

ANDHRA PRADESH MUNICIPALITIES (CONDUCT OF ELECTION OF MEMBERS) RULES, 2005

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ANDHRA PRADESH MUNICIPALITIES (CONDUCT OF ELECTION OF MEMBERS) RULES, 2005

In exercise of the powers conferred by clause (b) of sub-section (2) of Section 326, read with clause (12) of Section 2, Sec. 10-A, 20, 27 and 28-E of the Andhra Pradesh Municipalities Act, 1965 (Andhra Pradesh Act 6 of 1965), and in supersession of the rules issued in G.O.Ms.No. 938, M.A. dated the 28th July 1965, as amended from time to time, the Governor of Andhra Pradesh, hereby makes the following rules for the conduct of Election of Members to Municipalities and Nagar Panchayats in the State.

1. Short title :-

These rules may be called the Andhra Pradesh Municipalities (Conduct of Election of Members) Rules, 2005.

2. Applicability :-

The rules shall apply to all the Municipalities and Nagar Panchayats in the State of Andhra Pradesh.

CHAPTER 1

Preliminary

3. Definitions :-

(1) In these rules unless there is anything repugnant in the subject, or context,

(a) "Government" means the Government of Andhra Pradesh;

(b) "Act" means the Andhra Pradesh Municipalities Act, 1965;

(c) "Elector" in relation to an election to any municipality means a person whose name appears in the electoral roll of the Municipality as it remains in force, except a person who is declared to be a man of unsound mind and stands so declared by a competent court;

(d) "Election Officer" means the Municipal Commissioner or any person or officer authorised or appointed by the Election Authority to do any act or perform any function in connection with the conduct of elections under these rules.

(e) "electronic voting machine" means the voting machine referred to in Section 28-E of the Act;

(f) "electoral roll" means the electoral roll prepared and published under Section 11 of the Act;

(g) "Form" means the form appended to these rules and includes the translation of the matter in Telugu or any other languages specified in Schedule VIII of the Constitution,

(h) "ballot box" includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

(i) "counterfoil" means the counterfoil attached to a ballot paper printed under the provisions of these rules;

(j) "marked copy of the electoral roll" means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are Issued at an election or the names of electors who are allowed to vote through electronic voting machine;

(k) "municipality" includes a Nagar Panchayat;

(1) "Polling Station" in relation to an election of members means the place fixed for taking the poll at such election;

(m) "Presiding Officer", includes any polling officer performing any of the functions of a Presiding Officer under sub-rules (2) and (3) of Rule 30;

(n) "Public Holiday means any day declared as such by Government,

(o) "Voters on election duty means any polling agent, any polling officer, Presiding Officer or other public servant who is an elector in

the ward and is by reason of his/her being on election duty unable to vote at the polling station where he/she is entitled to vote;

(2) Words and expressions used in these rules but not defined shall have the same meaning assigned to them respectively under the Act.

(3) For the purpose of these rules, a person who is unable to write his/her name shall, unless otherwise expressly provided in these rules be deemed to have signed an instrument or other paper, if.

(a) he/she has placed a mark on such instrument or other paper in the presence of the Election Officer or the Presiding Officer or such other Officer specified in these rules;

(b) such officer on being satisfied as to his/her identity has attested the mark as being the mark of that person".

CHAPTER 2

Election of Members

4. Administrative Machinery for the Conduct of Elections :-

(1)

(a) The conduct of Elections to all Municipalities in the State shall be under the superintendence, direction and control of the State Election Commission

(b) The Election authority appointed by the State Election Commission shall exercise such powers and perform such functions in connection with the conduct of elections under these rules, as may be assigned to him under the Act and the rules.

(2) The District Collector shall be the District Election Authority. He shall, within his Jurisdiction perform such functions of the Election Authority under these rules as may be assigned to him by the Election Authority.

(3) Subject to the general superintendence, direction and control of the Election authority, the District Election Authority shall be responsible for the conduct, co-ordination and supervision of all works in connection with the conduct of the elections to the Municipalities within his jurisdiction.

(4) The Election Authority may appoint one or more persons who shall be an officer or officers of the Local Authority or the Government as Additional Election Officer or Assistant Election

Officer and they shall, subject to the control of the Election Officer be competent to perform all or any functions of the Election Officer, except the functions which relate the scrutiny of nominations, unless the Election Officer is unavoidably prevented from performing the said function

5. Display of voters list :-

The Election Officer shall affix a notice on the notice board of the municipal office showing the voters list pertaining to the various wards of the municipality on the day of publication of notice under Rule 6;

6. Publication of election notice :-

The Election Officer shall, on the basis of the election notification issued by the State Election Commission, prepare and publish a notice on the notice board of the Municipality and in one or more conspicuous places in each ward of the Municipality for which election is due in English and in the main language of the District stating:

- (a) the number of members to be elected
- (b) the wards for which they are to be elected;
- (c) the category for which it is reserved, namely, for the members of the Scheduled Tribes, the Scheduled Castes, Women and Backward Classes as the case may be, under section 8(1) of the Act;
- (d) the date upto which, the places at which and the hours between which and to whom nomination papers shall be presented, which shall be a date not earlier than the fourth day and not later than the tenth day after the date of publication of the election notice, whether or not it is a public holiday;
- (e) the date on which, the hours between which and the place at which the nomination papers will be taken up for scrutiny, such date being the date, next to the last date fixed for the presentation of nomination papers, whether or not it is a public holiday;
- (f) the last date and time for withdrawal of the candidature, which shall not be later than 3'o' clock in the after noon of the third day after the date fixed for scrutiny of nominations whether or not it is a public holiday;
- (g) the date on which and place or places at which the poll will be

taken, should there be a poll and the hours during which the poll will be taken:

(i) Provided that the date on which a poll shall be taken shall be a date not earlier than the twelfth day after the date for withdrawal of candidatures:

(ii) Provided further that the total period allotted to any one day for polling at an election in a ward shall not be less than eight hours; and

(h) the day on which and the place and the hour at which the counting of votes shall commence.

7. Special Election programme :-

Notwithstanding anything contained in these rules, where the election process is interrupted or the election programme has to be altered on account of the orders of any Court of Law or for other valid reasons to be recorded in writing, it shall be competent for the State Election Commissioner either generally or in respect of all or any of the wards of a municipality to alter the election programme notified under Rule 6 and to re-notify the election programme as he deems fit in the circumstances of the case without having regard to the guidelines mention in the said rule and the election officer shall give effect to the same.

Provided that where the election programme is re-notified under this rule commencing from the making of nominations, the nominations already made shall be disregarded and the deposits, if any, made shall be refunded.

8. Nomination of Candidates :-

(1) The nomination of every candidate shall be made by means of nomination paper in Form I, which shall on application, be supplied free of cost by the Election Officer to any elector whose name is on the electoral roll for the municipality:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Election Officer for election in the game ward for any particular seat,

(2) Every nomination paper shall be signed by one such elector as proposer and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) Each candidate shall be nominated by a separate nomination paper. An elector standing as a candidate for election to a seat shall not sign his own nomination papers as proposer.

(4) Every nomination paper shall be presented by the candidate in person or by his proposer on the date, at the place and during the hours appointed, to the Election Officer or to such other person as may be authorised by him in this behalf. The Election Officer or such other authorised person shall forthwith number the nomination papers serially in the order in which they are presented and enter on each nomination paper, the time at which it is presented. He shall give a receipt for the same as in Form I.

