exact serial number at which he has voted should be recorded in the remarks column of the Register of Voters against the person concerned. Similar entries should also be made in respect of the subsequent voters whose serial order has been disturbed thereby.

## **2. PERMITTING ELECTOR TO RECORD VOTE**

When the elector comes with the voter's slip to the Fourth Polling Officer in-charge of control unit, the voter's slip will be taken from him and he will be allowed to vote.

All voter's slips collected from electors shall be carefully preserved and kept in a separate cover at the end of poll. The Returning Officer will provide a special cover for the purpose, which will be sealed and secured in the manner directed in Chapter XXVII.

After the voter's slip has been collected from the elector, his left forefinger shall be checked by the fourth polling officer in-charge of the control unit. If the indelible ink made thereon is indistinct or has been removed, the same shall be marked again, so as to leave a clear indelible mark.

The elector shall then be directed to proceed to the voting compartment to record his vote.

## **3. VOTING PROCEDURE**

To enable the elector to record his vote, the 'Ballot' button on the control unit shall be pressed by fourth polling officer in-charge of that unit, which would make the balloting unit(s)

kept in the voting compartment ready for recording the vote. On the Ballot button being pressed, the 'Busy' lamp in the control unit will glow 'Red' and simultaneously the 'Ready' lamp on the balloting unit in the voting compartment will start glowing "Green".

The elector will record his vote in the voting compartment by pressing on the balloting unit, the 'Blue Button' provided against the name and symbol of the candidate of his choice. When he presses that button, the lamp provided on the balloting unit against the name and symbol of that candidate will start glowing 'Red' and 'green' light on the balloting unit will go off. Also, "a beep" sound will be heard emitting out from the control unit. After a few seconds, the beep sound and the red light in the candidate's lamp on the balloting unit and the red light in the 'Busy' lamp on the control unit will also go off.

These visual and audio signs are indicative of the fact that the voter inside the voting compartment has recorded his vote. The voter should forthwith come out of the voting compartment and leave the polling station.

The above procedure will be repeated every time the next voter is to be allowed to record his vote. It should be ensured that only one voter goes at a time inside the voting compartment to vote. It should also be ensured that the Ballot button on the control unit is pressed only when the earlier voter has come out of the voting compartment.

If any voter is not familiar with the voting procedure, and seeks assistance, the procedure given above should be explained to the voter in front of the polling agents. Under no circumstances should anyone enter the voting compartment to assist the voter.

#### **4. TALLYING OF NUMBER OF VOTES POLLED PERIODICALLY**

At any time, if the total number of votes polled upto that time has to be ascertained, the 'Total' button on the control unit should be pressed. The display panel on the control unit will then show the total number of votes polled by that time. This should be periodically done and tallied with the number of voters allowed to vote upto that time as reflected in the Register of Voters.

In any event, you must ascertain and tally the number of votes polled during every two hours interval and record the number of votes polled in the relevant columns in the Presiding Officer's diary.

The total button should be pressed only when the busy lamp is not on, i.e. only after the elector allowed to vote has recorded his vote, and before the next elector is allowed to vote by pressing the Ballot button.

#### **5. PRESIDING OFFICER'S ENTRY IN VOTING COMPARTMENT DURING POLL**

Sometimes, the Presiding Officer may have a suspicion or reason to suspect that the balloting unit kept in the screened voting compartment is not functioning properly or that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period. The Presiding Officer has a right under rule 70I to enter the voting compartment in such cases and to take such steps as may be considered necessary by him to ensure that the balloting unit is not tampered or interfered with in any way and that the poll progresses smoothly and orderly.

Whenever the Presiding Officer enters the voting compartment, he should permit the polling agents present to accompany him, if they so desire.

# **CHAPTER XVIII**

## **MAINTENANCE OF SECRECY OF VOTING BY ELECTORS**

### **1. VOTING PROCEDURE TO BE STRICTLY OBSERVED**

Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He should strictly observe the voting procedure mentioned in Chapter XVII.

### **2. REFUSAL TO OBSERVE VOTING PROCEDURE**

If any elector refuses, after warning given by you, to observe the voting procedure, you or a polling officer under your direction shall not allow such elector to vote under rule 70H (6) of the Rules, 1994. If the elector has already been issued the voter's slip, such slip should be withdrawn from him and cancelled.

Where an elector is not allowed to vote for violating voting procedure, a remark to the effect that voting procedure has been violated "Not allowed to vote . Voting procedure violated" shall be made in the remarks column in the Register of Voters (Form 11) against the entry relating to that elector in that Register by you. You shall also put your full signature below that entry. It shall, however, not be necessary to make any change in the serial number of that elector or of any succeeding elector in column (1) of the Register of voters.

# **CHAPTER XIX**

## **1. VOTING BY BLIND AND INFIRM VOTERS**

If you are satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the symbol on the balloting unit or unable to record his vote by pressing the appropriate button thereon without assistance, you shall permit that elector under rule 70J to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes.

No person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

You shall also keep a record of all such cases in Form 4.

# **CHAPTER XX**

## **1. ELECTORS DECIDING NOT TO VOTE**

If an elector, after his electoral roll number has been duly entered in the Register of Voters (Form 11) and he has put his signature/thumb impression on that register, decides not to record his vote, he shall not be forced or compelled to record his vote.

A remark to the effect that he has decided not to record his vote . 'Refused to Vote'- shall be made by you in the remarks column against the entry relating to him in the Register of Voters. You shall put your full signature below that remark.

The signature or thumb impression of the elector shall also be obtained against such remark under rule 69M.

It shall, however, not be necessary to make any change in the serial number of the elector or of any succeeding electors in column (1) of the Register of Voters.

# **CHAPTER XXI**

## **VOTING BY PUBLIC SERVANTS ON ELECTION DUTY CERTIFICATES**

### **1. FACILITIES FOR VOTING TO PUBLIC SERVANT ON ELECTION DUTY:**

The provisions relating to the exercise of vote by persons on election duty are contained in Rule 70N of the Rules, 1994.

Presiding Officers, Polling Officers, or other public servants on election duty in the constituency in which they are registered as electors have been given the right to opt to vote in person in a polling station in which they are on election duty, if they so desire, and not by postal ballot. Any such voter opting to vote in person has to apply to the Election Officer for such facility.

No steps for identification of such person are required. He may be allowed to vote as under:

- (i) on production of Election Duty Certificate, obtain thereon the signature of the person producing the same;
- (ii) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of electoral roll; and
- (iii) permit him to vote by means of the voting machine in the same manner as for an elector entitled to vote at that polling station.

# **CHAPTER XXII**

## **TENDERED VOTES**

If a person presents himself at the polling station and seeks to vote representing himself to be a particular elector after another person has already voted as such elector, you shall satisfy yourself about the identity of the elector concerned. If you are satisfied about the identity of the elector on his satisfactorily answering such questions relating to his identity as you may ask, you shall allow the elector concerned to vote by means of a tendered ballot paper, but not through the voting machine.

### **1. DESIGN OF TENDERED BALLOT PAPER**

Under rule 69L, a tendered ballot paper shall be of such design and particulars thereon shall be in such language or languages as the SEC may specify. The SEC has specified under that rule that the tendered ballot paper shall be of the same design as the ballot paper, which shall be used for display on the balloting unit of the voting machine at the polling station.

The Returning Officer will, therefore, provide to each polling station ten ballot papers, which he has got printed for use in the balloting units of voting machines, to be used as tendered ballot papers. In case it becomes necessary to supply any additional ballot papers to any polling station for the above purpose, the same will be arranged by the Returning Officer to be supplied to the Presiding Officer of the polling station concerned on demand through the Supervisor incharge of that polling station.

You will write the words 'Tendered Ballot Paper' on the back of these ballot papers in your own hand, if these words are not already stamped there, and issue them, if necessary, as tendered ballot papers.

### **2. ACCOUNT OF TENDERED BALLOT PAPERS**

You shall keep a correct account of all ballot papers (i) received for use as tendered ballot papers, (ii) issued as such to electors, and (iii) not used and returned, in Item 8 of Part I of Form 17.

### **3. RECORD OF VOTERS TO WHOM TENDERED BALLOT PAPERS ISSUED**

You shall also maintain complete record of the electors who have been issued with tendered ballot papers, in Form 5 (**Annexure III**). You shall also obtain the signature or thumb impression of the elector in Column (5) of that Form before delivering a tendered ballot paper to him.

#### **4. RECORDING OF VOTE ON TENDERED BALLOT PAPER**

While delivering a tendered ballot paper to the elector, he shall also be supplied with inked arrow cross mark rubber stamp. This stamp is the same which is used for marking ballot papers, where the conventional system of ballot papers and ballot boxes is used and which will be supplied as one of the items of polling materials for use at the polling station.

On receiving the tendered ballot paper, the elector concerned will mark his vote thereon in the voting compartment by putting the cross mark on or near the symbol of the candidate for whom he intends to vote by means of the arrow cross mark rubber stamp.

The elector will then fold the tendered ballot paper and, after coming out of the voting compartment, hand it over to you.

You shall keep all the tendered ballot papers and the list in Form 5 in a cover specially provided for the purpose and seal the cover at the close of the poll.

If owing to blindness or physical infirmity, such elector is enabled to record his vote without assistance, the Presiding Officer shall permit him to take with him a companion in accordance with the procedure mentioned in Chapter XIX.

## **CHAPTER XXIII**

### **ADJOURNMENT/STOPPAGE OF POLL FOR RIOT, BOOTH CAPTURING, ETC.**

#### **1. STOPPAGE OF POLL FOR FAILURE OF VOTING MACHINE BOOTH CAPTURING ETC.**

Under Rule 70S of the Rules, 1994, the SEC is competent to declare the poll at a polling station to be void and direct a fresh poll, if at that polling station-

- (i) any voting machine has been unlawfully taken away by any unauthorised person, or
- (ii) any voting machine has been accidentally or intentionally destroyed or lost or damaged or tampered with and 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, or
- (iv) any error or irregularity in procedure as is likely to vitiate the poll has been committed, or
- (v) there has been booth capturing.

If any such thing happens at your polling station, you should report full facts forthwith to the Returning Officer to enable him to report the matter to the SEC for its directions.

After considering all material circumstances, if the SEC directs fresh poll to be taken at a polling station, such fresh poll shall be taken in the same manner as the original poll.

All electors entitled to vote at the polling station in question will be entitled to vote again at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the fresh poll. To distinguish the marks to be made at the fresh poll from those already made at the original poll, the SEC has directed that the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

As soon as possible after you have closed the voting machine under rule 70O, you should report the matter with full facts to the Returning Officer. The Returning Officer shall, in

turn, report the full facts of such case to the SEC through the fastest means of communication available.

The SEC, on receipt of the report from the Returning Officer and after taking into account all material circumstances, may.

- (i) either decide to have the adjourned poll completed from the stage it was adjourned by providing a new voting machine, if it is satisfied that the poll upto that stage was not vitiated, or
- (ii) declare the poll at the polling station as void, if it is satisfied that the poll was vitiated and direct a fresh poll at that polling station.

Where the poll is adjourned/stopped for the day by the closure of the voting machine as per provisions given above, the voting machine and all election paper shall be sealed and secured in the same manner as on the close of poll.

Further steps to complete the adjourned poll or, as the case may be, conduct a fresh poll as directed by the SEC shall be taken in accordance with the procedure already mentioned in previous Chapters.

# **CHAPTER XXIV**

## **CLOSE OF POLL**

### **1. VOTING BY PERSONS PRESENT AT POLLING STATION AT CLOSING HOUR**

The poll should be closed at the hour fixed for the purpose, even if for certain unavoidable reason it had commenced somewhat later than the hour appointed for the commencement of poll. However, all electors present at the polling station at the hour appointed for the close of poll should be permitted to cast their votes even if the poll has to be continued for sometime beyond the appointed closing hour.

A few minutes before the appointed closing hour of the poll, announce to all those within the limits of the polling station who are waiting to vote that they will be allowed to record their votes in turn. Distribute to all such electors, slips signed by you in full, which should be serially numbered from serial No. 1 onwards according to the number of electors standing in the queue at that hour. Continue the poll even beyond the closing hour until all these electors have cast their votes. Depute police or other staff to watch that no one is allowed to join the queue after the appointed closing hour. This can be effectively ensured if the distribution of slips to all such electors is commenced from the tail of the queue and proceeded backwards towards its head.

