

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2020/SDR/VOL.I

Dated: 17<sup>th</sup> September, 2020

To,

The Chief Electoral Officer of

1. Bihar
2. Assam
3. Chhattisgarh
4. Gujarat
5. Haryana
6. Jharkhand
7. Karnataka
8. Kerala
9. Madhya Pradesh
10. Nagaland
11. Tamil Nadu
12. Uttar Pradesh
13. West Bengal
14. Odisha
15. Manipur, and
16. Telangana

Subject: Commission's Notifications under Section 60(c) of the RP Act, 1951 – issue of postal ballot to electors above the age of 80 years, electors with physical disability and electors in quarantine due to COVID-19 -regarding.


Sir,

I am directed to forward herewith the Commission's two Notifications bearing No. 52/2020/SDR/Vol.I dated 17<sup>th</sup> September, 2020 on the subject cited. These may be published in the State Gazette immediately and copies of the same may also be forwarded to the Commission.

A copy of the procedure to be adopted for voting through postal ballot by Absentee voters in the category of senior citizens (AVSC), PwDs (AVPD) and COVID-19(ADCO) is also enclosed herewith.

Kindly acknowledge.

Yours faithfully,

  
(N.T. Bhutia)  
Secretary

# भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

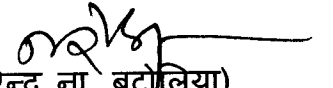
सं. 52/2020/एसडीआर/खंड 1

दिनांक: 17 सितंबर, 2020

## अधिसूचना

लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 60 के खंड (सी) के उपबंधों के अनुसरण में निर्वाचन आयोग एतद्वारा निर्दिष्ट करता है कि 80 वर्ष से अधिक आयु के निर्वाचक और शारीरिक निःशक्तता वाले निर्वाचक जिन्हें राज्य/संघ राज्य-क्षेत्र की निर्वाचक नामावलियों के डाटा बेस में पहले ही चिह्नित/इंगित किया जा चुका है और जो डाक मतपत्र के द्वारा मतदान करने का अनुरोध करते हैं, आगामी आदेशों तक निर्वाचनों का संचालन नियम, 1961 के भाग-111क के उपबंधों, विधि और न्याय मंत्रालय, भारत सरकार की अधिसूचना का.आ.सं. 3786 (अ.), दिनांक 22 अक्टूबर, 2019 के जरिये संशोधित, और निर्वाचन आयोग द्वारा जारी निर्देशों और दिशानिर्देशों के अनुसार लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 30 के अंतर्गत अधिसूचित किए जाने वाले राज्य/संघ राज्य-क्षेत्र में साधारण निर्वाचनों या उप-निर्वाचनों में डाक मतपत्र द्वारा मतदान करने वाले व्यक्तियों के वर्ग होंगे।

आदेश द्वारा,

  
(नरेन्द्र ना. बुटोलिया)  
वरिष्ठ प्रधान सचिव

To be published in the State  
Gazette immediately.

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

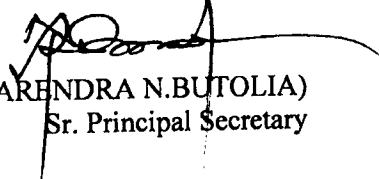
No.52/2020/SDR/Vol.I

Dated: 17<sup>th</sup> September, 2020

## NOTIFICATION

In pursuance of the provisions of clause (c) of Section-60 of the Representation of the People Act, 1951, the Election Commission hereby specifies that the electors above the age of 80 years and electors with physical disability as already marked/flagged in the data base of the electoral rolls of the State/Union Territory and who request for voting by postal ballot paper, would be a class of persons to give vote by postal ballot in the general elections or bye-elections in the State/Union Territory concerned, to be notified under Section 30 of Representation of the People, 1951, as per the provisions in Part-III A of the Conduct of Elections Rules, 1961, as amended vide Ministry of Law & Justice, Govt. of India, Notification SO No. 3786(E), dated 22<sup>nd</sup> October, 2019, and the directions and guidelines issued by the Election Commission, until further orders.