(5) Where a person has signed as proposer more than one nomination paper first received shall only be valid.

(6) The rejection of a nomination paper of any candidate on the ground of any irregularity in respect thereof shall not affect the validity of the nomination of the candidate if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(7) No nomination paper shall be received after the appointed time on the last date appointed for the presentation of nomination papers whether or not it is a public holiday.

(8) In the case of every nomination filed in respect of a seat reserved for Scheduled Tribes, Scheduled Castes and Backward Classes, a declaration in Form II made before an officer not below the rank of a Deputy Tahsildar of the Revenue Department by the candidate shall be attached to the nomination.

(9) Every candidate shall, along with the nomination paper also file a declaration with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format attested by two witnesses.

9. Check It :-

Verification of entry in the electoral roll:

(1) On the presentation of a nomination paper, the Election Officer or other authorised person referred to in sub-rule (4) of Rule 8 may require the person or persons presenting the same to produce a copy of the electoral roll in which the candidate and his proposer

are registered or the necessary entries therein and shall satisfy himself that the name and number of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral roll.

(2) The Election Officer may so interpret an entry in the electoral roll, as to overlook merely clerical or printing errors but he shall record the interpretation adopted by him together with the reasons therefor.

10. Deposits :-

(1) The State Election Commission, may before every ordinary elections by notification, specify amounts of deposit which each candidate wishing to stand for election as member shall make and different amounts may be specified for different categories of candidates. At or before the time of presentation of his nomination paper or papers, each candidate shall remit or cause to be remitted the amount of deposit, as may be specified, in any Government Treasury or Bank or in cash with the Election Officer. No candidate shall be deemed to be duly nominated, unless the deposit as aforesaid has been made. Explanation: The delivery of a receipt to the Election Officer from any Government Treasury or Bank wherein the Municipality has an account, evidencing the payment by or on behalf of a candidate, to the credit of the Municipality of the amount required to be deposited under this sub-rule shall be deemed to be a deposit of such amount within the meaning of this sub-rule made by or on behalf of such candidate at the time of such delivery.

(2) If no nomination paper is received within the time appointed in that behalf in respect of any person by whom or on whose behalf the deposit referred to in sub-rule (1) has been made or if the nomination of any such person is rejected or if he withdraws his candidature in the manner and within the time specified, the deposit shall be refunded to the person by whom it was made and if any candidate dies before the commencement of the poll, any such deposit if made by him shall be refunded to his legal representative or if not made by the candidate, shall be refunded to the person by whom it was made or to his legal representative.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of valid votes polled by him does not exceed one sixth of the valid

votes polled, the deposit shall be forfeited to the Municipality.

(4) For the purposes of sub-rule (3) the number of valid votes polled shall be deemed to be the number of ballot papers, other than spoilt ballot papers counted.

(5) The deposits which are not forfeited under sub-rule (3) shall be refunded to the candidates or to the persons who have made the deposits on their behalf as the case may be as soon as may be after the declaration of the result of the election.

(6) Notwithstanding anything contained in sub-rules (2) and (5) where deposits have been made by or on behalf of a candidate in respect of two or more seats not more than one of the deposits shall be returned and the remainder shall be forfeited to the Municipality irrespective of the fact whether nominations were received from the candidate for the seat or not.

(7) Notwithstanding anything contained in this rule, a deposit made under sub-rule (1) shall not be refunded unless a claim therefore is delivered or sent by post to the Election Officer by the person who made the deposit or by his legal representative, as the case may be, within six months of the date of declaration of the result.

11. Publication of list of nominations received :-

On the last day appointed for the receipt of nomination papers and immediately after the hour for their receipt is past, the Election Officer or the authorised person referred to in sub-rule (4) of Rule 8 shall publish in the municipal office a list in Form HI of all nominations received with a notice that the nomination papers will be taken up by the Election Officer for scrutiny at the municipal office or other specified place on the date and time appointed under Rule 6.

12. Scrutiny of Nomination Papers :-

(1) On the date appointed for the scrutiny of nominations, the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate and no other person, except for the purpose of assisting the Election Officer may attend at such time and place as may be specified under Rule 1 and the Election Officer shall give such persons all reasonable facilities to examine the nomination papers of all candidates which have been received within time.

(2) The Election Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary reject any nomination on any of the following grounds:

(i) that the candidate is ineligible for election under Sections 13, 13-A, 13-B, 14, 15, ISA and 15B of the Act;

(ii) That the proposer is a person whose name is not registered in the electoral roll of the concerned ward; or

(iii) that there has been any failure on the part of the candidate or his proposer to comply with any of the provisions of Rules 8 and 10; or

(iv) that, in case the seat is reserved for any community or for women, the candidate does not belong to that community or is not a woman, as the case may be;

Provided that the nomination of a candidate shall not be rejected merely on the ground of any incorrect description of his name or of the name of his proposer or of any other particulars relating to the candidate or his proposer as entered on the electoral roll, if the identity of the candidate or proposer as the case may be, is established beyond reasonable doubt:

Provided further that the Election Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(3) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day appointed in this behalf under Rule 6 and no adjournment of the proceeding shall be allowed, except when such proceedings are interrupted or obstructed by riot or open violence or for causes beyond the control of the Election Officer:

Provided that in case an objection is made, the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Election Officer shall record his decision on the date to which the proceedings have been adjourned.

(4) When the scrutiny has been completed a list of validly nominated candidates shall be published in Form IV. There shall be one entry only in respect of each validly nominated candidate in the list, although more nomination papers than one in respect of him may have been accepted as valid. If none of the nomination papers is found valid on scrutiny, no name of the candidate should be entered in the list.

13. Withdrawal of candidature :-

(1) Any candidate may withdraw his candidature by notice in writing in Form V, signed by him and delivered personally to the Election Officer at any time after presentation of his nomination paper or papers and before three 'O' clock in the afternoon on the third day after scrutiny of nominations whether or not it is a public holiday. When the notice is not delivered by such candidate in person it shall be delivered by his proposer or election agent who has been authorised in this behalf in writing by such candidate.

(2) The Election Officer on receiving a notice of the withdrawal under sub-rule (1) shall, as soon as may be, cause a notice of the withdrawal in Form VI to be affixed on the notice board of the Municipal Office.

(3) A candidate who has withdrawn his candidature under sub-rule (1) shall not be allowed to cancel the withdrawal.

14. Publication of the list of contesting candidates :-

(1) On the expiry of the time allowed for withdrawal of candidature under Rule 13(1), the Election Officer shall prepare a list in Form VII of persons whose nominations have not been rejected and who have not withdrawn their candidature which may be called as list of contesting candidates and publish it on the notice board of the Municipal Office forthwith whether or not it is a public holiday and in any case atleast twelve days before the date fixed for the election.

(2) The names of the candidates shall be arranged with reference to surnames of the candidates in alphabetical order in Telugu. Where there is no surname the proper name shall be taken into consideration and where only the initials precede the proper name, the initials have to be ignored while arranging the names in the list of contesting candidates. If a poll is found to be necessary, the Election Officer shall also specify the distinctive symbols assigned to

them under sub-rule (3). Provided that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. The names of such candidates shall be arranged in the order in which their nominations were received by the Election Officer.

(3) If a poll is found to be necessary the Election Officer shall assign to every contesting candidate on distinctive symbol as per the provisions of paragraph 6 of the Registration of Political parties and Allotment of Symbols Order, 2001 issued by the State Election Commission and any other instructions issued by the State Election Commission in this behalf from time to time.