### **2. CLOSING OF POLL**

After all the electors present at the polling station at the appointed closing hour have voted as provided in the preceding para, you should formally declare the poll as closed and should not permit any person to vote thereafter in any circumstance.

### **3. CLOSING THE CONTROL UNIT OF VOTING MACHINE**

For closing the poll after the last voter has recorded his vote, the voting machine has to be closed so that no further recording of votes in the machine is possible. For that purpose, you should press the 'Close' button on the control unit. When the 'Close' button is pressed the display panels on the control unit will show the total number of votes recorded in the voting machine till the end of the poll (but not the candidate-wise tally). The total number of votes recorded in the machine should be immediately noted in Item 5 of Part I of Form 17. You should thereafter disconnect the balloting unit from the control unit and put the power switch to 'OFF' position in the rear compartment of the control unit.

The 'Close' button is provided in a compartment in the Result Section below the blue coloured rubber cap on its outer cover and can be reached by simply pulling out the rubber cap.

The rubber cap should be replaced after the 'Close' button has been pressed and the poll closed.

Once the 'Close' button is pressed, the voting machine will not accept any further votes. You should, therefore, be extremely cautious and absolutely certain before pressing the 'Close' button that no elector who was present at the time fixed for the close of poll remains to vote.

You should also note that the 'Close' button will function only when the 'Busy' lamp on the Control unit is not on, i.e., only after the last elector allowed to vote has recorded his vote. If the 'Busy' lamp is on by reason of the 'Ballot' button having been pressed by mistake after the last elector has recorded his vote or such last elector refusing to record his vote after the 'Ballot' button has been pressed for him, the 'Busy' lamp can be put off by switching off the 'Power' switch in the rear compartment of the control Unit and disconnecting the balloting unit(s) from the Control Unit. After disconnecting the balloting unit(s) from the control unit the 'Power' should again be put 'ON'. Now the 'Busy' Lamp will go off and the 'Close' button will become functional.

# **CHAPTER XXV**

## **ACCOUNT OF VOTES RECORDED**

### **1. PREPARATION OF ACCOUNT OF VOTES RECORDED**

After the close of poll, you are required to prepare, under rule 70Q of the Rules, 1994, an account of votes recorded in the voting machine. Such account shall be prepared by you in Part I of Form 17. This should be prepared in duplicate.

As already explained in the preceding chapter, the total number of votes recorded in the voting machine at the close of poll shall be ascertained by pressing the 'Close' button. If necessary, that button can again be pressed to get the required information.

You must not forget that the total number of votes recorded in the voting machine must be equal to the total number of voters registered as per column (I) of the Register of Voters (Form 11) minus the number of voters who decided not to vote (as per the remarks column of that register) and also minus the number of voters not allowed by you to vote for violating the secrecy of voting (as per the remarks column of the said Register).

The two copies of account of votes recorded in Form 17 should be kept by you in a separate cover with the words "Account of Votes Recorded" superscribed therein.

### **2. SUPPLY OF ATTESTED COPIES OF ACCOUNT OF VOTES RECORDED TO POLLING AGENTS**

You are also required to furnish to every polling agent present at the close of the poll, a true attested copy of the account of votes recorded as prepared by you in Form 17, after obtaining a receipt from those polling agents. Copies of the accounts should be furnished to every polling agent present even without his asking for it.

To enable you to make the required number of copies of the account of votes recorded in Form 17 you will be supplied with as many copies of the printed form (Form 17) as the number of contesting candidates plus two or three more for the original account. If possible, you should prepare the required number of copies with the help of carbon paper, while filling in the entries in the original account itself, so that all such copies, supplied to polling agents and the original account are identical in every respect.

### **3. DECLARATION TO BE MADE AT THE CLOSE OF POLL**

In order to ensure that above mentioned requirements regarding furnishing of copies of account of votes recorded by polling agents are fulfilled by you, the SEC has advised a declaration (Part III, Annexure VIII) which should be made and completed by you at the close of poll.

# **CHAPTER XXVI**

## **SEALING OF THE VOTING MACHINE AFTER CLOSE OF POLL**

After the poll has been closed and the account of votes recorded in the voting machine has been prepared in Form 17 and copies thereof furnished to the polling agents present, the voting machine should be sealed and secured for transportation to the counting/collection centre.

For sealing and securing the voting machine, the power switch in the control unit should be switched 'OFF' and the balloting unit(s) and the control unit should first be disconnected. The balloting unit(s) and the control unit should be put back in their respective carrying cases.

Each carrying case should then be sealed at both ends by passing a thread through the two holes provided for the purpose on both sides of the carrying case and putting thread seal with the .Presiding Officer's seal on an address tag showing the particulars of the election, the polling station and the unit contained therein.

The particulars on the address tag on the control unit and balloting unit shall be the same as mentioned in para 2 of chapter III. The candidates or their polling agents as are present and desirous of putting their seals should also be allowed to do so.

The names of the Candidates/Polling Agents who have affixed their seals on the carrying cases of the balloting unit(s) and control unit should also be noted by you in the declaration which you have to make at the close of the poll vide Part IV of Annexure VIII.

# **CHAPTER XXVII**

## **SEALING OF ELECTION PAPERS**

### **1. SEALING OF ELECTION PAPERS IN PACKETS**

After the close of poll, all election papers relating to the poll shall be sealed in separate packets as required by rule 70P of the Elections Rules, 1994.

All the packets so sealed, except the packets containing (i) the account of Votes Recorded and Paper Seal (Form 17), (ii) the declarations by the Presiding Officer before the Commencement of poll, during the poll and after close of poll (**Annexure VIII**), and (iii) the Presiding Officer's Diary, should be put in four large packets as explained in paragraph 3 below and sent to the Election Officer.

The covers containing

- (i) the Account of Votes Recorded and Paper Seal Account,
- (ii) the declarations by the Presiding Officer, and
- (iii) the Presiding Officer's Diary should be sent separately alongwith the voting machine to the receiving centre.

**2.** You should allow each candidate of his election agent or his polling agent who may be present at the polling station to affix their seals on the envelopes and packets containing the following documents:

- (i) the marked copy of electoral roll;
- (ii) the Register of Voters;
- (iii) Voter's slips;
- (iv) the used tendered ballot papers and the list of tendered votes in Form 5;
- (v) the unused tendered ballot papers;
- (vi) the list of challenged votes;
- (vii) the certificate in Form 12 produced by the officers on election duty; and
- (viii) any other papers that the Returning Officer has directed to be kept in a sealed packet.

### **3. PACKING OF 'STATUTORY COVERS' AND 'NON-STATUTORY COVERS' AND ELECTION MATERIALS**

In order to avoid delay and inconvenience of waiting of the place for depositing sealed voting machine, election papers and all other materials, you are advised to pack the covers and

other materials in four separate large packets, as explained below, and hand them over at the place appointed for receipt thereof.

1. The First Packet should contain the sealed covers mentioned below and should be superscribed as 'STATUTORY COVERS':

- (i) the sealed cover containing the marked copy of the electoral roll
- (ii) the sealed cover containing the Register of Voters;
- (iii) the sealed cover containing voter's slips;
- (iv) the sealed cover containing unused tendered ballot papers;
- (v) the sealed cover containing the used tendered ballot papers and the list in Form 5.

**4.** Even if a statement or record to be put in any cover mentioned above is nil, a slip noting on it that the statement or record is 'Nil' may be put in the cover and the total number of five covers made ready so that no necessity arises for the receiving official at the receiving centre to enquire about the non-production of any of the sealed covers to be received by him.

II. The Second packet should contain the following covers and should be superscribed as 'NON-STATUROTY COVERS':

- (i) the cover containing the copy or copies of electoral roll (other than the marked copy);
- (ii) the cover containing the appointment letters of Polling Agents in Form 2;
- (iii) the cover containing the election duty certificate in Form 12;
- (iv) the sealed cover containing the list of challenged votes in Form 3;
- (v) the cover containing the list of blind and infirm electors in Form 4;
- (vi) cover containing the receipt book and cash, if any, in respect of challenged votes;
- (vii) cover containing unused and damaged paper seals;
- (viii) cover containing unused voter's slips ;
- (ix) cover containing unused and damaged special tags; and
- (x) Cover containing unused and damaged strip seals.

III. The third packet should contain the following items:

- (i) the Handbook for Presiding Officer;
- (ii) indelible ink set (with stopper having been secured on each phial effectively with molten candle or wax applied thereon to prevent leakage or evaporation);
- (iii) self-inking pads;
- (iv) the metal seal of the Presiding Officer;
- (v) the arrow cross-mark rubber stamp for marking tendered ballot paper;

IV. All the other items, if any, should be packed into the Fourth packet.

**5.** Each of the five smaller covers/packets to be included in the first packet marked statutory Covers should be sealed. The other smaller covers/packets containing various non-statutory papers and items of election materials to be included in the second, third and fourth packets marked .Non- Statutory Covers. may be prepared separately, but need not be sealed (except the cover containing list of challenged votes in Form 3) in order to save time. All these unsealed covers and the sealed cover, containing list of challenged votes in Form 3, should simply be placed in the respective bigger covers along with a check memo signed by the Presiding Officer. These three bigger packets need not be sealed; but may be properly secured by means of pins or thread so that the contents may be checked at the receiving centres. The first packet marked 'Statutory Covers' should, however, be sealed by the Presiding Officer after checking of the contents at the receiving centre.

# CHAPTER XXVIII

## COUNTING OF VOTES

**1.** As per rule 70U of the Election Rules, 1994 counting of the votes can be done by the Returning Officer or by the Presiding Officer, if you have been authorized to do the counting on polling station, you should read this chapter carefully. After satisfying that the paper seal is intact, the control unit is the same as was supplied at the polling station and there is no tampering with the same, the votes recorded therein shall be counted. For counting of votes recorded in the machine, the following procedure should be followed:-

- i. Switch 'on' the control unit by pushing 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 Result I Button 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 the polling station shall be displayed automatically in the Display Panels of the control unit. Supposing, there are nine contesting candidates and the total number of votes polled at the polling station is 758, the votes secured by each candidate will be displayed on the Display Panels in the following sequences:-

v.

	9
to	758
01	109
02	59
03	77
04	263
05	38
06	02

07	51
08	94
09	61
	END

- v. Note down the above result as displayed sequentially candidate-wise in .Part II - Result of Counting of Form 17.

If required, press the Result I Button again to enable the candidates and/or their agents to note down the above result.

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

## **2. ADJOURNMENT OF COUNTING**

You should proceed with the counting at each place continuously. In case you have 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 place 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 your seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to yours on such room.]

The Observers appointed by the SEC under section 8D of the Act, 1994 have the power to direct you to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the Observer booth capturing has taken place at a large number of the polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of your custody or are accidentally or intentionally destroyed or lost or are damaged or tampered

with to such an extent that the result of the poll at the polling station or placed cannot be ascertained. In such case, the Observers have no power to order re-commencement of the counting. It will recommence only on the order of the SEC.

### **3. PROCEDURE TO BE FOLLOWED IN CASE OF DESTRUCTION, LOSS, ETC., OF VOTING MACHINES BEFORE COMPLETION OF COUNTING**

The SEC is competent to 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 his 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, you should forthwith report full facts of the case to the SEC and await its directions in regard to the counting of votes.

### **4. PROCEDURES TO BE FOLLOWED IN THE CASE OF BOOTH-CAPTURING AT THE COUNTING CENTRE**

Under Section 30 of the Act, 1994, if booth-capturing takes place at any place of counting in such a manner that result of the counting at that counting center cannot be ascertained, the Returning Officer shall forthwith report the matter to the SEC through the Deputy Commissioner.

On receipt of the report of the Returning Officer, the SEC shall, after taking all material circumstances into account, either direct a repoll at the affected polling stations or countermand the election. Therefore, once you have reported the matter to the SEC, under Rule 70S of the Rule, 1994, await its directions in this regard and proceed further according to its directions when received.

