

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, NewDelhi-I10001

No. 52/2020/SDR/VOL.I

Dated 28<sup>th</sup> September, 2020

To,

The Chief Electoral Officer  
Bihar,  
Patna.

Subject: Commission's Notification under Section 60(c) of the RP Act, 1951 for the purpose of voting through postal ballot for Absentee voters on essential services-regarding.

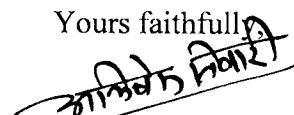
Sir,

I am directed to refer to your letter No. बी1-3-12/2020 (खण्ड), dated 1<sup>st</sup> September, 2020 and to forward herewith the Commission's Notification No. 52/2020/SDR/Vol.I dated 28<sup>th</sup> September, 2020 notifying the categories of electors mentioned therein for the purposes of facility of voting through postal ballot as absentee voters on essential service. This may be published in the State Gazette immediately and a copy of the same may also be forwarded to the Commission.

2. The departments of the notified categories of electors may be informed accordingly, and may be asked to nominate "Nodal Officer" for this purpose of the postal ballot facility. The Nodal Officer may be briefed about the facility, and responsibilities and duties to be carried out by him/her. Copies of Form 12D appended to the Conduct of Elections Rules, 1961 may be made available to the Nodal Officer. Nodal Officer should inform the electors concerned about the facility.

3. Guidelines in this regard will be sent separately. Kindly acknowledge.

Yours faithfully

  
(Abhishek Tiwari)  
Under Secretary

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: 28<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, on due consideration of the matter in consultation with the Central Government, the Election Commission hereby notifies that the persons employed in the following essential services:

1. Electricity Department
2. BSNL
3. Railways
4. Post & Telegram
5. Doordharshan
6. All India Radio
7. COMFED and related Milk Cooperatives & Units
8. Health Department, Bihar in connection with Covid-19
9. Food Corporation of India
10. Aviation
11. Long distance Govt. Road Transport Corporation
12. Fire Services
13. Traffic
14. Ambulance Services, and
15. Media Persons authorized by ECI for poll day coverage.

who on account of being on duty on the day of poll, in the current general election to Legislative Assembly of Bihar scheduled to be notified on 01.10.2020, 09.10.2020 and 13.10.2020, for phase I, phase II and phase III respectively, will

not be able to be present in their respective polling station, as a class of persons to give vote by postal ballot in the said general election as per the provisions of 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 directions and guidelines issued by the Election Commission, in this behalf.

By Order,



(N.T.BHUTIA)  
Secretary

## **Guidelines for Voting through postal ballot by Absentee Voters on Essential Service (AVES)**

By the Conduct of Elections (Amendment) Rules, 2019, 'Absentee Voters' have been given the facility of voting through postal ballot paper.

### **2. Provisions made by the amendments**

- 2.1 'Absentee Voter' has been defined in clause (a) of Rule-27A of the Conduct of Elections Rules, 1961 as a person belonging to the class of persons notified by the Commission in terms of clause (c) of Section-60 of the Representation of the People Act, 1951 comprising persons employed in essential services who, on account of the compulsion of their duties, are not able to be present in their polling station on the day of poll. This category would also include senior citizens of 80 plus age and those belonging to the category of physically disabled (PWD).
- 2.2 The Election Commission has notified the officials of (i) Electricity Department (ii) BSNL (iii) Railways (iv) Post & Telegram (v) Doordharshan (vi) All India Radio (vii) COMFED and related Milk Cooperatives & Units (viii) Health Department, Bihar in connection with Covid-19 (ix) Food Corporation of India (x) Aviation (xi) Long distance Govt. Road Transport Corporation (xii) Fire Services (xiii) Traffic (xiv) Ambulance Services, and (xv) Media Persons authorized by ECI for poll day coverage. Accordingly, the officials of these categories who are enrolled in the electoral roll in Bihar and who would be certified to be on duty on the day of poll (28.10.2020, 03.11.2020 and 07.11.2020), and on account of their such official duties, will not be able to be present in the polling station for voting on that day, will be eligible for voting through postal ballot as absentee voters in the essential service category.

- 2.3 Absentee Voter wishing to vote by postal ballot has to make application to the Returning Officer in Form-12D giving all requisite particulars. In the case of those Absentee Voters belonging to the category of essential services, their application is required to be verified by the Nodal officer appointed by the organization concerned. Such application seeking postal ballot facility should reach the RO within five days following the date of notification of the election concerned.
- 2.4 As per the amended provisions under Rule 27E and 27-I of the Conduct of Election Rules, 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 Election Commission may direct. Accordingly, the Election Commission has laid down the following procedure/guidelines in the matter of facilitating postal ballot voting by the absentee voters in the category of persons on essential service (denoted for convenience as 'AVES').