(4) In every case where a symbol has been assigned to a candidate under sub-rule (3) such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Election Officer.

15. Uncontested election :-

After the list of contesting candidates is published under Rule 14, if there is only one contesting candidate, the Election Officer shall declare the candidate as duly elected. If the number of contesting candidates is more than one, a poll shall be held. If there are no valid nominations to fill the seats the Election Officer shall report the same to the State Election Commission through the Election Authority.

16. Death of a contesting candidate before poll :-

(1) If a candidate set up by a recognised political party or a candidate set up by a registered political party to whom a symbol is reserved by the State Election Commission -

(a) dies at any time after 10.00a.m. on the last date for making nominations and his nomination is found valid on scrutiny; or

(b) whose nomination has been found valid on scrutiny and who has not withdrawn his candidature dies and in either case, a report of his death is received at any time before the publication of the list of contesting candidates; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the Election Officer shall, upon being satisfied about the fact of the death of the candidate, by order, announce an adjournment of poll to a date to

be notified later and report the facts to the State Election Commission and to the election authority:

Provided that no order for adjourning a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(2) The State Election Commission shall on the receipt of a report from the Election Officer under sub-rule (1), call upon the recognised or registered political party, as the case may be, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognised or registered political party and the provisions of Rule 8 to 13 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of Rule 13 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

(3) Where a list of contesting candidates has been published under Rule 14 before the adjournment of the poll under sub-rule (1), the Election Officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-rule (2).

17. Appointment of Election Agent :-

(1) Every person nominated as a candidate for an election may appoint in writing a person to be his election agent. The appointment shall be in Form VIII and notice of appointment shall be given in writing to the Election Officer.

(2) When a candidate for election appoints a person to be his election agent, he shall obtain, in writing the acceptance of such person to be his election agent.

(3) No person shall be appointed as an election agent who is disqualified under Section 15, excepting the one mentioned in clause (f) of subsection (2) thereof.

(4)

(1) Any revocation of the appointment of an election agent shall be

signed by the candidate and shall operate from the date on which it is lodged with the Election Officer

(ii) In the event of such revocation or of the death of an election agent the candidate may appoint in like manner another person to be his election agent; and when such appointment is made, notice thereof shall be given in the manner laid down in sub-rule (1).

(5) Every election agent shall perform such functions in connection with each election for which he is appointed as election agent, as are required to be performed by such agent.

18. Appointment of Polling agents :-

(1) At an election at which a poll is to be taken each candidate or his election agent, if any, may appoint one agent and two relief agents, to act as polling agents of such candidate at each polling station or, where a polling station has more than one polling booth, at each such polling booth for the poll, as the case may be, and such appointment shall be made by a letter in writing in duplicate in Form IX signed by the candidate or his election agent, if any, under intimation to Election Officer atleast three days before the commencement of the poll.

(2) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the polling agent who shall, on the date fixed for the poll, present the copy to, and sign the declaration contained therein, before the presiding officer of the polling station where such polling agent is appointed for duty and the presiding officer shall thereafter retain it in his custody. No polling agent shall be allowed to perform any duty at the polling station or at the place fixed for the poll unless he has complied with the provisions of this sub-rule.

(3) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent as the case may be. Such revocation shall operate from the date on which it is lodged with the Election Officer and in the event of such a revocation or of the death of a polling agent before the close of the poll the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment as laid down in sub-rule (1).

19. Appointment of counting agents :-

(1) Each candidate or his election agent if any, may, before the commencement of the counting of votes appoint a counting agent of such candidate by a letter in writing in duplicate in Form X signed by the candidate or his election agent, if any.

(2) As soon as may be after the appointment of the counting agent of a candidate, and in any case before the commencement of the counting of votes, the candidate or his election agent shall give notice of the appointment, of such counting agent to the Election Officer by forwarding to such officer the letter of appointment, referred to in sub-rule (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes present the copy to, and sign the declaration contained therein, before the Election Officer, and the Election Officer shall thereafter retain it in his custody. No counting agent shall be allowed to perform any duty at the counting of votes unless he has complied with the provisions of this sub-rule.

(4) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent as the case may be. Such revocation shall operate from the date on which it is lodged with the Election Officer. In the event of a revocation or of the death of a counting agent at any time before the counting of votes is commenced, the candidate or his election agent may appoint another person as the counting agent and when an appointment is made, a notice of such appointment in the manner prescribed above shall be given to the Election Officer.

20. Rights of candidates and his election agent :-

(1) At every election where a poll is taken, each candidate at such election and his election agent shall have a right to be present at any polling station.

(2) A candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such candidate, if appointed would have been authorised by or under these rules to do, or may assist any polling agent or the counting agent of such candidate in doing any such act or things.

21. Non-attendance of agents :-

Where any act or thing is required or authorised by or under these

rules to be done in the presence of the polling or counting agent, the non-attendance, of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done. VOTING:

22. Voting by postal Ballot :-

At an election in a ward where a poll is taken, any member of the Armed Forces of the Union or a member of the Armed Police Forces of the State serving outside the State may give his vote by a postal ballot and such person shall not be entitled to give his vote in any other manner. The wife of any such person may also give her vote by postal ballot.

23. Electors under preventive detention :-

Subject to the other provisions of these rules, a voter of a ward may, if he is subject to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such ward where a poll is taken:

(1) As soon as possible, after a notice is published under Rule 6, the Election Officer shall ascertain in writing from the Collector of the District whether any voter in that Municipality is subject to preventive detention under any law for the time being in force. The Collector shall within five days from the date of receipt of such communication from the Election Officer forward list of names of any such voters in that municipality, if any, togetherwith their addresses and the particulars about their place of detention to the Election Officer.

(2) Any voter who is subject to preventive detention under any law for the time being in force or on his behalf any member of his family may within ten days from the date of publication of the notice apply to the Election Officer of the ward for permission to give his vote by postal ballot at the election. Every such application shall specify the name of the voter, his address, his serial number in the electoral roll and the particulars regarding his place of detention.

(3) If the Election Officer is satisfied that the person whose name has been forwarded under sub-rule (2) or who has made an application under sub-rule (3) is under preventive detention and is a voter in the ward to which the election relates and is entitled to vote at such election he shall permit such person to give his vote at the election by postal ballot.

(4) While granting any such permission, the Election Officer shall, at the same time, put the letters 'P.B.' which means that a postal ballot has been issued in each copy of the electoral roll in which such person's name is registered and which is intended to be used at the polling station where such person would if he had not been under detention, have normally voted so as to indicate that such person has been permitted to give vote at the election by postal ballot.

24. Procedure for issue of Postal Ballot :-

(1) The Election Officer shall, in the case of every voter who is entitled under Rule 22 or who has been permitted under sub-rule (4) of Rule 23 to give his vote at the election by postal ballot, as soon as may be after the publication under Rule 14 of the list of candidates at the election, send by registered post to each such voter a ballot paper along with the copy of instructions contained in Form XI. He shall note down the electoral part No. and the Serial No. of the elector as entered in the marked copy of the electoral roll on the counterfoil of the ballot paper and detach the ballot paper from the counterfoil.

(2) Along with the ballot paper the Election Officer shall also send

(a) An envelope addressed to himself in Form XII;

(b) another envelope with the number of the ballot paper entered on its face; and

(c) a letter in Form XIII. The Election Officer shall have the number of the ballot paper entered at the left hand bottom corner of the envelope cover in Form XII.