### **5. COUNTING AFTER REPOLL**

If any repoll has been held at a polling station in accordance with the directions given by the SEC, you should fix the date, time and place for counting the votes recorded in

such repoll and give notice of the same in writing to every candidate or his election agent. You should follow the same procedure as detailed above for such further counting as far as it is applicable.

## **6. RESEALING OF VOTING MACHINES AFTER COUNTING**

After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II - Result of Counting of Form 17 and in the Final Result Sheet as in Form 8 the control unit is required under Rule 70V of Rule, 1994, to be resealed with the seal of the Returning Officer and the seals of such of the candidates or their election agents who may desire to affix their seals thereon. The resealing has however to be done in such a manner that the result of voting recorded in the control unit is not obliterated and the unit retains the memory of such result. The aforesaid resealing of control units should be done in the following manner:-

i. Remove the battery from the Candidate Set Section of the control unit by removing the seal. After the removal of the battery, the cover of the Candidate Set Section should be resealed.

**[N.B.** Removal of the battery is necessary so that it does not leak with the passage of time and damage the machine. Removal of the battery will not however obliterate the result of voting recorded in the control unit as the unit will retain its memory even without the battery.]

ii. Close the outer cover of the Result Section and reseal it.

iii. Keep the control unit so resealed in its carrying case.

iv. Reseal the carrying case.

v. Attach firmly to the handle of the carrying case an address tag containing the following particulars:-

- a) particulars of the election;
- b) name of the constituency/ward;
- c) the particulars of polling station where the control unit has been used;
- d) serial number of the control unit;
- e) date of poll;
- f) date of counting;

The control units so resealed should be kept in specially prepared bigger boxes for safe storage.

The balloting units must have been received by you from the polling stations duly sealed and secured in their carrying cases by the respective Presiding Officers. Normally, these units will not require to be opened at the time of counting. If any balloting unit is taken out of its carrying case for inspection or verification at the time of counting, it should be kept back in its carrying case after such inspection or verification and sealed.

The balloting units should also be kept in specially prepared bigger boxes for safe storage. All the control units and the balloting units used at the election are thus ready for transportation to the place of storage.

## **7. SAFE CUSTODY OF VOTING MACHINES**

Under sub-rule (I) of Rule 70V of the Rule, 1994, the voting machines sealed as above shall be kept in the safe custody of the Deputy Commissioner as per 70X of the Rule, 1994, they shall not be opened or inspected by or produced before any person or authority except under the orders of a competent court. The machines so sealed shall be retained intact for such period as the SEC may direct and shall not be used for next election without the prior approval of the SEC under sub rule (1) of 70Y of the Rules, 1994.

## **8. DRAWING UP OF PROCEEDINGS**

After the sealing of the voting machines and election papers at the counting place after the counting of votes, you should draw up proceedings mentioning therein:-

- (i) the full particulars of the candidates/agents present in the counting hall;
- (ii) the fact that they were asked to affix their seals on the voting machines and packets of election paper, if they so desired; and
- (iii) the particulars of persons who had affixed their seals on the voting machines and packets and the particulars of those persons who had refused to do so.

Then, you should sign the proceedings and obtain on it the signatures of such of the candidates / agents as are present and willing to sign. The proceedings should be put inside an envelope which should be sealed and the sealed envelope be kept along with the packets of election papers.

# **CHAPTER XXIX**

## **PREPARATION OF THE DIARY AND DELIVERY OF VOTING MACHINES AND ELECTION PAPERS AT COLLECTION CENTRES**

### **1. PREPARATION OF THE DIARY**

You should record the proceedings connected with the taking of the poll in the polling station in the diary to be maintained for the purpose. The proforma of diary is reproduced at **Annexure XII**. However you will be furnished with a duly serially numbered proforma of the diary and that proforma alone should be used by you.

You must go on recording the relevant events as and when they occur. You should mention all important events therein.

It has been observed in many cases that the Presiding Officers do not make the entries in the relevant columns of the diary at regular intervals or from time to time as envisaged, and fill in all entries and complete the diary at the end of the poll. This is highly objectionable. It should be noted that any lapse on your part in the proper maintenance of diary at all points of time during the process of poll will be very seriously viewed by the SEC.

### **2. TRANSMISSION OF VOTING MACHINE AND ELECTION PAPERS TO THE RETURNING OFFICER**

After the Voting machine and all election papers have been sealed and secured by you after the close of poll in the manner explained in Chapters XXVI and XXVII, you have to deliver them or cause them to be delivered at such place as the Returning Officer may direct and in accordance with such arrangements as the Returning Officer may make.

The voting machine and the election papers should be delivered or caused to be delivered at the collection centre with Zero delay. Any delay in this behalf will be viewed by the SEC with utmost concern and will invite severe disciplinary action against all concerned.

**3.** You will hand over to the Official-in-charge of the collecting centre the following twelve items of election records and materials and obtain a receipt:-

- (i) the control unit and balloting unit(s) of the voting machine duly sealed in their respective carrying cases;
- (ii) the cover containing the account of votes recorded and paper seal account;
- (iii) the cover containing the declarations of the Presiding Officer;
- (iv) the cover containing the Presiding Officer's diary;
- (v) the first packet superscribed statutory covers (containing 5 covers);

- (vi) the second packet superscribed non-statutory covers (containing 10 covers);
- (vii) the third packet containing 5 items of election materials;
- (ix) material for voting compartment;
- (x) polythene bag/gunny bag to carry polling materials; and
- (xi) fourth packet containing all other items, if any. All the above items will be cleared by the receiving official(s) at the collecting centre in your presence and there after you will be relieved.

# **CHAPTER XXX**

## **BRIEF GUIDELINES FOR THE PRESIDING OFFICERS / POLLING OFFICERS**

1.1 Maintain close relation with members of your Polling Party.

1.2 Unless there is team work, your task becomes more difficult.

2.1 Ensure that -

- (a) you have been supplied with the Control Unit and the requisite number of balloting units of the voting machine and the same are meant to be used at your polling station;
- (b) appropriate ballot paper has been duly affixed and properly aligned on each balloting unit;
- (c) slide switch on each balloting unit has been set to appropriate position;
- (d) the candidate set section of the control unit and each balloting unit are duly sealed and address tags are firmly attached to each of them.

2.2 Ensure that all the Polling materials have been given to you.

2.3 Check-up particularly the Register of Voters, voter's slips, ballot papers to be used for tendered votes, arrow cross mark rubber stamp for marking tendered Votes, paper seals, sealing wax, indelible ink, etc.

2.4 Compare marked copies of Electoral Roll with other copies and see that all copies are identical and that marked copy of Electoral roll contains no mark other than 'PB' and 'EDC'.

2.5 See that

- (i) deletions of names and corrections as per supplement have been incorporated in all copies of electoral roll;
- (ii) all pages of working copy of roll are serially numbered in manuscript;
- (iii) printed serial numbers of voters are not corrected and no new number substituted.

- 3.1 Arrive at least 75 minutes before the hour fixed for the commencement of poll at the Polling Station.
- 3.2 Set up Polling Station as per model lay out as far as practicable.
- 3.3 Ensure separate entrance and exit for voters at Polling Station.
4. On the day of Poll, display outside your Polling Station-  
A notice specifying the Polling area, copy of the list of contesting candidates.
5. Appoint a Polling Officer locally if any Polling Officer is absent.
6. Start preparation of Voting machine at least one hour before the hour fixed for the commencement of poll.
  - 7.1 Interlink balloting units and control unit
  - 7.2 Put the power switch 'ON' in the rear compartment of Control unit.
  - 7.3 Secure the rear compartment of the Control unit by tying a thin wire and giving it a few twists.
  - 7.4 Show to all Polling agents present/that the Voting machine is clear and no vote is recorded already therein.
  - 7.5 Conduct a mock poll by polling agents to record a few votes for each of the candidates.
  - 7.6 Clear the machine after conducting the mock poll and showing the result of such mock poll to all present
- 8.1 Fix paper seal(s) in the frame on the door of the inner compartment of Result Section of control Unit.
  - 8.2 Close the door of the inner Compartment of Result Section in such a way that the two open ends of the paper seal project outwards from the sides of the inner compartment.
    - 8.1 Put your full signature on the white surface of the paper seal below the printed serial number.
    - 8.4 Obtain the signatures of polling agents present and desirous of putting the same on the paper seal. Allow them to note the serial number of paper seal.
    - 8.5 Seal the door of the inner compartment of Result section of Control unit with Special Tag.

9.1 Close and seal the outer cover of Result Section of Control Unit. Firmly attach an address tag thereto.

9.2 Secure and seal the Control Unit from outside completely with the Strip Seal.

9.3 Allow the polling agents also to affix their seals on the outer cover of Result Section of Control Unit.

10.1 Place the balloting unit(s) in the voting compartment. Place the Control unit on your table.

10.2 Put the interconnecting cable in such a manner that the Voters have not to cross or tread over the same while going in or coming out of the Voting Compartment.

11.1 Demonstrate to the polling agents present that the marked copy of the electoral roll does not contain any entries other than PB and EDC.

11.2 Demonstrate also that the Register of Voters (Form 11) does not contain any entry.

12. Sign and read out the declaration before the commencement of poll.

13.1 Commence the poll at the appointed hour.

13.2 Warn every one present to maintain secrecy of voting by reading out aloud section 23 of the Act, 1994.

14. Allow only one Polling Agent of a candidate inside the polling station at any given time.

15. Ensure free and fair poll.

16. Show due courtesy and regard to the observer appointed by the SEC and furnish him all information required by him.

17. Canvassing within one hundred meters of the Polling Station is an offence.

16. Smoking inside Polling Station is prohibited.

19.1 The duties of polling officers are as under:

The first polling officer will have the marked copy of the electoral roll and will identify the electors. The printing and clerical mistakes in the roll will be overlooked by him. The second polling officer will have the indelible ink and Register of Voters. He will apply indelible ink on the forefinger of the elector. The Second Polling Officer will also enter the part number and serial

number of the elector on the Register of Voters in Column(2) of the Register and obtain the signature/thumb impression of the voter. The third polling officer will also prepare and issue the voter's slip to the elector. The fourth polling officer will be incharge of the Control unit. He will take the voter's slip from the elector, check indelible ink on his left forefinger and allow him to vote by pressing the 'Ballot' button on Control Unit.

19.2 Allow the electors to record their Votes exactly in the same order in which they have been entered in the Register of Voters. Do not allow them to vote unless they have put their signature/thumb impression on the Register of Voters.

20.1 Do not entertain any challenge to the identity of an elector unless the challenger pays challenge fee of five rupees in cash. Maintain record of such challenged votes in Form 3.

20.2 If the challenge is established, hand over the personator to the police with a complaint in writing.

21.1 Do not press or compel an elector to vote if he decides not to vote after his particulars have been noted in the Register of Voters. Make an entry to that effect in the Remarks column against the entry relating to that elector in the Register.

21.2 Do not change any serial number in column 1 of the Register of voters because of any elector who decides not to vote.

22.1 Allow an elector to vote by means of tendered ballot paper if he turns up at the polling station after some one else has already voted in his name and you are satisfied about his identity. Do not allow him to record his vote in the voting machine.

22.2 Maintain record of such electors to whom tendered ballot papers have been issued in Form 5. Keep the tendered ballot papers and list in Form 5 in a separate cover.

23.1 Do not allow an elector to vote if he refuses to follow the prescribed voting procedure to maintain secrecy of voting after being warned by you.

23.2 Make an entry to that effect in the Remarks Column against the entry relating to him in the Register of Voters. Do not change any serial numbers in column 1 of that Register because of such elector.

24.1 Distribute serially numbered slips duly signed by you to all electors standing in queue a few minutes before closing hour of poll, starting the operation from the end of the queue.