By Order,

  
(NARENDRA N.BUTOLIA)  
Sr. Principal Secretary

# भारत निर्वाचन आयोग

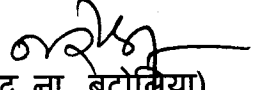
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

सं. 52/2020/एसडीआर/खंड I

दिनांक: 17 सितंबर, 2020

## अधिसूचना

लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 60 के खंड (सी) के उपबंधों के अनुसरण में निर्वाचन आयोग एतद्वारा निर्दिष्ट करता है कि सक्षम प्राधिकारी द्वारा प्रमाणित कोविड-19 के संदिग्ध या उससे प्रभावित व्यक्ति जो डाक मतपत्र से मतदान करने का अनुरोध करते हैं, आगामी आदेशों तक निर्वाचनों का संचालन नियम, 1961 के भाग-111क के उपबंधों, विधि और न्याय मंत्रालय, भारत सरकार की अधिसूचना का.आ.सं. 3786 (अ.), दिनांक 22 अक्टूबर, 2019के जरिएयथा-संशोधित, और निर्वाचन आयोग द्वारा जारी निदेशों और दिशानिर्देशों के अनुसार लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 30 के अंतर्गत अधिसूचित किए जाने वालेबिहार विधान सभा के आगामी साधारण निर्वाचनों और कई राज्यों के उप-निर्वाचनों में डाक मतपत्र द्वारा मतदान करने वाले व्यक्तियों के वर्ग होंगे।

आदेश द्वारा,  
  
(नरेन्द्र ना. बुटोनिया)  
वरिष्ठ प्रधान सचिव

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# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001


No.52/2020/SDR/Vol.I

Dated: 17<sup>th</sup> September, 2020

## NOTIFICATION

In pursuance of the provisions of clause (c) of Section-60 of the Representation of the People Act, 1951, the Election Commission hereby specifies that the Covid-19 suspect or affected persons, certified by competent authority, who request for voting by postal ballot paper, would be a class of persons to give vote by postal ballot in the forthcoming general election to the Legislative assembly of Bihar and bye-elections in several states, to be notified under Section 30 of Representation of the People, 1951, as per the provisions in Part-III A of the Conduct of Elections Rules, 1961, as amended vide Ministry of Law & Justice, Govt. of India, Notification SO No. 3786(E), dated 22<sup>nd</sup> October, 2019, and the directions and guidelines issued by the Election Commission.

By Order,

  
(NARENDRA N. BUTOLIA)  
Sr. Principal Secretary

## **Guidelines for Voting through postal ballot by Absentee Voters in the category of Senior Citizens, PwDs and Covid-19 suspect or affected persons**

1. Following categories of Absentee voters, in pursuance of the Conduct of Elections (Amendment) Rules, 2019, and the Conduct of Elections (Amendment) Rules, 2020 read with the Election Commission's decision dated 16<sup>th</sup> July, 2020 have been given the facility of voting through postal ballot (PB) paper :

- (i) Senior citizens (above 80 years of age),
- (ii) Persons with disability flagged in the electoral roll and
- (iii) COVID 19 suspect or affected persons.

2. Process for applying PB by absentee voters.

(2.1) An Absentee Voter wishing to vote by postal ballot has to make application to the Returning Officer (RO) of the constituency concerned, in Form-12D, giving all requisite particulars. Such application seeking postal ballot facility should reach to the RO within five days following the date of notification of the election concerned.

(2.2) As per the amended provisions under Rule 27E and 27-I of CER, 1961 the issue of Postal ballot paper to the absentee voter and return of the ballot paper after voting shall be in such manner as the Commission may direct. Accordingly, the Commission has laid down the following procedure/guidelines for facilitating voting through postal ballot by the absentee voters of senior citizen category (AVSC), absentee voters belonging to PWD category (AVPD) and absentee voters belonging to COVID 19 category (AVCO)

(2.3) If any elector at the time of election is hospitalized on account of COVID-19, in a hospital within the State **or is in Home/ Institutional Quarantine on account of COVID-19 and hence** not be in a position to cast vote personally at the polling station as per medical advice and if such elector makes request for issue of Postal Ballot, the RO concerned, on being satisfied about the genuineness of the application, shall provide the postal ballot to the elector. The RO shall make arrangement to deliver Postal Ballot and to get **the same collected back from the said elector before the date fixed for poll in**