(3) The ballot paper together with the envelopes and the letter shall be sent

(a) in case where the voter is a member of the Armed Forces of the Union or of the Armed Police Force of the State serving outside the State, to the address of the voter as shown in the electoral roll;

(b) in case where the voter is a person subject to preventive detention, to such voter to the place of his detention.

(4) After all the ballot papers are issued under this rule, the Election Officer, shall seal in a separate packet the counterfoils of the ballot paper issued to the voters entitled to vote under postal

ballot and record on the packet a brief description of its contents and the date on which it was sealed.

(5) No election shall be invalidated by reason that a voter has not received his ballot paper.

25. Recording of vote :-

(1) Every voter, on receiving his ballot paper sent under Rule 24 shall, if he desires to vote at the election, record his vote thereon and sign the declaration on its back in accordance with the letter and instructions sent with ballot paper.

(2) The voter shall then place the ballot paper in the envelope, close the envelope, place it in the other envelope and send the same cover to the Election Officer in accordance with the instructions contained in the letter so as to reach him before 5 p.m. on the date fixed in this behalf by the Election Officer. Any envelope which is not received by the Election Officer before 5 p.m. on the date so fixed shall be rejected. All such rejected envelopes shall be kept in a separate sealed packet by the Election Officer.

26. Attestation :-

A voter shall obtain attestation of his signature, but not of his vote on the postal ballot paper by a Gazetted Officer of the State or Central Government to whom the voter is personally known or to whose satisfaction the voter has been identified or

(a) in the case referred to in clause (a) of sub-rule (3) of Rule 24 by such officer as may be appointed in this behalf by any commanding officer of the unit in which the voter is employed, and

(b) in the case referred to in clause (b) of sub-rule (3) of Rule 24 by the Superintendent of the Jail or Commandant of the detention camp in which the voter is under detention.

27. Assistance to disabled Voters :-

If a voter to whom a ballot paper is sent under Rule 24 is illiterate or is unable due to physical incapacity, to record his vote and sign the declaration on the back of the ballot paper in accordance with the provisions of Rule 25, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his signature and declaration under Rule 26.

(1) Any such voter as aforesaid may deliver the ballot paper, together with the envelope and the other envelope received by him

from the Election Officer to an officer referred to in sub-rule (1) and such officer shall, on being so requested by the voter

(a) certify on the back of the ballot paper the voter's incapacity; and

(b) attest the fact that he was requested by the voter

(i) to sign the declaration on the back of the ballot paper; and

(ii) to mark the ballot paper for him

(2) Such Officer shall further certify that he has put the mark on the ballot paper in accordance with the wishes of the voter and that the ballot paper was so signed and marked by him in the presence of the voter.

(3) Such officer shall thereupon place the marked ballot paper in the envelope and close the same and place it in the other envelope which he shall seal and hand over to the voter. The voter shall then send the sealed envelope forthwith to the Election Officer in accordance with the instructions contained in the letter sent to the voter along with the ballot paper so as to reach the Election Officer before 5 p.m. on the date fixed under sub-rule of Rule 25. Any envelope which is not received by the Election Officer before 5 p.m. on such date shall be rejected and kept along with the envelopes rejected under the said sub-rule.

28. Reissue of ballot papers :-

(1) When a ballot paper and other connected paper sent by registered post under Rule 24 are for any reason returned undelivered, the Election Officer may re-issue them by registered post.

(2) In cases where any voter has inadvertently dealt with his ballot paper or any of the connected papers in such manner that the papers cannot conveniently be used, the Election Officer after satisfying himself of the inadvertence may issue a second set of ballot paper and other connected papers to the voter or the voters returning the ballot paper and other connected papers. The paper so returned shall be marked as cancelled by the Election Officer. The paper so cancelled be kept in a separate envelope set apart for the purpose.

29. Check It :-

Safe Custody of postal ballots: The Election Officer shall keep in safe custody until the commencement of the counting of votes all envelopes containing postal ballot papers received by him under Rule 25 or Rule 27.

30. Check It :-

Voting at Polling Station:

(1) A polling station shall have one or more polling booths. If a poll has to be taken, the Election Officer shall appoint forthwith a Presiding Officer and none or more Polling Officers for each polling booth and may pay them reasonable remuneration for their services. The Election Officer may, if necessary, appoint one or more identifying officers to assist the presiding Officer in identifying the electors. The polling personnel shall not consist of any Members, or any officer, or other employee of the municipality except those appointed as identifying officers: Provided that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election to be the Polling Officer during the absence of the former officer and inform the Election Officer accordingly: Provided further that nothing in this sub-rule shall prevent the Election Officer from appointing the same person to be Presiding Officer for more than one polling station in the same premises.

(2) A Polling Officer shall, if so directed by the Presiding Officer perform all or any of the functions of a Presiding Officer under these rules or any rules or orders made thereunder.

(3) If the Presiding Officer owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Election Officer to perform such functions during any such absence.

(4) The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except:

(a) the candidates and at each booth one agent of each candidate at a time hereinafter referred to as the polling agent;

(b) the police or other public servants on duty;

(c) his own Polling Officers and such persons as the Presiding Officer may from time to time admit for the purpose of identifying electors;

(d) a child in arms accompanying a voter; and

(e) the companions of blind and infirm voters who cannot move without help.

(5)

(a) Where a woman elector cannot be identified by the identification officers appointed under sub rule (1) by reason of her observing purdah she may be required to be identified by any of her near relatives unless she otherwise satisfies the Presiding Officer of her identity.

(b) If any question arises as to whether a person is or is not a near relative within the meaning of clause (a) above, it shall be decided by the Presiding Officer and his decision shall be final.

(6) It shall be the duty of every Polling Officer provided by the Election Officer at a polling station/booth to assist the Presiding Officer for such station/ booth in the performance of his functions.

31. . :-

Each polling station, and where a polling station has more than one polling booth, each such booth, shall contain a separate compartment in which electors can record their votes screened from observation. As far as possible, separate compartments and separate entrances and exits shall, where action is not taken under Rule 32, be provided for women electors.

32. Separate Polling Station for women :-

Notwithstanding anything herein before contained, the Election Officer may, at his discretion, if a sufficient number of women suitable and willing to act as polling officers are available, provide a separate polling station for taking the votes of the women electors for any polling area or make such other arrangements as may be necessary to ensure the privacy of such electors.

33. Arrangements at the polling station where ballot boxes are used :-

The Election Officer shall provide at each polling station sufficient

number of ballot boxes together with copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at the station and such other papers, and articles necessary for electors to mark the ballot papers, stationery and forms, as may be necessary. He shall further display in bold and clear manner the name of each candidate, the serial number and the symbol assigned to him and the seat for which the election is held. The Election Officer shall also display a notice specifying the polling area, the electors of which are entitled to vote at that polling station.

34. Paper seal :-

(1) Where a paper seal is used for securing a ballot box the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the candidates or their 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 ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seal.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot paper remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked within:

(a) the serial number, if any, and name of the ward;

(b) the serial number and name of the polling station;

(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and (d) the date of poll;

(6) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other

persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.

(8) Before the polling station is opened for the recording of the votes the Presiding Officer shall read to such persons as may be present the provisions of Section 343-F of the Act, and shall explain the substance thereof in the main language of the district.

35. Demonstration of the Marked copy of the electoral role :-

Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the Polling Agents and others present that the marked copy of the electoral roll to be used during the poll does not contain:

(a) any entry other than that made in pursuance of Rules 22, 23, 24 and 48: and

(b) any mark other than the mark made in pursuance of those rules.