- 24.2 Allow all persons to whom such slips have been issued to vote even if the poll has to be continued for some time beyond the appointed closing hour.
- 25.1 Formally announce the close of poll after the last such elector has voted.
- 25.2 Close the voting machine by pressing the 'close' button on the control unit. Replace the blue coloured rubber cap over the 'Close' button after it has been so pressed.
- 26.1 Prepare the Account of Votes Recorded in Form 17.
- 26.2 Give attested copies of the account of votes recorded to the polling agents. Make declaration to that effect in the prescribed declaration Form.
- 27.1 After the close of poll, disconnect the balloting unit(s) and Control unit.
- 27.2 Put the power switch 'Off' in the rear compartment of Control Unit.
- 28.1 Keep the control unit and balloting unit(s) in their respective carrying cases.
- 28.2 Seal the carrying cases on both ends. Firmly attach address tags to each carrying case.
- 28.3 Allow all polling agents to affix their seals on these carrying cases.
- 29.1 Seal all election papers and materials in separate packets.
- 29.2 Affix your seal on the covers containing
- (1) marked copy of electoral roll,
  - (2) Register of Voters,
  - (3) Voter's slips,
  - (4) used tendered ballot papers and list in Form 5, and
  - (5) unused tendered ballot papers.
- 29.3 Allow all polling agents to affix their seals on these covers.
- 30.1 Keep all packets of election papers and materials in four bigger packets.
- 30.2 The first sealed packet superscribed 'Statutory covers' should contain five sealed covers.
- 30.3 The second packet of 'Non-Statutory covers' should contain nine covers.
- 30.4 The third packet should contain five items.
- 30.5 All other items should be packed into the fourth packet.

31. Keep the (1) account of votes recorded (Form 17), (2) declarations made by you before the commencement of poll and end of poll, and (3) Presiding Officer's diary in separate packets, which should not be put in any of the four bigger packets mentioned above.
32. Deliver the voting machine, the three packets mentioned in item 31 and four bigger packets mentioned in item 30 at the collection centre promptly after the poll, without any delay.
33. In order to keep complete and accurate account of events at the polling station, maintain the Presiding Officer's diary properly in all respects. Complete the entries therein as and when any event takes place and not at the end of poll.
34. If open violence or riot takes place at the polling station, adjourn the poll. Report forthwith full facts to the Returning Officer.
35. If there is booth capturing or any voting machine or election materials like Register of Voters, marked copy of the electoral roll, etc., are unauthorisedly taken away from your custody or damaged or tampered with, close the poll. Report full facts to the Returning Officer forthwith.

# **ANNEXURE I**

## **EXTRACTS OF THE HARYANA MUNICIPAL CORPORATION ELECTIONS RULES, 1994.**

**15A. Identity cards for electors in notified constituencies.-** With a view to prevent impersonation of electors and facilitating their identification at the time of poll, the State Election Commission may, by notification in the Official Gazette, direct that the Voter's Identity Card issued by the Election Commission of India shall be adopted for the Municipal Corporation elections in the State and the provisions of rules, instructions and orders made in this regard by the Election Commission of India, subject to such modifications as may be issued by the State Election Commission, shall be applicable for production by the electors at the time of poll of Municipal Corporation Election.

**40. Appointment of polling agents.-** (1) The number of polling agents that may be appointed shall be one agent and two relief agents.

(2) Every such appointment shall be made in form 2 and shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the Presiding Officer the declaration contained therein.

**40B Appointment of counting agent.-** (1) A contesting candidate or his election agent may appoint not more than one counting agent in respect of each counting table at the place or at each of the places fixed for counting, to be present as his agents at the time of counting of votes of the ward in which he is a candidate.

(2) Every appointment of counting agent shall be made in Form 2B and a copy thereof shall be forwarded to the Presiding Officer where the counting is to be made at the polling station itself and to the Returning Officer, in cases where the counting of all the votes polled at all the polling stations of a ward is to be made at one place. Another copy shall be made over to the counting agent for production before the Presiding Officer or the Returning Officer, as the case may be, not later than an hour before the time fixed for counting of votes.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Presiding Officer or the Returning Officer, as the case may be, the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the Presiding Officer or the Returning Officer an authority for entry into the place fixed for counting."

**50 Voting by marking ballot papers.-** The voting shall be given by marking the ballot paper or by giving and recording of votes by voting machines, as the State Election Commission may, having regard to the circumstances of each case, specify.

**Explanation.-** For the purpose of this rule “voting machine” means any machine or apparatus whether operated electronically or otherwise used for casting or recording of votes and any reference to a ballot box or ballot paper in the Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.

**70A. Voting and counting of votes by voting machines.-** In relation to voting and counting of votes, custody, inspection and disposal of election papers etc., where voting machine is used, the provisions of rules in Part III, except the rules 36, 37, 39, 41, 44, 46, 51A, 53, 54, 56, 58, 59, 60, 66 and 67, shall, in so far as may be, apply mutatis mutandis and any reference in those provisions to ballot paper shall be construed as including a reference to such electronic voting machine.

**70B. Arrangement at polling station.-** (1) There shall be displayed outside each polling station-

- (a) a notice in Hindi specifying the polling area, the electors of which are entitled to vote at that polling station; and
- (b) another notice in Hindi giving the names of each candidate in the same order in which the names of such candidates appear in the list of contesting candidates published under rule-31 together with the description of symbol which has been assigned to each candidate under rule 30.

(2) At each polling station, there shall be set-up one or more voting compartments in which the voters can record their votes free from observation.

(3) The Returning Officer shall provide at each polling station one electronic voting machine, copies of the relevant part of the electoral roll and such other articles and materials necessary for voters to vote.

(4) Where a polling station is for both men and women, the Presiding Officer may direct that there shall be separate queue for men and women and that they may be admitted into the polling station alternatively in separate batches.

**70C. Design of electronic voting machine.-**Every electronic voting machine (hereinafter referred to as the “voting machine”) shall have a control unit and a balloting unit and shall be of such design as may be approved by the State Election Commission.

**70D. Preparation of voting machine by Returning Officer.-**Subject to the provisions of rule 37, the Returning Officer shall-

- (a) fix the ballot paper containing the names and symbols of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;
- (b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

**70E. Preparation of voting machine for poll.-** (1) For securing the control unit of voting machine, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the candidates, election agents and polling agents present as are desirous of affixing the same.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of voting machine and shall secure and seal the same.

(3) The seal used for securing the control unit of voting machine shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result section" without breaking the seal.

(4) Every control unit and balloting unit of the voting machine used at a polling station shall bear labels, both inside and outside marked with-

- (a) the ward number and name of municipal corporation;
- (b) the serial number and name of the polling station;
- (c) the serial number of the unit; and
- (d) the date of poll.

(5) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the labels as referred to in sub-rule (4).

(6) The control unit shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the candidates, election agents and polling agents present and the balloting unit placed in the voting compartment.

**70F. Form of ballot paper.-** (1) Every ballot paper shall be in such form as may be specified by the State Election Commission.

(2) The names of the candidates shall be shown on the ballot paper in the same manner and arranged in the same order in which they appear in the list of contesting candidates.

(3) The particulars on the ballot paper shall be in Hindi in Devnagri script.

(4) The ballot papers shall be serially numbered.

(5) The symbol allotted to the candidates under rule 30 shall be shown alongside the name of the candidates on the ballot paper.

- (6) The space allotted to each candidate on the ballot paper shall have the same dimension.
- (7) 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.

**70G. Procedure for voting by voting machines.-** (1) Before permitting a voter to vote, the Polling Officer shall-

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in form 11;
- (b) obtain the signature or thumb impression of that voter on the said register of voters; and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote:

Provided that no elector shall be allowed to vote unless he has put his signature or thumb impression on the register of voters.

- (2) (a) Before permitting an elector to vote, the Presiding Officer shall cause a mark to be put on the left forefinger of the voter with an indelible ink :

Provided that where such a mark already exists on the left forefinger of the elector, it shall be deemed that he had cast his vote already at the election and shall not be permitted to vote :

Provided further that no elector shall be allowed to vote unless he has allowed a mark to be put on his left forefinger with indelible ink.

- (b) Any reference in clause (a) of this sub-rule to the left forefinger of a elector shall in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall in the case where all the fingers of his left hand are missing be construed as a reference to the forefinger of the right hand and shall, in case the fingers of both the hands are missing, be construed as a reference to such extremity of the left or right arm as he possesses.

- (3) It shall not be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the voter on the register of voters.

**70H. Procedure for voting and secrecy of voting.-** (1) Every elector who has been permitted to vote under rule 70G shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

- (2) Immediately on being permitted to vote, the elector shall proceed to the Presiding Officer or the Polling Officer in charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of the elector's vote.

- (3) The elector shall, thereafter, forthwith-

(a) proceed to one of the voting compartments;

(b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and

(c) come out of the voting compartment and quit the polling station.

(4) Every elector shall vote without undue delay.

(5) No elector shall be allowed to enter a voting compartment when another elector is inside it.

(6) If an elector who has been permitted to vote under rule 70G refuses after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (3), the Presiding Officer or a Polling Officer under the direction of Presiding Officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated, shall be made against the name of the voter in the register of voters in form 11 by the Presiding Officer under his signature.

**70I. Presiding Officer's entry in the voting compartment during poll.-** (1) The Presiding Officer may, whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

(2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment, is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

**70J. Recording of votes by blind or infirm electors.-** (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the names and symbols of the candidates on the balloting unit of the voting machine or unable to record the vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

Provided that no person shall be permitted to act as the companion of more than one voter at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he shall keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep a record in form 4 of all cases under this rule.

**70K. Identity of voter.-** At any time before permitting the elector to vote, the Presiding Officer or Polling Officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such polling station he shall, if so required by a candidate or polling agent, satisfy himself by putting to the voter such questions as he may deem necessary that such person is identical with the elector to whom such entry relates.

**70L. Tendered votes.-** (1) If a person representing himself to be a particular voter seeks to vote after another person has already voted as such voter, he shall, on satisfactorily answering such question relating to his identity as the Presiding Officer may ask, instead of being allowed to vote through the balloting unit, be supplied with a tendered ballot paper which shall be of such design as the State Election Commission may specify.

(2) Every such person shall, before being supplied with a tendered ballot paper, write his name against the entry relating to him in the list in form 5.

(3) On receiving the ballot paper he shall forthwith --

(a) proceed to the voting compartment;

(b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) show to the Presiding Officer, if required, the distinguishing mark on the ballot paper;

(e) give it to the Presiding Officer who shall place it in a cover specially kept for the purpose; and

(f) leave the polling station.

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 70G for recording the vote in accordance with his wishes.

**70M. Elector deciding not to vote.-** If an elector, after his electoral roll number has been duly entered in the register of voters in form 11 and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 70G, decides not to record his vote, a remark to this effect shall be made against the said entry in form 11 by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

**70N. Voting by officers on election duty.-** (1) An elector who has been put on election duty as a Presiding Officer, a Polling Officer or in any other capacity in a polling station of a ward other than the one in which he is entitled to vote, and wishes to vote in the polling station in which he is on election duty, he shall send an application in form 10 to the Returning Officer to allow him to vote at the polling station at which he is on duty, at least ten days before the days

fixed for poll, and if the Returning Officer is satisfied that the applicant is a public servant and voter on election duty, he shall-

- (a) issue to the applicant an Election Duty Certificate in form 12;
  - (b) mark Election Duty Certificate against his name in the marked copy of the electoral roll to indicate that an Election Duty Certificate has been issued to him; and
  - (c) ensure that he is not allowed to vote at the polling station where he shall otherwise have been entitled to vote.
- (2) On production of such certificate, the Presiding Officer shall-
- (a) obtain thereon, the signature of the person producing it;
  - (b) have the person's name and electoral roll number and part number, along with name of polling station as mentioned in the certificate, entered at the end of the marked copy of the electoral roll; and
  - (c) permit him to cast his vote in the same manner as for a voter entitled to vote at that polling station.
- (3) After recording the vote under sub-rule (2), the certificate referred to in sub-rule (1) shall be placed in an envelope and sealed by the Presiding Officer.
- (4) An elector who has been put on election duty as a Presiding Officer, a Polling Officer or in any other capacity in a ward other than the one of which he is voter, who wishes to vote by post at an election, shall send an application in form 9 to the Returning Officer of the Constituency (Ward) in which he is enrolled for supply of postal ballot paper at least ten days before the days fixed for poll, and if the Returning Officer is satisfied that the applicant is on election duty in a ward other than of which he is a voter, he shall issue a postal ballot paper of such ward to him by post, under postal certificate, together with-
- (a) a declaration in form 13;
  - (b) a cover in form 14;
  - (c) a larger cover in form 15; and
  - (d) instructions for the voter in form 16.