**the Constituency.** This arrangement shall be made in coordination with the Nodal Officer for COVID-19, designated by the Chief Secretary, on the directions of the Commission. **Application for postal ballot paper from such electors (Form 12D) should be accompanied by copy of certificate/instructions from competent health authorities which show that the applicant is hospitalized in the State or is in quarantine within the State (Home or Institutional) on account of COVID 19.**

3. Action by RO-

(3.1) On receipt of application in Form-12D, the RO will draw a list (format as annexure-1) of all Absentee Voters in the 3 categories, i.e. (a) 'AVSC', (b) 'AVPD' and (c) AVCO, whose applications have been received in time and are in order.

(3.2) On the last date for making nominations for the election, the electoral roll is frozen for that election and no further addition or deletion can be carried out in the roll till the completion of the election. At this stage, RO shall verify and ensure that the applicants for postal ballots are registered as elector and their electoral particulars given in Form 12-D are correct with reference to the existing electoral roll. All the electors, whose particulars with reference to the electoral roll have been found to be correct, shall be issued postal ballot paper as Absentee Voters in the category of AVSC and AVPD. **In case of Absentee Voters belonging to the category of COVID-19 (AVCO), before issuing FORM 12D, the RO shall check certificate of competent authority, duly appointed by the State Government/UT administration to the effect that the elector is under home quarantine or institutional quarantine due to COVID-19.**

(3.3) The RO shall also indicate entry 'PB' in the marked copy of the electoral roll against the names of such electors, to show that a postal ballot paper has been issued to them, without however recording therein the sl. no. of the ballot papers issued to them.

(3.4) The RO shall also ensure that elector who has been issued postal ballot is not allowed to vote at a polling station.

**4. Form and design of Postal ballot paper**

The postal ballot paper for Absentee Voters shall be of the same form and language as the postal ballot paper for the voters on election duty. In this connection, reference is invited to the Commission's Directions No. 52/2015/SDR/Vol.1 dated 18<sup>th</sup> September, 2015 and 52/2016/SDR/Vol.1 dated 24<sup>th</sup> February, 2016, regarding the form of postal ballot paper for voters on election duty (**copy enclosed**).

**5. Visits of Polling Officials, briefing of electors and collection of marked ballot papers:-**

(5.1) Separate teams of poll officers, comprising two officials out of which at least one should be not below the rank/level of the official appointed as polling officer for Polling Station in the State, should be appointed for the purpose.

(5.2) Number of teams of Polling Officials to be appointed would depend on the number of Absentee Voters to whom postal ballot papers have been issued.

(5.3) The team of polling officials shall visit the electors at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.

(5.4) The electors will be intimated, in advance, about the date and approximate time of visit of poll officials. Such intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form-12D. In other cases, the intimation may be given by post and /or through the BLO.

(5.5) If the elector is not present at the given address at the first visit, the team shall pay a second visit after leaving intimation about the time of second visit. If the elector is not present even at the second visit, no further visit or action is required in his/her case.



**(5.6) The candidates shall be informed about the schedule of visit for the delivery and collection of postal ballots for this category. They may, if desired, depute their authorized representatives (including BLAs), with prior intimation to the Returning Officer, to watch the process.**

(5.7) The list of AVSCs, AVPDs and AVCOs shall be divided for distribution among the different teams of Polling Officials in such manner that each team gets a list of persons in geographically compact area.

(5.8) The visiting polling official shall ascertain the identity of the elector before issuing postal ballot paper.

**(5.9) Name of elector and the document produced for identification shall also be entered in a register (annexed as annexure-2) to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. Further, a tick mark shall be placed against the name of the elector in the list of AVSC, AVPD and AVCO to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be got detached and kept in safe custody by the team.**

(5.10) It shall be the responsibility of each team of polling officials to (a) issue postal ballot to each of the Absentee Voters assigned to it, (b) brief the elector about the procedure to be followed for voting through postal ballot, (c) make sure that the elector votes without anyone influencing his/her choice, and ensuring the secrecy of voting, all activities at the address of the elector concerned. However, if any elector is not able to cast vote by himself due to blindness or physical infirmity, he/she shall be allowed to take the assistance of any adult person for casting vote.