36. Manner of Voting :-

(1) The manner of voting shall be by way of marking system. Every ballot paper shall be in such Form and in such colour as may be specified by the State Election Commission. The ballot paper shall contain the number of the candidates in serial order their names against the serial number and the symbols assigned to them.

37. Distinguishing Mark :-

Before a ballot paper is issued to an elector the ballot paper and the counterfoil attached thereto, shall be stamped on the back with such distinguishing mark as the Election Authority may direct and every ballot paper before it is issued shall be signed in full on its back by the Presiding Officer.

38. Issuing of ballot paper :-

(1) Every elector who seeks a ballot paper for the purpose of voting at a polling station shall before receiving such paper, allow;

(a) the Inspection of his left fore-finger by the polling officer; and

(b) and Indelible ink mark to be put on his left fore-finger.

(2) If any such elector

(a) refuses to allow such Inspection of his left fore-finger; or

(b) refuses to allow an indelible ink mark to be put on his left forefinger; or

(c) refuses to put his signature or thumb impression on the counterfoil; or

(d) does any act in order to remove any such mark after it has been put he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) No person who already has such a mark on his left fore-finger at the time he enters the polling station shall be supplied with any ballot paper.

(4) Any reference in this rule to the left fore-finger of an elector shall, in the case where the elector has no left forefinger be construed as a reference to another finger of his left hand and shall in the case where there are no fingers on his left hand be construed as a reference to the fore finger or any other finger on his right hand and shall in the case where he has no finger on both the hands be construed as a reference to such extremity of his right or left arm as he possesses.

(5) The Polling Officer shall, at the time of delivery of the ballot paper to an elector underline the entry of the voter in the marked copy of the electoral roll in his possession to denote that such voter has received a ballot paper.

(6) In deciding the right of a person to obtain a ballot paper under this rule, the Presiding Officer at any polling station may inspect the entry in the electoral roll so as to overlook merely clerical or printing errors, provided that he is satisfied that such person is identical with the voter to whom such entry relates.

39. Recording of entries on the counterfoil :-

Immediately before any ballot paper is delivered to an elector

(a) the number, name and description of the elector as stated in the electoral roll shall be called out; and

(b) the Polling Officer shall record the Part No. and Serial No. of the voter as entered in the marked copy of the electoral roll on the Counterfoil of the ballot paper and obtain his signature or thumb

impression thereon.

40. Marking on ballot paper :-

An elector shall be given only one ballot paper and the Presiding Officer or the Polling Officer shall explain to the elector that the elector shall mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote.

41. Voting Procedure :-

(1) The Elector on receiving the ballot paper shall forthwith-

(a) proceed to one of the voting compartments;

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he Intends to vote;

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

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

(e) Insert the folded ballot paper into the ballot box; and

(f) quit the polling station;

(2) Every elector shall vote without undue delay;

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

(4) Every elector to whom a ballot paper has been issued under these rules, shall maintain secrecy of voting within polling station and for the purpose observe the voting procedure hereinafter laid down.

(5) If an elector to whom a ballot paper has been issued, refuses after warning given by the Presiding Officer, to observe the procedure as laid down in Sub-rules (1) and (2) the ballot paper issued to him shall whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.

(6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "cancelled Voting procedure violated." and put his signature below those words.

(7) All the ballot papers on which the words "Cancelled - voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "ballot papers voting procedure violated."

(8) Without prejudice to any other penalty to which an elector, from whom a ballot paper has been taken back under sub-rule (5) may be liable, the vote, if any recorded on such ballot paper shall not be counted.

42. Blind and infirm voters :-

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of the age of not less than eighteen years to the voting compartment for recording vote on the ballot paper on his behalf and in accordance with his wishes and if necessary, for folding the ballot paper so as to conceal the vote and insert it into the ballot box:

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

Provided further that when any person is permitted to act as the companion of the 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 elector at any polling booth on that day.

(2) The Presiding Officer, shall keep declarations in Form XIV and the list in Form XV in sealed covers and send them to the Election Officer along with the other covers.

43. Facilities for woman electors :-

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

(2) The Election Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and in particular, to

help frisking any woman elector in case it becomes necessary.

44. Verification of genuineness of voters :-

(1) When a person presents himself to vote before a ballot paper is supplied to him, the Presiding Officer may of his own accord and shall, if so required by a candidate or polling agent, put to such person either or both of the following questions,-

(i) Are you the person enrolled as shown in the entry in the roll?

(ii) Have you already voted at the present election at this polling station or at any other polling stations; and the person shall not be supplied with a ballot paper unless he gives an unqualified answer to the first question in the affirmative and the second in the negative; except as mentioned herein and subject to the provision of Section 11 of the Act, every person whose name is found on the electoral roll shall be entitled to be supplied with a ballot paper.

Identification of electors:

(2) Where the electors have been supplied with identity cards under the provisions of the registration of Electors Rules 1960 issued under Representation of People Act, 1951, the elector shall produce his identity card before the Presiding Officer or the Polling Officer authorised by him in this behalf. Where such identity card are not issued, each elector shall establish his identity by providing any such documents as are specified, by order, by the State Election Commission.

(3) No person shall vote at an election in more than one ward and if a person votes in more than one such ward, his votes in all such wards shall be void.

(4) No person shall, at any election, vote in the same ward more than once, notwithstanding that his name may have been registered in the electoral roll for that ward more than once, and if he does so, all his votes in that ward shall be void.

(5) No person shall vote at any election if he is confined in prison whether under a sentence of imprisonment or otherwise in the lawful custody of the police: Provided that nothing in this sub-rule shall apply to a person subjected to preventive detention under any law for the time being in force.

45. Tendered vote :-

If a person representing himself to be a particular elector seeks to

vote after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper hereinafter in these rules referred to as tendered ballot paper in the same manner as any other elector.

(1) Every such person shall, before being supplied with a tendered ballot paper sign his name against the entry relating to him in a list in Form XVI.

(2) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back of the ballot paper and its counterfoil with the words "tendered ballot paper" by the Presiding Officer in his own hand duly signed by him.

(3) The elector, after marking a tender ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

46. Challenging of Identity :-

(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of five rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form XVII; and

(d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose:

(a) require the challenger to adduce evidence in proof of the

challenge and the person challenged to advice evidence of proof of his identity;

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and required him to answer them on other; and

(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made a good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the municipality and in any other case, return to the challenger at the conclusion of the inquiry.

47. Spoilt ballot paper :-

(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on returning it to the presiding officer and satisfying him of the inadvertance, obtain another ballot paper in place of the spoilt one, the spoilt one being marked as "Spoilt: Cancelled" by the Presiding Officer.

(2) If an elector, after obtaining ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper and the counterfoil thereof shall be marked as Returned: Cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) and sub-rule (2) shall be kept in a separate packet.

48. Public servants on election duty :-

(1) A Presiding Officer, Polling Officer, or other public servant, who being entitled to vote in the ward, if duly appointed or authorised for duty at a poling station at which he is not ordinarily entitled to record his vote, may apply to the Election Officer concerned for a certificate entitling him to record his vote at the polling station where he is employed The said certificate shall be in Form XVIII.