Provided that the Returning Officer shall at the same time-

- (a) record on the counterfoil of the postal ballot paper the electoral roll number of the voter entered in the marked copy of the electoral roll;
- (b) mark the name of voter in the marked copy of electoral roll to indicate that a postal ballot paper has been issued to him, without however recording therein the serial number of postal ballot paper issued to that voter; and
- (c) ensure that voter is not allowed to vote at a polling station.

Provided further that every postal ballot paper shall have a counterfoil attached thereto, and the postal ballot paper and the counterfoil shall be of such design as the State Election Commission may direct:

Provided further that the Returning Officer may, in the case of an elector on election duty who is entitled to vote by post, deliver the ballot papers and forms or cause them to be delivered to such elector personally.

(5) The Returning Officer shall seal up in a separate packet the counterfoils of the postal ballot papers issued to voters.

(6) (a) The voter referred to in sub-rule (4) shall record his vote on the postal ballot paper in accordance with the directions contained in form 16 and then enclose it in the cover in form 14.

(b) The voter shall sign the declaration in form 13 in the presence of, and have the signature attested by any Gazetted Officer or by the Presiding Officer of the polling station at which he is on election duty.

(c) After the voter has recorded his vote and made a declaration in form 13, he shall return the postal ballot paper and declaration to the Returning Officer in accordance with the directions contained in form 16 so as to reach the Returning Officer before the time fixed for the commencement of counting of votes.

(7) In relation of voting by postal ballot paper referred to in sub-rule (4) such procedure, subject to provisions of this rule, shall be adopted as may be specified by the State Election Commission.

**70O. Sealing of voting machine after close of poll.-** (1) As soon as practicable, after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

(2) The control unit and the balloting unit shall thereafter be sealed and secured separately in such manner as the State Election Commission may direct and the seal used for securing them shall be so fixed that it shall not be possible to open the units without breaking the seals.

(3) The polling agents or election agents or candidates present at the polling station, who desire to affix their seals, shall also be permitted to do so.

**70P. Sealing of polling materials and other papers.-**(1) The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of any candidate or election agent or polling agent who may be present, make up into separate packet and seal with his seal and the seal of such candidates or agents as may desire to affix their seals on the envelopes of the following:-

- (a) the marked copy of the electoral roll;
- (b) the tendered ballot papers;

- (c) the list of tendered votes;
- (d) the list of challenged votes;
- (e) the certificate in form 12 produced by officers on election duty;
- (f) the register of voters in form 11; and
- (g) any other papers directed by the State Election Commission to be kept in a sealed packet.

(2) The Presiding Officer shall, after sealing all the packets, endorse on such packet a declaration of its contents.

**70Q. Accounts of votes recorded.**-(1)The Presiding Officer shall at the close of the poll, prepare an account of votes recorded in form 17.

(2) The Presiding Officer shall place the account of votes recorded in a separate envelope and endorse on it the words, "Account of Votes Recorded".

**70R. Transmission of voting machines etc. to the Returning Officer.**- (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct-

- (i) the voting machine;
- (ii) the account of votes recorded in form 17;
- (iii) sealed packets under rule 70P; and
- (iv) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers and for their safe custody until the conclusion of the counting of votes.

**70S. Procedure of adjournment of poll.**- If the poll at any polling station is adjourned and declared void under rule 59, the provisions of these rules shall apply to every fresh poll as they apply to the original poll.

**70T. Scrutiny and inspection of voting machines.**- (1) The Returning Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present on the counting table, shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The Returning Officer shall satisfy himself that none of the voting machines has, in fact, been tampered with.

(4) If the Returning Officer is satisfied that any voting machine has, in fact, been tampered with, he shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 59, in respect of the polling station where that machine was used.

**70U. Counting of votes.-** (1) After the Returning Officer or the Presiding Officer, as the case may be, is satisfied that a voting machine has, in fact, not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled for each candidate shall be displayed in respect of each such candidate on the display panel provided for the purposes in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the Returning Officer shall have --

(a) the number of such votes recorded separately in respect of each candidate in Part-II of form 17;

(b) Part-II of form 17 completed in other respects and signed by the Presiding Officer or the counting supervisor and also by the candidates or their election agents or their counting agents present; and

(c) corresponding entries made in a result sheet in form 8 and the particulars so entered in the result sheet announced.

(3) No envelope containing the tendered ballot papers shall be opened and no such votes shall be counted.

**70V. Sealing of voting machines after counting of votes.-** (1) After the result of votes recorded in a control unit has been ascertained candidatewise and entered in Part II of form 17 and form 8 under rule 70U, the Presiding Officer/Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so, however, that the result of votes recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the Returning Officer shall record the following particulars, namely:-

(a) the name of the municipality with ward number;

(b) the particulars of polling station where the control unit has been used;

(c) serial number of the control unit;

(d) date of poll; and

(e) date of counting.

**70W. Counting and rejection of postal ballot paper.-** (1) Subject to general or specific direction given in this behalf by the State Election Commission, the provisions of rule 60 shall apply in relation to rejection of postal ballot papers referred to in sub-rule (4) of rule 70N:

Provided that postal ballot paper shall be rejected if recording of vote therein is not in accordance with the direction contained in form 16.

(2) The Returning Officer shall record the result of counting of votes received by post, if any, in the result sheet in form 8 and announce the same.

**70X. Production and inspection of election papers.-** (1) While in the custody of the Deputy Commissioner --

- (a) the packets of unused postal ballot papers with counter foils attached thereto;
- (b) the packets of used postal ballot papers whether valid, rejected or cancelled, and counterfoils thereof;
- (c) the packets of used or unused tendered ballot papers;
- (d) the packets of the marked copy of electoral roll;
- (e) the packets containing register of voters in form 11; and
- (f) the packets of the declaration by electors and the attestation of their signatures, shall not be opened, inspected or produced except under the orders of a competent court.

(2) The voting machine sealed under rule 70V and kept in the custody of the Deputy Commissioner shall not be opened, inspected or produced except under the orders of a competent court.

(3) Subject to such conditions and on the payment of such fee as the State Election Commission may direct, all other papers relating to the election shall be open to public inspection and copies thereof shall, on application, be furnished.

**70Y. Disposal of election papers.-** Subject to any direction to the contrary given by the State Election Commission or by a competent court --

- (a) the packets of unused postal ballot papers and tendered ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the State Election Commission may direct;
- (b) the voting machines kept in custody of the Deputy Commissioner under sub-rule (2) of rule 70X shall be retained intact for such period as the State Election Commission may direct;
- (c) packets other than those as referred to in sub-rule (1) of rule 70X shall be retained for a period of one year and shall thereafter be destroyed:

Provided that the packets containing the counterfoils of used postal ballot papers shall not be destroyed except with the previous approval of the State Election Commission; and

- (d) all other papers relating to the election shall be retained for such period as the State Election Commission may direct.

## **EXTRACTS OF SECTIONS FROM THE HARYANA MUNICIPAL CORPORATION ACT, 1994**

**8D. Application of certain section of Central Act 43 of 1951-** The provisions of sections 10A, 20B, 28A, 33A, 33B, 125A, 134A, 134B, 135B, and 135C of the Representation People Act, 1951 (Central Act 43 of 1951), shall mutatis mutandis apply to the provisions of the Act.

**8B Disqualification for failure to keep account of election expenses and maximum thereof –**

- (1). Every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive.
- (2). The account shall contain such particulars, as may be notified by the State election commission in this behalf.
- (3). The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

**10A. Disqualification for failure to lodge account of election expenses-** If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and
- (b) has no good reason or justification for the failure.

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

**20B.Observers-(1)** The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.

- (2) The Observer nominated under sub-section (1) shall have the power to direct the returning officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or a place fixed for the

poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.

- (3) Where an Observer has directed the returning Officer under the section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 58A or section 64A or section 66.

**Explanation**—For the purposes of sub-section(2) and sub-section(3), “Observer” shall include a Regional Commissioner or any such officer of the Election Commission as has been assigned under this section the duty of watching the conduct of election or elections in a constituency or group of constituencies by the Commission.

**28A.Returning Officer, Presiding Officer, etc., deemed to be on deputation to Election Commission**—The returning Officer, assistant returning officer, presiding Officer, polling officer and any other officer appointed under this part, and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

**33A. Right to information**—(1) A candidate shall, apart from any information which he is required to furnish, under this Act or the rules made thereunder, in his nomination paper delivered under sub-section(1) or section 33, also furnish the nomination as to whether-

- (i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;
  - (ii) he has been convicted of an offence ( other than any offence referred to in sub-section(1) or sub-section
- (1) The Candidate of his proposer, as the case may be, shall at the time of delivering to the returning officer the nomination paper under sub-section(1) of section 33, also deliever to him an affidavit sworn by the candidate in a prescribed form very fine the information specified in sub-section (1).
- (2) The returning officer shall, as soon as may be after the furnishing of information to him under sub-section(l), display the aforesaid information by affixing a copy of the affidavit, delivered under sub-section (2), at a

conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered.

**33B. Candidate to furnish information only under the Act and the rules—**

Notwithstanding anything contained in any judgment, Decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election which is not required to be disclosed or furnished under this Act or the rules made thereunder.

**125A. Penalty for filing false affidavit, etc.—**A candidate who himself or through his proposer, with intent to be elected in an election—

- (i) fails to furnish information relating to sub-section (1) of section 33A; or
- (ii) give false information which he knows or has reason to believe to be false; or
- (iii) conceals any information,

in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section(2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**134A. Penalty for Government servants for acting as election agent, polling agent or counting agent—**

If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

**134B. Prohibition of going armed to or near a polling station.—**(1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order, at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms act, 1959 ( 54 of 1959) of any kind within the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section(1) , he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3), Notwithstanding anything contained in the Arms Act, 1959 ( 54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under Section 17 of the Act.

(4) An offence punishable under sub-section(2) shall be cognizable.

**135B. Grant of paid holiday of employees on the day of poll—**(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the date of poll, be granted a holiday.

- (2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.
- (3) If an employee contravenes the provisions of sub-section (1) or sub-section (2) then such employer shall be punishable with fine which may be extended to five hundred rupees.
- (4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

**135C. Liquor not to be sold, given or distributed on polling day—**(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area.

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

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substance of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

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

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

**24. Officers etc. at elections not to act for candidates or to influence voting:-**

- (1) No person who is a returning officer, or an assistant returning officer or a presiding officer or polling officer at an election or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election or a member of a police force, shall in the conduct or management of the election do any act (other than the giving of the votes) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid shall endeavour-

- (a) to persuade any person to give his vote at an election ; or
- (b) to dissuade any person for giving his vote at an election; or
- (c) to influence the voting of any person at an election in any manner.

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

**25. Prohibition of canvassing in or near polling station and of public meeting on election day.**-(1) No person shall, on the date or dates on which the poll is to take at any

polling station, commit any of the following acts within the polling station, or in any public or private place within a distance of hundred metres of the polling station, timely:-

- (a) canvassing for votes; or
- (b) policiting the votes of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating the election.

(2) No person shall convene, hold or attend any public meeting within any ward on the date or dates on or dates on or at any time within twenty-four hours preceding the start of the poll for an election in that ward.

(3)Any person who contravenes the provisions of sub-section(1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(4) An offence committed under sub-section(1) shall be cognizable.

**26. Penalty for disorderly conduct in or near polling station-** (1) No person shall, on the date or dates on which a poll is taken at any polling station-

- (a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker; or
- (b) shout or otherwise, act in a disorderly manner, within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof; so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons on duty at the polling station.

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

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section(i), and may seize any apparatus used for such contravention.

**27. Penalty for misconduct at the polling station.-** (i) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed, from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station, re-enters the polling station without permission of the presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

**28. Breaches of official duty in connection with election:-** (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees. An offence punishable under this section shall be cognizable.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression " Official duty" shall for the purposes of this section be construed accordingly.