(5.11) While briefing the electors about the procedure of voting and formalities to be observed on their part, the polling official shall clearly explain the following points to them:-

- (a) making the declaration in Form 13A and getting it attested by the poll officer himself,
- (b) entering the serial number of postal ballot paper, both on Form 13A and on the smaller envelope (Form 13B)

- (c) manner of marking vote, i.e by placing either cross mark or tick mark against the name of the candidate of choice,
- (d) folding and placing the marked ballot in the smaller envelope and closing the envelope,
- (e) Placing the declaration in Form 13A, duly filled up, signed and attested along with closed envelope (Form 13B) containing the marked ballot paper inside the larger envelope (Form 13C),
- (f) Closing the larger envelope and handing over the same to the poll officer.

**(5.12) Poll officer is authorized to attest the declaration in Form 13A in the case of AVSC, AVPD and AVCO. While attesting the declaration, the poll officer shall write his full name and also the designation 'poll officer'. In the case of a COVID affected person on treatment in Hospital, the Medical Officer attending to the person also authorised to attest the declaration.**

(5.13) After vote is cast on postal ballot and the envelope in Form 13C is ready, the Poll Officials will collect the same.

(5.14) Each team of polling officials should be provided with the list of AVSC, AVPD and AVCO electors, adequate number of postal ballot papers, envelopes, pen, ink-pad (for thumb impression wherever required), glue stick for closing the envelopes, a sufficiently big canvas bag for keeping the envelopes of polled ballots and the counterfoils safely and other essential stationeries that may be considered necessary.

(5.15) Police Security cover shall be provided to the poll officers for their visits. Arrangement for videography of the proceedings at the address of AVSC/ AVPD/AVCO should also be made. For this purpose, a videographer should accompany the poll officers. It shall be ensured that the secrecy of vote is not violated while carrying out the videography exercise.

**(5.16) Visits by teams of poll officers to the address of AVSC, AVPD and AVCO electors should be planned in such a way that the same is completed one day prior to the date fixed for poll in the constituency. For**

**instance, if poll is scheduled for 10<sup>th</sup> of Month, the postal voting for AVSC, AVPD and AVCO should be completed by 9<sup>th</sup> of that Month.**

**(5.17) For the poll officers deputed to AVCO electors appropriate protection equipment including PPE kit shall be provided. This should be done in consultation with the Nodal Health Officer for AVCOs.**

**6. Deposit of envelopes containing marked ballot papers and counterfoils**

At the end of each day of visit by poll officers to the address of AVSC/AVPD/AVCO electors, the envelopes in Form-12C containing postal ballot paper etc. and the counterfoils of ballot papers containing the signature/thumb impression of electors and other particulars, shall be collected by the ARO designated of postal voting by the absentee voters. The ARO shall make arrangements to have the same delivered at the headquarters of the RO for keeping them in safe custody. The ARO shall maintain the record indicating the number of ballots sent on each day. This should also be shared with the RO on a daily basis.

**7. Contesting candidates will be duly informed about the Election Commission's above guidelines.**

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**Annexure-1**

**List of AVSC, AVPD and AVCO electors entitled to vote through postal ballot**

**Name of Election:** \_\_\_\_\_

**Name of Constituency:** \_\_\_\_\_

<b>Sl.no.</b>	<b>Name of Elector</b>	<b>Part Number</b>	<b>Sl. Number in the Part</b>	<b>EPIC number</b>

**Signature of RO**

**Date:**

**Annexure-2**

**List of AVSC/AVPD/AVCO electors issued with postal ballot**

**Name of Election:** \_\_\_\_\_

**Name of Constituency:** \_\_\_\_\_

<b>Sl.no.</b>	<b>Name of Elector</b>	<b>Sl. No. in the list of AVSC/AVPD electors</b>	<b>Document produced for identification</b>	<b>Date on which voted</b>	<b>Signature/Thumb impression of elector</b>

**Signature of Poll Officer**

**Name :** \_\_\_\_\_