(2) If a Presiding Officer Polling Officer or other public servant, is on duty at a polling station not relating to the ward in which he is entitled to record his vote the election officer shall in addition to the certificate mentioned above, furnish the Presiding Officer concerned with particulars regarding the names of and serial number and symbols assigned to the candidates, standing for election in that ward, together with a ballot paper relating to such ward and an envelope

(3) The Election Officer shall in either case immediately send a copy of the certificate to the Presiding Officer of the polling station at which the person, to whom the certificate is issued is ordinarily entitled to record his vote,

(4) A person in possession of a certificate in the form prescribed in sub-rule (1) shall deliver the certificate to the Presiding Officer who shall thereupon issue to the person, a ballot paper in the same manner as to any other elector. Such ballot paper shall be dealt with in the following manner;

(i) if the polling station at which the person is on duty relates to the ward in which he is entitled to vote, then the provisions contained in Rules 40 and 41 shall apply. The Presiding Officer shall at the end of the poll send the certificate to the Election Officer along with the statement mentioned in sub-rule (5) of Rule 52

(ii) if the polling station at which the person is on duty is not in the ward in which he is entitled to vote, the Presiding Officer shall issue the ballot paper with instructions similar to those contained in sub-rule (2). The person shall proceed into the polling compartment and mark the ballot paper and place in an envelope He shall then stick the envelope and hand over the cover the Presiding Officer. The presiding Officer shall make up into separate packets for each ward, the covers in which votes have been so recorded the connected certificate being fastened to the covers, seal up each such packet in the manner specified in Rule 52 and forward the same to the election officer.

49. Adjournment of poll in emergencies :-

(1)

(a) Where the poll is adjourned under Section 343 U of the Act, the fact that the poll has been so stopped shall be immediately be announced by the Presiding Officer to the persons present at the

polling station.

(b) If the Presiding Officer considers it necessary to stop polling for a short interval due to heavy rain or dislocation of work in the polling station for some reason or other or due to disturbance of peace in the neighborhood of the polling station, he can do so by informing the public to that effect under intimation to the Election Officer. In such an event, the poll can be resumed and continued beyond the period fixed for the poll to the extent of the time for which the poll was stopped.

(2) Where a Presiding Officer stops a poll under sub-rule (1)(a), he shall observe the procedure laid down in Rule 52 and make a full report of the circumstances to the Election Officer who shall forward the same expeditiously with his remarks thereon, to the State Election Commission through the Election Authority.

(3) The State Election Commission shall thereupon order

(a) that the poll be continued at the polling station for the number of hours for which it was not held on the previous occasion provided that not less than 50% of the voters had cast their votes; or

(b) that the proceedings at the poll held at the polling station on the previous occasion be ignored and that a fresh poll be held at such polling station for the full number of hours for which it should have been held on the previous occasion.

(4) Any order passed under sub-rule (3) shall state

(i) the date on which and the hours between which the continuation poll or the fresh poll, as the case may be, shall be held; and

(ii) the date on which and the place and hour at which the Election Officer will commence the counting of the votes under Rule 54; and

(5)

(a) where an order is passed under Clause (a) of sub-rule (3) for the continuation of the poll, the Election Officer shall proceed afresh under sub-rule (1) of Rule 30 and return to the Presiding Officer appointed under that sub-rule, all the packets received by him under sub-rule (2) of this rule.

(b) the Presiding Officer shall open the packets just before the commencement of the continuation poll in the presence of such

persons as may be present at the polling station and commence such poll precisely at the hour fixed therefor in the order passed by the State Election Commission under clause (a) of sub-rule (3).

(c) at the continuation poll, the Presiding Officer shall allow only such electors to vote who did not vote on the previous occasion.

(6) Where an order is passed under clause (b) of sub-rule (3) for holding a fresh poll, the Election Officer shall proceed afresh under sub-rule (1) of Rule 30 and a fresh poll shall be held at the polling station concerned in accordance with the provisions of these rules in all respects as if it were being held at such polling station for the first time.

Explanation: There shall be no fresh nominations in cases falling under this sub-rule.

(7) Notwithstanding anything contained in this rule, if a candidate belonging to a recognised political party or a registered political party to which a symbol, if any, is reserved, dies at any time before orders are passed by the State Election Commission under sub-rule (3) or at any time after the passing of such orders but before the commencement of continuation poll or of the fresh poll, as the case may be, the Election Officer shall upon being satisfied of the fact of the death of the candidate, intimate such fact to the State Election Commission through the Election Authority and stop all further proceedings in connection with the election and start election proceedings afresh in all respects as if for a new election to the seat concerned: Provided that no fresh nomination shall be necessary in the case of the remaining candidates who stood nominated at the time when poll was stopped.

50. Fresh poll in case of destruction of ballot box :-

If at any election, a ballot box is unlawfully taken out of the custody of the Election Officer or the Presiding Officer and is in any way damaged or tampered with or is either accidentally or intentionally destroyed or lost, the procedure prescribed in Section 343-V of the Act shall be followed.

51. Adjournment of poll etc., on the ground of booth capturing :-

Where booth capturing taken place the procedure prescribed in Section 343-W of the Act shall be followed.

52. Closure of poll :-

(1) The Presiding Officer shall close the polling station at the hour appointed for closing under Rule 6 or sub-rule {1} (b) of Rule 49 and shall not thereafter admit any elector into the polling station: Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises as to whether any elector shall, for the purpose of the proviso to sub-rule (1) be deemed to be present within the polling station before it is closed, it shall be decided by the Presiding Officer whose decision shall be final.

(3) The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to put his seal. The ballot box shall thereafter be sealed and secured.

(4) The Presiding Officer of each polling station as soon as practicable after the close of the poll shall, in the presence of any candidate, polling agent or election agent, who may be present, make up into separate packets the following items, and seal them with his own seal and the seals of such candidates or agents as may desire to affix their seals:

(i) the tendered ballot papers;

(ii) the unused ballot papers with counterfoil or foils;

(iii) the counterfoils of issued ballot papers including tendered ballot papers;

(iv) the spoilt ballot papers;

(v) the marked copy of the electoral roll;

(vi) the tendered votes list;

(vii) the list of challenged votes;

(viii) the covers referred to in clause (ii) of sub-rule (4) of Rule 48; and

(ix) any other paper directed by the State Election Commission to be kept in a sealed packet/cover.

(5) Each packet shall be numbered and shall bear a note as to its contents the name of the polling station and name and number of

the ward.

53. Account of ballot paper :-

(1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form XIX and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefor and shall also attest it as a true copy.

54. Delivery of ballot boxes :-

(1) The Presiding Officer shall then as soon as may be delivered the ballot boxes and all such packets and papers used at the polling station or cause them to be delivered to the Election Officer at such places as he may direct.

(2) The Election Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in this rule from polling stations and for their safe custody until the commencement of this counting of votes.

55. Counting of votes :-

(1) The counting of votes shall commence on the day and at the place and hour appointed in that behalf. The postal ballot papers shall be counted first. Votes shall be counted by or under the supervision of the Election Officer. Each candidate, the election agent and the counting agent of each candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such person as the Election Officer may appoint to assist him in counting votes and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(2) The Election Officer shall, before he commences to count the votes read out the provisions of Section 343-F of the Act to such person as may be present and shall then count and check all the ballot boxes placed for the counting of votes and satisfy himself that all such ballot boxes as contain the ballot papers which are to be counted at such place have been received and accounted for.

(3) The Election Officer shall allow, the candidates and their election agents and counting agents present at the counting, reasonable opportunities to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(4) If any ballot box is found by the Election Officer to have been tampered or interfered with or destroyed or lost, or if at any time, before counting of votes is completed and ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Election 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, the Election Officer shall follow the procedure laid down in Section 343-X of the Act.