**29. Removal of ballot papers from polling station to be an offence.-** (1) Any person who at an election fraudulently takes or attempts to take a ballot paper out of a polling station , or willfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police Officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding Officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section(1) shall be cognizable.

**30. Offence of booth capturing-** Whoever, commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine.

**Explanation-** For the purposes of this section, “ booth capturing “ includes among other things, all or any of the following activities, namely:-

- (a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing or any other act which affects the orderly conduct of elections;
- (b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting;
- (c) threatening nay elector and preventing him from going to the polling station or a place fixed for the pol, to cast his vote.
- (d) seizure of place for counting of votes by any person or persons making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affect the orderly counting of votes.
- (e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

**31.Other Offence and penalties:-** (1) A person shall be guilty of an electoral offence, if at any election he-

- (a) fraudulently defaces, destroys and nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the Returning Officer; or
- (c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper or any declaration or identity or official envelop used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

- (e) fraudulently puts into any ballot-box any thing other than the ballot paper which he is authorized by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper than in the use for the purpose of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall-

- (a) if he is a returning Officer or an assistant returning officer or a presiding officer or a polling Officer or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both;
- (b) If he is any other person , be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.

(4) An offence punishable under sub-section(2) shall be cognizable.

(5) No court shall take cognizance of any offence under Section 25, under section 29, or under clause (a) of sub section (2) of this section unless there is a complaint made by order or, or under authority from, the State Election Commissioner.

# ANNEXURE-II

## FORM 11

[See rules 70G, 70H(7), 70M, 70P(1)(f) and 70X(1)(e), Form 17]

### REGISTER OF VOTERS

Election to the Municipal Corporation \_\_\_\_\_ from Ward No. \_\_\_\_\_  
Number and Name of Polling Station \_\_\_\_\_  
Part No. of Electoral Roll \_\_\_\_\_.

Serial Number	Serial number of elector in the electoral roll	Signature/thumb impression of elector	Remarks

1  
2  
3  
4  
5  
etc.

---

Signature of the Presiding Officer

# ANNEXURE III

FORM-5

[See Rule 56(2)]

## LIST OF TENDERED VOTES

Election to the Municipal Corporation of \_\_\_\_\_

From the Ward No. \_\_\_\_\_

No. of Polling Station \_\_\_\_\_

Place of Poll \_\_\_\_\_

Serial number and name of elector on the roll	Address of elector	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5

Date: \_\_\_\_\_

Signature of Presiding Officer

# **ANNEXURE IV**

## **OUTLINES OF FUNCTIONS TO BE PERFORMED BY PRESIDING OFFICERS AT VARIOUS STAGES**

- I. On Appointment.
- II. On the day previous to the day of Poll.
- III. On arrival at the Polling Station on the day of Poll.
- IV. During the hours of Poll.
- V. After the completion of Poll.

### **I. ON APPOINTMENT**

- 1.1 When you receive your appointment order, please check up carefully and examine:-
  - (a) The name and number of your polling station;
  - (b) The name of the assembly constituency within which the polling station is situated;
  - (c) The exact location of your polling station.

This information will be found in your appointment order. You may also find the names of your Polling Officers in the order. Try to contact them and keep their residential and office addresses with you and give your residential and office address to them. Attend as many training classes as you can, so that you become fully familiar with the operation of the voting machine. Never rely on your memory and past experience as they may betray you. The instructions are being changed considerably from time to time.
- 1.2 Read the following pamphlets and booklets very carefully:-
  - (a) Handbook for Presiding Officers;
  - (b) Letter of the Returning Officer to Presiding Officers giving important instructions.
- 1.3 Familiarise yourself with the item of polling material given in **Annexure VI**.
- 1.4 Study carefully the manner and the method in which the control unit and balloting units are interlinked and de-linked and the control unit closed and sealed.
- 1.5 Read carefully the different forms, statutory and non-statutory, as given in the Annexures.
- 1.6 Read very carefully the relevant provisions of the Act, 1994 and the Rules, 1994 given in Annexure I.
- II. If you have any doubt, approach your Returning Officer and get your doubt clarified. Never be in a confused mind.

## II. ON THE DAY PREVIOUS TO THE DAY OF POLL

- 2.1 On the day previous to the day of poll, you will be asked to collect the polling materials for use at the polling station. Please ensure that:-
- (a) The control unit and balloting unit(s) given to you pertain to your polling station.
  - (b) The .Cand Set Section. of control unit is duly sealed and address tag is firmly attached thereto.
  - (c) The battery in the control unit is fully operational.
  - (d) The balloting unit(s) have been duly sealed and address tags are firmly attached, both at the top and bottom right portion.
  - (e) The appropriate ballot paper has been affixed on each balloting unit and is properly aligned under the ballot paper screen.
  - (f) The slide switch has been set to the appropriate position in each balloting unit.
  - (g) All the items of polling materials mentioned in Annexure V have been supplied in required quantity;
  - (h) Check up the serial numbers of paper seals;
  - (i) Check up the electoral roll to ensure that :-
    - (i) the copies of the supplements are given,
    - (ii) the part number of the roll and the supplement is correctly given,
    - (iii) page numbers in the working copies of the roll are given serially,
    - (iv) the printed serial numbers of voters are not corrected and no new numbers are substituted for them,
    - (v) all deletions of names and corrections of clerical or other errors as per the supplements have been incorporated.
  - (j) Check the copy of the list of contesting candidates given to you. The names and symbols of the candidates given in the list must tally and should be in the same serial order in which they appear in the ballot paper on the balloting unit.
  - (k) Check up that the phial of indelible ink supplied to you contains sufficient quantity of indelible ink and that its cap is perfectly sealed; if not re-seal the cap with candle/wax.
  - (l) Check up the arrow cross-mark rubber stamp and your brass seals. Ensure that the arrow cross mark rubber stamp has seals affixed on both the sides and that the stamp pad is not dry. If your polling station is proposed to be located in a temporary structure, obtain iron box of sufficient dimensions to store your election papers.
  - (m) If you have any doubt about your movement programme, route to be followed to reach the polling station, get them cleared and make sure of the time, the place of departure and mode of transport for reaching the polling station.

- 2.2 (a) Reach your polling station latest by 4-00 p.m. on the day previous to the day of poll and ensure that-
- (i) there is enough space for the voters to wait outside the polling station and for separate queues for male and female voters;
  - (ii) there are separate passages for entry and exit of voters;
  - (iii) the voting compartment for voters to record their votes is well lighted;
  - (iv) a notice showing the polling area and details about voters is prominently displayed;
  - (v) the copy of the list of contesting candidates is prominently displayed.
- (b) Appoint persons whom you will require to assist in identifying the voters including female assistant.
- (c) Decide the place where you, your Polling Officers and Polling Agents of the candidates will sit and the control unit of the voting machine will be placed.
- (d) Remove any photograph of any leader belonging to any political party hung in the polling station or cover them fully.
- 2.3 The voting machine and the polling materials entrusted to you should remain in your custody throughout, till the poll is completed and the voting machine and the materials are handed over back by you. Either you or one of the Polling Officers selected by you should remain in the polling station in charge of the voting machine and polling materials from the moment you arrive there. The voting machine and polling materials should not be left in the custody of the Police Guard on duty at the polling station or any person other than yourself or a Polling Officer selected by you.

### **III. ON ARRIVAL AT THE POLLING STATION ON THE DAY OF POLL**

- 3.1 Ensure that you and other members of your polling party reach the polling station 75 minutes before the hour fixed for starting the poll. On arrival, check the voting machine and the polling materials.
- 3.2 Check up the appointment letters of polling agents and explain to them provisions of section 23 of the Act, 1994. Assign them seats and issue them entry passes for their movements. Read out the declaration as referred to in Chapter XIII.
- 3.3 Make arrangements to appoint a Polling Officer if one from your party has not turned up.
- 3.4 Start preparing the voting machine one hour before the time fixed for commencement of poll.
- 3.5 Conduct the mock poll and clear the voting machine.

- 3.6 Fix the paper seal and close and seal the Result Section of the control unit.
- 3.7 Place the phial of indelible ink in such a way that the ink does not spill out.

#### **IV. DURING THE HOURS OF POLL**

- 4.1 Ensure that the polling starts sharp at the appointed time. Even if all formalities have not been completed, admit some voters in the polling station at the appointed time.
- 4.2 While poll is in progress, unusual complex cases are likely to crop up. Deal with them yourself leaving the Polling Officers. to carry on their normal duties. Such cases will be.
  - (a) Challenge to a voter (Chapter XV),
  - (b) Voting by minors (Chapter XV),
  - (c) Voting by blind or infirm voters (Chapter XIX),
  - (d) Voters deciding not to vote (Chapter XX),
  - (e) Voting on E.D.C. (Chapter XXI),
  - (f) Tendered votes (Chapter XXII),
  - (g) Breach of secrecy of voting (Chapter XVIII),
  - (h) Disorderly conduct at the booth and removal of disorderly persons (Chapter XIV),
  - (i) Adjournment of poll because of riot or any other cause (Chapter XXIII).
- 4.3 Collect statistical information for compilation item 18 of your diary regarding polling every two hours.
- 4.4 Close the poll at the appointed hour even if it has started late. Give slips with your signature to those persons who are in the queue at this hour. Ensure that no additional person joins the queue after the appointed hour.

#### **V. AFTER THE COMPLETION OF POLL**

- 5.1 Close and seal the voting machine as per the instructions given in Chapter XXIV and XXVI.
- 5.2 Ascertain the number of female voters who have voted.
- 5.3 Complete Form 17 (Account of votes recorded and paper seal account). Furnish to every Polling Agent present at the close of the poll, an attested true copy of Form 17 after obtaining from him a receipt for it on the declaration form referred to in Chapter XXV. Then complete the declaration in other respects.
- 5.4 Complete your diary.
- 5.5 Seal all election papers as per instructions in Chapter XXVII.
- 5.6 Prepare first packet of five statutory covers.

- 5.7 Prepare second packet of nine covers.
- 5.8 Prepare third packet of seven items.
- 5.9 Prepare fourth packet of all other items.
- 5.10 Follow the programme of return journey to the Collection Centre for depositing the sealed voting machine and sealed packet of election papers. It is your personal responsibility to deliver the voting machine and other packets at the Reception Centre intact and obtain a receipt. Note that you have to hand over eight different items, viz;
  1. Voting machines;
  2. Cover containing the account of votes recorded and paper seal account;
  3. Cover containing the declarations of the Presiding Officer;
  4. Cover containing the Presiding Officer.s dairy;
  5. First packet superscribed .statutory covers. containing five covers;
  6. Second Packet superscribed .non-statutory covers., containing nine covers;
  7. Third packet containing seven items of election material and
  8. Fourth packet containing all other items, if any.

# **ANNEXURE V**

## **CHECK MEMO FOR PRESIDING OFFICERS**

<b>ITEM</b>	<b>ACTION TO BE TAKEN</b>	<b>REMARKS</b>
1.	Obtaining and keeping in possession all relevant instructions from the Returning Officer.	Whether obtained and kept?
2.	Familiarisation with the other members of the polling party and maintenance of close relationship with them.	Whether done?
3.	Collection of election material	Whether ensured that all the election materials and that too in sufficient quantities and numbers have been collected?
4.	Checking up of balloting Unit & Control Unit of the Voting Machine, marked copies of the electoral roll, arrow cross mark rubber stamp, paper seals, Register of Voter.s, Voter.s Slip.s, etc.	Whether done?
5.	Separate entrance and exit for voters at polling stations.	Whether ensured?
6.	Display of notice specifying the polling area and the numbers of electors assigned and also a copy of the list of contesting candidates;	Whether displayed?
7.	Inter-linking of control unit and balloting units and switching on the battery.	Whether done?
8.	Conducting mock	Whether Conducted?
9.	Fixing Paper Seal on Result Section of Control Unit	Whether done?
10.	Sealing the Result Section of the Control Unit.	Whether done?
11.	Declaration to be made at the Commencement of the Poll.	Whether made?
12.	Reading out the provisions of the Sec. 23 of the Act, 1994 with regard to the secrecy of voting by Presiding Officer at the beginning of the poll.	Whether done?
13.	Allowing polling agents to note the serial numbers of balloting unit and control unit. and Paper seal	Whether allowed?
14.	Marking of indelible ink on left four-finger and obtaining the signature/thumb impression on the Registers of Voters (Form 11)	Whether being properly done?
15.	Maintenance of Presiding Officer's diary	Whether events are recorded from time to time as and when they occur?