### 3. **Action by Returning Officer**

- 3.1 Adequate publicity should be given to the facility being provided to these categories of electors. Form-12D should be put on the website of the District Election Officer and also made available to the Nodal Officer of the organisation for dissemination to the electors concerned.
- 3.2 On receipt of application in Form-12D, the RO will draw a list of all Absentee Voters on Essential Service (AVES) of the above three categories whose application have been received in time and are in order. The list shall be drawn in the format in *Annexure- A*
- 3.3 The RO shall verify and ensure that the electoral roll particulars of the applicants for postal ballot mentioned in Form-12D match with the particulars in the electoral roll and they are registered as elector. All the electors referred to in para-3 above and whose particulars with reference to

the electoral roll have been found to be correct shall be issued postal ballot paper as Absentee Voters.

- 3.4 After the list of Absentee voters in this category voting through postal ballot paper is finalized, entry 'PB' shall be entered in the marked copy of the electoral roll against the names of such electors.

**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 Election 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.

**5. Assistant Returning Officer for voting through postal ballot by Absentee Voters**

One ARO shall be assigned to handle all work related to postal ballot voting by Absentee Voters. It shall be the responsibility of such ARO to carry forward the postal voting programme from the stage of receipt of applications in Form 12D, and take all necessary action in this regard.

**6. Centre for voting through postal ballot**

- 6.1 As per the second proviso to Rule-27E, issue of postal ballot paper to absentee voters shall be in the manner as specified by the Election Commission. Sub-rule (3) of Rule-27F provides that recording of vote by Absentee Voter shall be in such centre as specified by the Election Commission.
- 6.2 In the constituencies where there are Absentee Voters in the essential service category found eligible for postal ballot facility, the RO shall

identify a suitable venue and room to be used as the place for issuing of postal ballot paper to such Absentee Voters and for facilitating their voting in such centre and thereafter for collection of the postal ballot paper. For this purpose, the RO shall identify a suitable location to be the Postal Voting Centre (PVC) for the absentee voters. Such venue shall be within the territory of the Constituency, and should be located, as far as possible, towards the central part of the constituency area so that the travelling distance for the voters to get to the PVC is not unduly long.

## **7. Intimation regarding issue of Postal Ballot Paper and Voting**

- 7.1 All the persons who have applied for postal ballot paper AVES category shall be duly intimated about the following:
- (i) The full address of the Postal Voting Centre venue where postal ballot voting is to be arranged ;
  - (ii) Dates on which the postal ballot voting facility will remain open;
  - (iii) The hours fixed for postal ballot voting.
- 7.2 The 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. In addition, this information should also be disseminated through the Nodal Officer of the Organisation concerned and advertisements in local newspapers and also through the website of the District Election Officer. It should be explained that the absentee voters who have applied for postal ballot voting may come for casting vote on any of the three days during the hours fixed for the purpose and that they should produce their service identity card.It should also be explained that those who have been approved for voting through this facility can only vote at such PVCs and not in any other manner.

7.3 The contesting candidates in the constituency shall also be given prior intimation on the abovementioned points so that they may, if they so desire, appoint agents for watching the proceedings in the PVC. While intimating about the postal voting at the PVC, they should also be informed in writing that they may appoint their agents for watching the proceedings. The appointment should be made by the candidate or the election agent in writing and under their signature. Form-10 (the format for appointment of polling agents in polling stations) may be used for appointment of agent for the PVC.

**8. Appointment of staff for the postal voting centre(PVC)**

Each postal voting centre should have adequate staff for smoothly carrying out the work in such centre. The number of staff required should be worked out based on the number of AVES category voters who are voting in the centre. Each centre should have at least one gazetted officer for attesting the declaration of elector in Form-13A. The number may be increased depending on the number of electors in the particular centre.

**9. Responsibilities of staff for Postal Voting Centre -Work and functions of Staff of postal voting centre are as follows:-**

- 9.1 Issuing postal ballot paper along with all connected envelopes, etc. (Form 13A, envelopes in Form-13B and 13C), after duly verifying the identity of the voter.
- 9.2 Form 13D (Instructions to voters) need not be given to individual electors. A copy of the same can be made available in the PVC for reference, if sought, by any elector. However, the electors should be briefed about the requirements on their part. A chart indicating the procedure for voting should be displayed at the PVC for the information of the electors.
- 9.3 Identity of the elector shall be verified before issuing postal ballot paper. Name of elector and the document produced for identification shall also be



entered in a register to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. A format for the register is annexed at *Annexure-B*. Further, a tick mark shall be placed against the name of the elector in the list of AVES 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 to be sent to the RO along with envelopes containing polled postal ballots.