(5) The ballot boxes relating to all polling stations in a ward and all envelopes pertaining thereto enclosed which may have been received shall be opened one after another according to the serial number of the polling stations. The Election Officer shall take out the ballot papers from all the ballot boxes. The ballot papers so taken out shall be mixed, counted and record the total number of votes secured by the candidate concerned in a statement.

(6) The Election Officer shall allow the candidates and their agents reasonable opportunities to inspect without handling, all ballot papers which in his opinion are liable to be rejected. He shall endorse the word 'rejected' on every ballot paper which is rejected. If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot papers the grounds for the rejection.

(7) The Election Officer shall, as far as practicable, proceed continuously with the counting of the votes and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their custody.

56. Grounds for rejection of ballot papers :-

(I) The Election Officer shall reject a ballot paper, -

(a) if it bears any mark or writing by which the elector can be identified or

(B) if it bears no mark at all or, to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose, or

(c) if votes are given on it in favour of more than one candidates, or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or

(e) if it is a spurious ballot paper, or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(g) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or

(h) if it does not bear both the mark and the signature which it should have borne under the provisions of Rule 37.

Provided that where the Election Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect.

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(2) Before rejecting any ballot paper under sub-rule (1), the Election Officer shall allow candidates and their counting agents present a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(3) The Election Officer shall endorse on every ballot paper which he rejects the word "rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(4) All ballot papers rejected under this rule shall be bundled

together.

(5) Every ballot paper which is not rejected under this rule shall be counted as one valid vote.

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(a) the mark is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or

(b) the mark and some other figures or set opposite the name of the same candidate; or

(c) it bears any mark of writing by which the elector can be identified or

(d) is a spurious one; or

(e) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be identified or

(f) bears the marks belonging to a ward different from that of the ballot box in which it is found; Provided that a ballot paper shall not be rejected under Clause (e) if the Election Officer is satisfied beyond reasonable doubt that the ballot paper was the one issued by the Presiding Officer of the polling station concerned.

(6) A postal ballot paper shall be rejected if it is not duly marked, or on which

(a) more than one mark is placed against any candidate's name; or

(b) the mark is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate intended to apply; or

(c) a mark is placed in such a manner as to make it doubtful to which candidate it has been given; or

(d) the signature of the voter is not duly attested.

57. Recounting of Votes :-

(1) After the completion of the counting, the Election Officer shall make entries in the result sheet in Form XX (Part-I) and announce the particulars. After such announcement has been made, a candidate or in his absence his election agent or any of his counting

agents may apply in writing to the Election Officer for recounting of voters either wholly or in part stating the grounds on which he demands such recount.

(2) On such an application being made, the Election Officer shall decide the matter and may allow the application in whole or in part or may reject in toto if it appears to him to be frivolous or unreasonable.

(3) Every decision of Election Officer under sub-rule (2) shall be in writing and contain the reasons therefor.

(4) If the Election Officer decides under sub-rule (2) to allow a recount of votes either wholly or in part he shall

(a) arrange for recounting of votes in accordance with Rule 55;

(b) amend the result sheet in Form XX (Part-I) to the extent necessary after such recount.

(c) announce the amendments so made by him.

(5) After the total number of votes polled by each candidate has been announced under sub-rule (4) the Election Officer shall complete and sign the result sheet in Form XX (Part-I) and no application for further or second recounting shall be entertained thereafter.

(6) Any candidate or his agent shall on application be permitted to take a copy of an extract from the result sheet in Form XX (Part I).

58. Declaration of result of election :-

(1) After the Election Officer has completed the scrutiny and counting of votes, he shall prepare a return of the results of the polling in Form XX (Part I) and shall subject to the provisions of Rule 60 declare that the candidate who has secured the largest number of valid votes has been duly elected.

(2) Any candidate or his agent shall, on application be permitted to take a copy of an extract from the return in the said Form XX.

59. Sealing of election papers :-

(1) The Election Officer shall not open the sealed packets containing tendered ballot papers and the marked copy of the elector roll. He shall verify the statement submitted by the Presiding Officer under sub-rule (1) of Rule 53 by comparing it with

the number of accepted ballot papers, rejected ballot papers and unused ballot papers in his possession.

(2) The Election Officer shall then make up into separate bundles in respect of each candidate-

(i) such of the ballot papers as have been accepted as valid; and

(ii) the remaining ballot papers which have been rejected as invalid. He shall then make up both the bundles into one packet and seal the packet with his own seal. He shall also reclose and reseal each of the other packets which were opened by him and record on each such packet a description of its contents.

60. Disposal of Ballot Papers :-

(1) In case the Municipal Commissioner is not Election Officer, the Election Officer shall after declaring the results, forward a copy of the return to the Commissioner of the Municipality concerned and shall hand over to the Officer authorised by the Election Authority the packets of the ballot papers whether counted, rejected or tendered and the counterfoils of the used ballot papers. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of election tribunal or other competent Court.

(2) The Officer so authorised shall retain the packets and the marked copies of the electoral roll for a year and shall then, unless otherwise directed by the orders of an election tribunal or other competent Court, cause them to be destroyed.

61. GENERAL :-

(1) If any person has been elected for more wards than one, he shall by notice in writing signed by him intimate to the Election Officer, the ward for which he chooses to serve. Such intimation shall reach the Election Officer within seventy-two hours of the declaration of the results of elections in the last ward for which such person stood as a candidate.

(2) On receipt of the intimation, the Election Officer shall declare the said person to have been elected for the ward chosen by him. In default of such intimation, the Election Officer shall declare him to have been elected for any one of the wards. In either case, election proceedings shall be started afresh by the State Election Commission for filling up the resultant vacancy.

62. Equality of votes :-

If there is an equality of votes between any two or more candidates, the Election Officer, shall, after notice to the candidates concerned decide by drawing lots which candidate or candidates he shall declare to have been elected. The Election Officer, shall permit the contesting candidates if they so desire, to sign on the chits before drawing lots.

63. Publication of results :-

(1) The name or names of the candidate or candidates duly elected shall be forwarded without delay by the Election Officer to the Director of Printing and Stationery, Government Central Press Hyderabad for publication in the Andhra Pradesh Gazette and shall also be published on the notice board of the Municipal Office.

(2) The Election Officer shall send a list of elected candidates to the State Election Commission, the Election Authority and the Collector concerned and also to the Revenue Divisional Officer concerned.

64. Date of election :-

For the purpose of the Andhra Pradesh Municipalities Act, 1965 the date on which a candidate is declared by the Election Officer under these rules to have been elected to a municipal council shall be the date of election of the candidate irrespective of the date of publication of the result in the Gazette.

65. Interpretation of Rules :-

(1) If any question arises as to the interpretation of these rules otherwise than in connection with an enquiry held under the rules for the decision of disputes as to the validity of an election the question shall be referred to the State Election Commission whose decision shall be final:

Provided that the State Election Commission shall not entertain any petition relating to irregularities that arise from the time of calling for nominations and till the declaration of results. Such cases shall be decided by the Election Tribunal.

(2) Pending the decision of the State Election Commission on any such reference made to them or the issue of final orders on any enquiry which the State Election Commission may institute upon receipt of information that an election is being or about to be held in contravention of the rules it shall be lawful for the State Election

Commission to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results. Any election held on continued in contravention of the orders of the State Election Commission under this rule shall be void and of no effect whatsoever.