- |     |  |  |
|-----|--|--|
| 16. | Close of poll at the appointed hour            | Whether Done?  |
| 17. | Supply of Account of Votes Recorded in Form 17 | Whether attested copies given to all the polling agents? |
| 18. | Declaration to be made at the close of poll    | Whether made?  |
| 19. | Sealing of Voting Machine and election papers  | Where done according to instructions?                    |

## **ANNEXURE VI**

### **LIST OF POLLING MATERIALS FOR A POLLING STATION WHERE ELECTRONIC VOTING MACHINE IS USED**

1	Control Unit	1 PS
2	Battery/Power Pack	1 PS
3	Balloting Unit(s) (Depending upon the Nos. of Candidates)	1 PS or as per requirement
4	Register of voters(Form 11)	Big _____ Small _____
5	Voter.s Slip	As per No. of Electors
6	Working Copies of Electoral Rolls	3 PS
7	Ballot Papers (for tendered votes)	8 PS
8	Indelible Ink	1 Phial of 5 C.C. each
9	Address Tag for Control Unit	3 PS
10	Address Tag for Balloting Unit	2 PS
11	Paper Seals for EVM (From Sr. No. _____ to _____)	2 PS
12	Strip Seal (From Sr. No. _____ to _____)	2 PS
13	Rubber Stamp Arrow Cross Mark	1 PS
14	Stamp Pad (Purple) with Ink Pot	1 PS
15	Metal Seal for Presiding Officer	1 PS
16	Presiding Officer's Diary (Form)	2 PS
17	Distinguishing Mark Rubber Stamp	1 PS
18	<b>FORMS/BOOKS</b>	
	(i) Hand Book of Presiding Officer	1 PS
	(ii) List of Challenged Votes ( <b>Form-3</b> )	2 PS
	(iii) List of Blind and Infirm Voters ( <b>Form-4</b> )	2 PS
	(iv) List of Tendered Votes ( <b>Form-5</b> )	2 PS
	(v) Accounts of votes Recorded ] ( <b>Form-17</b> )	5 PS
	(vi) Record of paper seals used ]	
	(vii) Receipt Book for deposit of challenged votes fee	1 Book PS
	(viii) Letter to S.H.O.	5 PS
	(ix) Declaration by the Presiding Officer before the Commencement of Poll and at the end of poll (Part I to IV)	2 PS
	(x) Passes for Polling Agents	5 PS
	(xi) Appointment of Polling Agent ( Form-2)	10 PS
	(xii) Appointment of Counting Agent (Form-2B)	10 PS
	(xiii) Step-by-Step operations during sealing of EVM by the RO	2 PS
	(xiv) List of Polling Material	2 PS
	(xv) Performa for submission of the Report to the Commission	

on the day of Polling. 2PS

19 **ENVELOPES**

(i)	For smaller envelopes (Statutory Covers)	Small size	1
(ii)	For marked copy of electoral rolls	Big size	1
(iii)	For other copies of electoral rolls	Big size	1
(iv)	For Tendered Ballot Paper	Medium size	1
(v)	For Declaration by the Presiding Officer before commencement of the poll and at the end of the poll	Medium size	1
(vi)	For account of votes recorded (Form-17)	Medium size	1
(vii)	For list of challenged votes	Small size	2
(viii)	For unused and spoiled paper seals	Medium size	1
(ix)	For appointment letters of Polling Agents	Medium size	1
(x)	For list of blind and infirm voters	Small size	1
(xi)	For Presiding Officer's Diary's report	Medium size	1
(xii)	For Election Duty Certificate	Medium size	1
(xiii)	For Receipt Book and Cash forfeited	Medium size	1
(xiv)	For smaller envelopes (others)	Medium size	1
(xv)	For Register of Voters containing signatures of voters (Form-11)	Big size	1
(xvi)	For unused ballot papers	Medium size	1
(xvii)	For any other paper that the R.O. has decided to keep in the sealed cover		1
(xviii)	Cover for unused and damaged special tag	Small size	1
(xix)	Cover for unused and damaged strip seal	Small size	1
(xx)	Cover for Tendered Votes Lists	Small size	1
(xxi)	Cover for Counter Foil of Ballot Paper		1

(Wherever the envelopes are smaller in size the packing paper may be used and where the relevant printed envelope is not available plain envelope can be used and purpose may be indicated with red ink)

20 **SIGN BOARDS**

(a)	Layout of Polling Station	1
(b)	Polling Station (Display Card)	1

21 **STATIONERY**

(i)	Ball Pen Red	3 Blue + 1
(ii)	Blank Paper	8 sheets
(iii)	Pins	25 pieces
(iv)	Sealing Wax	6 sticks

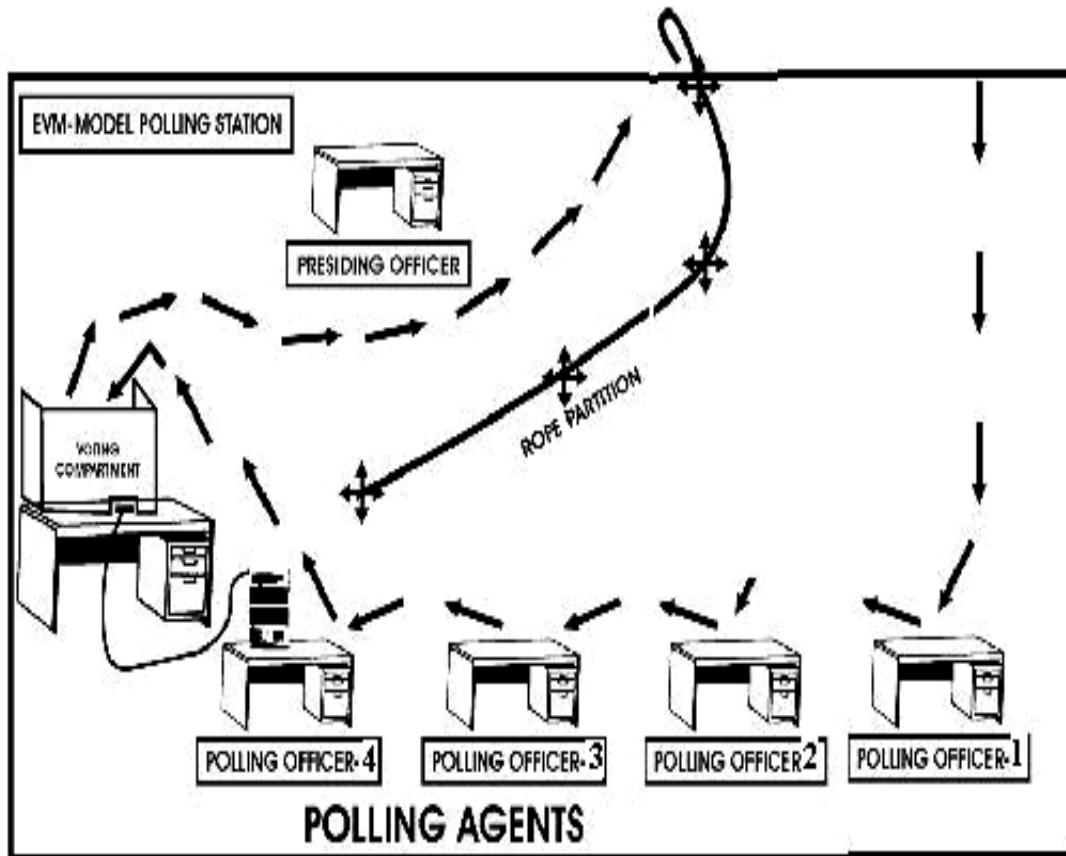
(v)	Tags	25 Nos.
(vi)	Gum paste	1 bottle
(vii)	Blade	1
(viii)	Candles	2 sticks
(ix)	Thin Twine Thread	10 mtrs.
(x)	Metal rule	1
(xi)	Carbon Paper	2
(xii)	Duster/Cloth	1
(xiii)	Rubber Bands	20 pieces
(xiv)	Cello Tape	1
(xv)	Kit Bag	1
(xvi)	Material for Voting Compartment (Screen)	1
(xvii)	Card Board Piece	1
(xviii)	Match Box	1

Lists of material to be returned by the Presiding Officer to the Authorised Officer separately who will turn to deposit them in store at the office of the Deputy Commissioner.

1. Arrow Cross Mark Rubber Stamp
2. Metal Seal of Presiding Officer.
3. Stationery bag containing
  - (i) Self inking pad
  - (ii) Material for voting compartment
  - (iii) Metal Rule
  - (iv) All other unused items

## ANNEXURE VII

### MODEL POLLING STATION FOR ELECTRONIC VOTING MACHINE LAYOUT OF POLLING STATION



Note: The cable connected to the Balloting Unit should come out of the Voting Compartment through an opening on the back side and through this opening the Presiding Officer should be able to see the full length of the cable right upto its joint with the Balloting Unit from his seat so that no elector will be able to tamper with the Cable from inside the Voting Compartment without being detected by the Presiding Officer. However, this opening in the Voting Compartment should not be so big as to reveal any portion at the top of the Balloting Unit.

**ANNEXURE VIII**  
**DECLARATION BY PRESIDING OFFICER**

**PART-I**

Declaration by the Presiding Officer before the commencement of the Poll Election from Ward No. .... Name of the Ward ..... Serial No. and name of Polling Station..... Date of Poll .....

I 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 Voters (Form-11) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own 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 written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag 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 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.
- (5) 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.....  
Presiding Officer

Signature of polling agents

- 1 .....(of candidate.....) 2 .....(of Candidate.....)  
3 .....(of candidate.....) 4 .....(of candidate.....)  
5 ..... (of candidate.....) 6 .....(of candidate.....)  
7 .....(of candidate.....) 8 .....(of candidate.....)  
9 ..... (of candidate.....), etc.

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.....  
Presiding Officer

**PART-II**

Declaration by the Presiding Officer at the time use of subsequent voting machine, if any.

Election from Ward No..... Name of the Ward ..... Serial No. and 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 own 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 written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag 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 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.
- (5) 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.....  
Presiding Officer

Signature of polling agents

- 1.....(of candidate.....) 2 .....(of candidate.....)
- 3.....(of candidate.....) 4 .....(of candidate.....)
- 5..... (of candidate.....) 6 .....(of candidate.....)
- 7.....(of candidate.....) 8 .....(of candidate.....)
- 9..... (of candidate.....), etc.

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.....  
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- Accounts of Votes Recorded. of Form-18.

Date ..... Signature .....  
Time ..... Presiding Officer

Received an attested copy of the entries in the account of votes recorded (Part I of Form-18)

*Signature of polling agents*

- 1.....(of candidate.....) 2 .....(of candidate.....)
- 3.....(of candidate.....) 4 .....(of candidate.....)
- 5..... (of candidate.....) 6 .....(of candidate.....)
- 7.....(of candidate.....) 8 .....(of candidate.....)
- 9 ..... (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 XXIII and to give a receipt therefor and so an attested copy of that Form was not supplied to them:

- 1.....(of candidate.....) 2 .....(of candidate.....)
- 3.....(of candidate.....) 4 .....(of candidate.....)
- 5..... (of candidate.....) 6 .....(of candidate.....)
- 7.....(of candidate.....) 8 .....(of candidate.....)
- 9 ..... (of candidate.....)

Date ..... Signature .....  
Time ..... Presiding Officer

**PART-IV**

**DECLARATION AFTER THE SEALING OF THE VOTING MACHINE**

I have 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 .....  
Time ..... Presiding Officer

**The following polling agents have affixed their seals.**

*Signature of polling agents*

- 1.....(of candidate.....) 2 .....(of candidate.....)
- 3.....(of candidate.....) 4 .....(of candidate.....)
- 5..... (of candidate.....) 6 .....(of candidate.....)

The following polling agents refused or did not want to affix their seals.