9.4 The electors should be briefed about the procedure for voting and formalities to be observed on their part. They should be clearly briefed on the following points:

- (i) making the declaration in Form 13A and getting it attested by the gazetted officer present in the PVC,
- (ii) entering the serial number of postal ballot paper, both on Form 13A and on the smaller envelope (form 13B),
- (iii) manner of marking vote, i.e by placing either cross mark or tick mark against the name of the candidate of choice,
- (iv) folding and placing the marked ballot in the smaller envelope and closing the envelope,
- (v) 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),
- (vi) Closing the larger envelope and dropping it in the box kept in the PVC.

#### **10. Period and hours during which PVC shall be open**

Postal Voting Centre (PVC) shall be open for up to three consecutive days in each of the constituencies. The three days period shall be so fixed that it is completed at least three days before the date fixed for poll in the constituency.

On each of the three days, the PVC shall remain open from 9 AM to 5 PM.

**11. Close of poll protocol on each day**

- 11.1 After the day poll closes, the envelopes in Form 12C in the drop box shall be taken out, and sealed in a larger packet super scribed “Postal Ballots in PVC”. On the outer packet, the following particulars should be clearly mentioned:
- (i) Name and number of Constituency,
  - (ii) Name of location of PVC,
  - (iii) The date on which the votes were cast,
  - (iv) The number of envelopes in Form 12C in the packet.
- 11.2 The counterfoils of postal ballots shall also be seated in a separate packet super scribed “Counter foils of PBs in PVC”. Name and number of constituency and the dates on which it is sealed shall also be entered on such packet.
- 11.3 Both the packets containing the polled postal ballots and the counterfoils shall be sent to the Returning Officer in the same evening.
- 11.4 Signature of the agents of candidates present in the PVC should be obtained on each day of voting in the PVC. The format for this purpose is given at *Annexure-C*.
- 11.5 At the end of the three days voting period, all other material supplied to the PVC shall be collected by the ARO in charge of the PVC and retained at the headquarters as per standard protocol for the material concerned.
- 11.6 If an Absentee Voter does not turn up for voting in the PVC, there is no requirement of sending the postal ballot to him/her by post. The procedure prescribed for postal voting by them is voting in the PVC and in no other manner.

## 12. Material required in PVC

Each PVC should be provided with all necessary material for taking poll, in particular, the following:

- (i) Sufficient number of postal ballot papers as per the number of Absentee Voters assigned to the PVC, with 10% surplus for the eventuality of some ballot papers getting damaged and requiring issuing of fresh ballot paper under rule 26(2);
- (ii) Sufficient number of Form 13A envelopes in Forms 13B and 13 C;
- (iii) Pen for marking vote;
- (iv) Glue for closing the envelopes;
- (v) Ink-pad;
- (vi) Box in which the envelopes containing marked ballot paper is to be dropped;
- (vii) Register for obtaining signatures of electors on issue of ballot paper;
- (viii) List of Absentee Voters assigned for voting in the PVC with three extra copies (*Annexure-A*);
- (ix) Material for setting up voting compartment;
- (x) Large envelopes for sending the ballots after voting and the counterfoils of ballot papers to the RO on a daily basis;
- (xi) Other stationary items that would be required;
- (xii) Furniture for the polling staff, agents of candidates and for setting up voting compartment.

**Annexure-A**

**List of absentee voters in AVES category entitled to vote through postal ballot in PVC**

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

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

Venue of PVC: \_\_\_\_\_

<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-B**

List of absentee voters issued with PB at the PVC

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

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

Venue of PVC: \_\_\_\_\_

<b>Sl. No.</b>	<b>Name of Elector</b>	<b>Sl. Number in the list of electors assigned to PVC</b>	<b>Document produced for identification</b>	<b>Date on which voted</b>	<b>Signature/TF of elector</b>

Signature of Presiding Officer

Name \_\_\_\_\_

Date:

**Annexure-C**

**Signature of Agents of candidates present in the PVC**

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

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

Venue of PVC: \_\_\_\_\_

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

Sl. No.	Name of Agent	Name of the Candidate whom the agent is representing	Signature

Signature of Presiding Officer

Name \_\_\_\_\_

Date:

*Note:- Separate list should be prepared for each day of postal voting.*