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

Date ..... Signature .....  
Time ..... Presiding Officer

# **ANNEXURE IX**

**STATE ELECTION COMMISSION, HARYANA,  
S.C.O. NO.16-17, SECTOR 20-D,  
CHANDIGARH**

No.SEC/1ME/2005/08

Dated:- 02/04/2005

## **ORDER**

Whereas, free and fair elections not only require that the electors should be free to exercise their votes in favour of the candidates of their choice according to their own free will, but also make it a pre-condition for a clean election so that the genuine voters exercise their franchise and their right to vote is not defeated by unscrupulous and anti-social elements by resorting to impersonation or through bogus voting; and

2. Whereas, the Parliament has shown its due concern in the matter and made a special provision as far back as 1958 by amending Section 61 of the Representation of the People Act, 1951 to the effect, inter-alia, that with a view to prevent impersonation of voters, provisions may be made by Rules under that Act for the use of Electoral Identity Cards for electors as the means of establishing their identity at the time of polling; and

3. Whereas, Rule 35(3) and Rule 37(2)(b) of the Conduct of Election Rules, 1961 stipulate that where the electors of a constituency have been supplied with Electoral Identity Cards under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce the Electoral Identity Cards for Assembly Elections at the polling stations and failure or refusal on their part to produce these Electoral Identity Cards may result in the denial of supply of ballot papers to them and permission to vote thereof; and

4. Whereas, although, the right to vote arises by the existence of name in the electoral roll, it is the use of Electoral Identity Cards for Lok Sabha and Assembly Elections where provided by the Election Commission; and

5. Whereas, in the State of Haryana, more than 88 percent of the electors have been issued Electoral Identity Cards by the Election Commission of India for Assembly and Lok Sabha Elections.

6. And that the Election Commission of India issued directions that all electors in the State of Haryana who have been issued with their Electoral Identity Cards, shall have to produce these Cards to exercise their franchise when they come to the polling stations for voting at the General Elections to the Haryana Legislative Assembly, the Poll for which was held on the 03<sup>rd</sup> February, 2005.

7. Now, after taking into account all relevant considerations and legal and factual position, the State Election Commission, Haryana hereby directs that all electors of Municipal Corporation, Faridabad, who have been issued the Electoral Identity Cards for Assembly and Lok Sabha Elections and the Electoral Identity Card numbers have been mentioned in case of the Municipal Corporation Electoral Rolls also, shall now have to produce these Cards to exercise their franchise when they come to the polling stations for voting at the current Municipal General Elections of Municipal Corporation, Faridabad, the polling for which is scheduled to take place on 30.04.2005.

8. The State Election Commission makes it clear that the electors at the Municipal General Elections in the Municipal Corporation, Faridabad will have to establish their Identity at the polling station by means of Electoral Identity Cards issued to them under the authority of the Election Commission of India and by providing other documents mentioned below by those electors of Municipal elections who have not been issued the Electoral Identity Cards by the Election Commission of India. However, as a matter of abundant caution, the State Election Commission also permits the odd electors to vote provided their Identity is otherwise established to the satisfaction of the Presiding Officer and such other Polling Officer authorized by the Presiding Officer in this behalf. For this purpose, the electors will have to produce some documentary evidence which may be helpful in establishing their identity like Ration Cards, Driving Licences, Passports, Identity Cards issued by Central/State Government, Public Sector Undertakings, Local Bodies or other private Industrial Houses, Property Tax or other Tax documents, Pass Books issued by Banks/Post office, Kisan Pass Books, Electricity Bills, House Tax Bills, Arms Licence, Physical Handicapped Certificate, Student Identity Cards, Railway/Bus Passes, Conductor Licence, Freedom Fighter Identity Card, Ex-Servicemen Pension Book, CSD Canteen Card issued to Ex-Servicemen, School Leaving Certificate/Original Degree/Mark Sheet, Pension Payment Order, Ex-Servicemen's Widow/Dependent Certificate, or any other similar documents establishing the identity of the electors to the satisfaction of the Presiding Officer. Similar procedure will apply in respect of such of the odd electors who have been supplied with Electoral Identity Cards but are not able to produce them for reasons beyond their control.

**(BY ORDER AND IN THE NAME OF STATE ELECTION COMMISSIONER)**

**Sd/- CHANDER SINGH**

A copy is forwarded to :-

1. The Chief Secretary to Government, Haryana.
2. The Deputy Commissioner, Faridabad.

# ANNEXURE -X

## LETTER OF COMPLAIANT TO THE S.H.O. POLICE

To

The Station House Officer,  
.....  
.....

Sub:- Election to ward.....of .....Municipal Corporation- Impersonation at Polling Station .....  
(Number and name) Date of Poll.....

Sir,

I am to report that Sri..... Son of Sri..... and resident of.....has challenged the identity of the person who his being handed over to..... This person claimed to be.....whose name appears at serial No..... Part No.....of the electoral roll of.....Ward. He could not prove himself to be this voter. In my opinion he is an impersonator. I am to report this under Section 171-F of the Indian Penal Code.

**Yours faithfully,**

**Signature  
Presiding Officer**

**Place :**

**Date :**

Copy forwarded to the Returning Officer.....Municipal Corporation and.....

**Signature,  
Presiding Officer.**

### RECEIPT

The above letter and the person referred to there in were handed over to me at..... (hour) on .....(date) by the Presiding Officer.

**Signature**

\*Here insert ex-officio designation of the Returning Officer.

# ANNEXURE – XI

## FORM 17

*[See rules 70Q(1), 70R(1)(ii), 70U(2) (a) and (b), 70V(1)]*

### PART-I – ACCOUNT OF VOTES RECORDED

Election to the Municipal Corporation \_\_\_\_\_  
 From Ward Number \_\_\_\_\_

Number and Name of Polling Station \_\_\_\_\_

Identification Number of Voting Machine used at the Polling Station

Control Unit \_\_\_\_\_

Balloting Unit \_\_\_\_\_

1. Total Number of electors assigned to the Polling Station.
2. Total Number of voters entered in the Register of Voters (Form 11)
3. Number of voters deciding not to record votes under rule 70M
4. Number of voters not allowed to vote under rule 70G or 70H
5. Total Number of votes recorded as per voting machine.
6. Whether the total Number of votes as shown against item 5 tallies with the total Number of voters as shown against item 2 minus Numbers of voters deciding not to record votes as against item 3 minus Number of voters as against item 4 (2-3-4) or any discrepancy noticed.
7. Number of voters to whom tendered ballot papers were issued under rule 56
8. Number of tendered ballot papers.

Serial number  
From                      To

- (a) received for use \_\_\_\_\_
- (b) issued to electors \_\_\_\_\_
- (c) not used and returned \_\_\_\_\_

9. Account of papers seals  
Serial numbers

From                      To                      Signature of Polling Agents

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. Serial number of paper seals supplied.<br/>From _____ to _____</li> <li>2. Total numbers supplied.</li> <li>3. Number of paper seals used.</li> <li>4. Number of unused paper seals returned to Returning Officer (Deduct item 3 from item 2)</li> <li>5. Serial number of damaged paper seal, if any</li> </ol> | <ol style="list-style-type: none"> <li>1. _____</li> <li>2. _____</li> <li>3. _____</li> <li>4. _____</li> <li>5. _____</li> <li>6. _____</li> <li>7. _____</li> </ol> |
|--|--|

Date \_\_\_\_\_  
 Place \_\_\_\_\_

Signature of Presiding Officer  
 Polling Station No. \_\_\_\_\_

**PART-II – RESULT OF COUNTING**

S. No.	Name of Candidate	No. of votes recorded
1		
2		
3		
4		
5		
6		
.....		
<b>Total</b>		

Whether the total numbers of votes shown above tallies with the total Number of votes shown against the item No.5 of Part-I or any discrepancy noticed between the two totals.

Place \_\_\_\_\_  
Date \_\_\_\_\_

Signature of Counting Supervisor

Name of Candidate/election agent/counting agents	Full Signature
--	----------------

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- .....
- .....

**Signature of Returning Officer/Presiding Officer.**

# **ANNEXURE - XII**

## **PRESIDING OFFICER'S DIARY**

1. Name of the Corporation (in block letters):\_\_\_\_\_ Ward No.\_\_\_\_\_
2. Date of poll :
3. Number of the polling station :  
Whether located in-
  - (i) Government or quasi-government building;
  - (ii) Private building;
  - (iii) Temporary structure;
4. Number of polling officers recruited locally, if any :
5. Appointment of polling officer made in the absence of duly appointed polling officer, if any, and the reasons for such appointment :
6. Voting Machine-
  - (i) Number of Control Units used :
  - (ii) S. No. (s) of Control Units used :
  - (iii) Number of balloting units used :
  - (iv) S. No. of balloting units used :
7.
  - (i) Number of paper seals used :
  - (ii) Sl. Nos. of paper seals used :
- 7A.
  - (i) Number of special tags supplied:
  - (ii) S.No.(s) of special tags supplied:
  - (iii) Number of special tags used:
  - (iv) S.No.(s) of special tags used:
  - (v) S.No.(s) of special tags returned as unused:
- 7B.
  - (i) Number of Strip Seals supplied:
  - (ii) S.No.(s) of Strip Seals supplied:
  - (iii) Number of Strip Seals used:
  - (iv) S.No.(s) of Strip Seals used:
  - (v) S.No.(s) of Strip Seals returned as unused:
8. Number of polling agents and the number who arrived late :
9. Number of candidates who had appointed polling agents at the polling stations :
10.
  - (i) Total no. of voters assigned to the polling station:
  - (ii) Number of electors allowed to vote according to marked copy of the electoral roll:
  - (iii) Number of electors who actually voted as per the Register of Voters (From-11).
  - (iv) Number of votes recorded as per the voting machine:

Signature of first Polling Officer

Signature of Polling Officer  
in-charge of Register of Voters

11. Number of electors who voted-
  - Men.....
  - Women .....
  - Total .....
12. Challenged vote-
  - Number allowed .....
  - Number rejected .....
  - Amount forfeited Rs. ....
13. Number of persons who have voted on production of Election Duty Certificate (EDC) :
14. Number of electors who voted with the help of companions :
15. Number of tendered votes :
16. No. of electors-
  - From whom declarations as to their age obtained .....
  - Who refused to give such declaration .....
17. Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment :
18. Number of votes cast from
  - 8 a.m. to 10 a.m.
  - from 10 a.m. to 12 Noon.
  - from 12 Noon to 2 p.m.
  - from 2 p.m. to 4 p.m.
19. Number of voter's slips issued at the closing hour of the poll :
20. Electoral offences with details :
  - Number of cases of-
    - (a) canvassing within one hundred metres of the polling station :
    - (b) impersonation of voters :
    - (c) fraudulent defacing, destroying or removal of the list of notice or other document at the polling station.
    - (d) bribing of voters :
    - (e) intimidation of voters and other persons :
    - (f) booth capturing
21. Was the poll interrupted or obstructed by-
  - (1) riot :
  - (2) open violence :
  - (3) natural calamity :
  - (4) booth capturing:

(5) failure of voting machine:

(6) any other cause :

Please give details of the above.

22. Was the poll vitiated by any voting machine used at the polling station having been-

(a) unlawfully taken out of the custody of the Presiding Officer:.

(b) accidentally or intentionally lost or destroyed :

(c) damaged or tampered with :

Please give details

23. Serious complaints, if any, made by the candidate/agents :

24. Number of cases of breach of law and order :

25. Report of mistakes and irregularities committed, if any, at the polling station :

26. Whether the declarations have been made before the commencement of the poll and if necessary during the course of poll when a new voting machine is used and at the end of poll as necessary :

Place .....

Date .....

Presiding Officer

This diary should be forwarded to the Returning Officer along with the voting machine and other sealed papers.

# ANNEXURE - XIII

## FORM-3

[See Rule 47(2)(c)]  
**LIST OF CHALLENGED VOTES**

Election to the Municipal Corporation of \_\_\_\_\_

from the Ward No. \_\_\_\_\_

Polling Station \_\_\_\_\_

Signature Sheet No. \_\_\_\_\_

Serial No. of entry	Name of elector	Serial number of elector's name in the roll	Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

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Date: \_\_\_\_\_

Signature of Presiding Officer