(3) Unless it is otherwise ordered by the State Election Commission election proceedings stayed under this rule shall on cancellation of the stay order, proceed from the stage at which they were stayed on fresh dates to be fixed.

(4) If any difficulty arises as to the holding of any election under these rules, the State Election Commission may, by order, do anything not inconsistent with these rules which appears to them necessary for the proper holding of the election.

66. Special schedule in certain cases :-

Notwithstanding anything contained in the foregoing rules, the State Election Commission may, for special reasons fix dates and periods other than those specified or fixed by or under these rules for all or any of the stages of the election proceedings connected therewith and the Election Authority and Election Offices shall give effect to the same.

67. Maximum election expenses :-

(1) No expenses, exceeding such amount, as may be specified by the State Election Commission, by notification, from time to time, shall be incurred or authorised to be incurred by a contesting candidate or his election agent, if any, or on account of or in connection with the conduct and management of an election to the Office of Member of award.

(2) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct day to day account of all expenditure in connection with election, incurred or authorised to be incurred by him, or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(3) It shall be competent for the State Election Commission to issue such instructions, as they may deem necessary for the purposes of carrying out the provisions of sub-rules (1) and (2).

CHAPTER 3

Voting by Electronic Voting Machines

68. Design of 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 designs as may be approved by the State Election Commission.

69. Preparation of Voting Machine by the Election Officer :-

(1) One Voting Machine shall be used for Election to the Office of Ward Member.

(2) The Balloting Unit of the voting machine shall contain such particulars in such language or languages as the State Election Commission may specify.

(3) The names of the candidates shall be arranged on the Balloting Unit in the same order in which they appear in the list of the contesting candidates.

(4) 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.

(5) Subject to the foregoing provisions of the Rule, the Election Officer shall;

(a) fix the label 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.

70. Arrangements at the Polling Stations :-

(1) Outside each polling station there shall be displayed prominently, -

(a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the elector so entitled; and

(b) a copy of the list of contesting candidates.

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

(3) The Election Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

71. Admission to Polling Station :-

The provisions of sub-rule (4) of Rule 30 shall apply to regulate the entry of electors and other persons inside the polling station.

72. Preparation of voting machine for poll :-

(1) The control unit and balloting unit of every voting machine used at a polling station shall bear a label marked with:

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

(2) 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 label referred to in sub-rule (4).

(3) A paper seal shall be used for securing the control unit of the voting machine, and the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

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

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

(6) The control unit shall be closed and secured and placed in full view of the presiding officer and the polling agents and the balloting unit placed in the voting compartment.

73. Marked copy of electoral roll :-

Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the polling agents and others present, that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made with regard to issue of postal ballot papers and election duty certificates.

74. Facilities for Women electors :-

(1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Election Officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and in particular, to help/ frisking any woman elector in case it becomes necessary.

75. Identification of electors :-

(1) The presiding officer may employ at the polling station such persons, as he thinks fit to help identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer/ or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the electors have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960 issued under Representation of People Act, 1951, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf. Where such identity cards are not issued, each elector shall establish his identity by producing any such documents as are specified, by order, by the State Election Commission.

(4) In deciding the right of a person to cast his vote, the presiding officer or the polling officer, as the case may be, shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such

entry relates.

76. Facilities for public servants on election duty :-

(1) The provisions of Rule 75 shall not apply to any person, who produces at the polling station an election duty certificate issued by Election Officer and seeks permission to cast his vote at that polling station although it is different from the one where he is 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 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 an elector entitled to vote at that polling station.

77. Challenging of Identity :-

Where the identity of an elector is challenged, the provision of Rule 46 shall apply.

78. Safeguard against personation :-

(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left for finger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(2) If any elector,

(a) refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or

(b) fails or refuses to produce his identity card as required by sub-rule (3) of Rule 75 he shall not be allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger to 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 or any other finger of both the hands are missing be construed as a reference to such extremity of his left or right arms as he possesses.

79. Procedure for voting by voting machines :-

(1) Before permitting an elector, 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 XXI.

(b) Obtain the signature of the thumb impression of the elector on the said register of votes, 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 affixed his signature or thumb impression on the register of voters.

(2) It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

80. Maintenance of secrecy of voting by electors within the polling station and voting procedure :-

(1) Every elector who has been permitted to vote under Rule 79 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 elector's vote.

(3) The elector shall thereafter forthwith

(a) proceed to the voting compartment:

(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 leave the polling station.

(4) Every elector shall vote without undue delay.

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

(6) If an elector who has been permitted to vote under Rule 79 or Rule 83 refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) of Rule 80 or sub-rule (3) of Rule 83, the presiding officer or a polling officer under the direction of the 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 elector's name in the register of voters in Form XXI by the presiding officer under his signature.

81. Recording of votes of blind or infirm electors :-

(1) If the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to read the names or recognize the symbols on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on this behalf and in accordance with his wishes

Provided that no person shall be permitted to act as the companion of more than one elector 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 that person shall be required to declare in Form XIV that he will 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 elector at any other polling station on that day.

(2) The presiding officer shall keep a record of all cases under this rule in Forms XIV and XV.

82. Elector deciding not to vote :-

If an elector after his electoral roll number has been entered in the register of voters in Form XXI and has put his signature or thumb impression thereon as required under clause (b) sub-rule (1) of Rule 79, decided not to record his vote a remark to this effect shall be made against the said entry in Form XXI by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.

83. Tendered Votes :-

(1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactory answering such questions relating to his identity as the presiding officer may ask, be, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be such design and the particulars of which shall be in such language or languages as the State Election Commissioner may specify.

(2) Every such elector shall before being supplied with tendered ballot paper affix his signature or thumb impression against the entry relating to him in a list in Form XXII.

(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 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) give it to the presiding officer who shall place it in a cover specially kept for the purpose, and

(e) 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 81 for recording the vote in accordance with his wishes.

84. Presiding Officers 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.

85. Closing of Poll :-

(1) The presiding officer shall close a polling station at the hour fixed in that behalf under Rule 6. Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the presiding officer and his decision shall be final.

86. Account of votes recorded :-

(1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form XXIII and enclose it in a separate cover with the words "Account of Votes Recorded" superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll, a true copy of the entries made in Form XXIII after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

87. Sealing of voting machine after 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 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 affixed that it will not be possible to open the units without breaking the seals.

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

88. Sealing of other packets :-

- (1) The Presiding Officer shall then make into separate packets, -
- (a) the marked copy of the electoral roll;
 - (b) the register of voters in Form XXI;
 - (c) the cover containing the tendered ballot papers and the list in Form XXII;
 - (d) the list of challenged votes; and
 - (e) any other papers directed by the State Election Commission to be kept in a sealed packet.
- (2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

89. Transmission of voting machines, etc., to the Election Officer :-

- (1) The Presiding Officer shall then deliver or cause to be delivered to the Election Officer at such place as the Election Officer may direct:
- (a) the voting machine;
 - (b) the account of votes recorded in Form XXIII;
 - (c) the sealed packets referred to in Rule 88 and
 - (d) all other papers used at the poll.
- (2) The Election Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

60. Procedure on adjournment of poll :-

- (1) If the poll at any polling stations is adjourned under Section 343-V of the Act, the provisions of Rules 86 to 89, shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf
- (2) When an adjourned poll is recommended under sub-section (2)

of Section 243-V of the Act, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Election Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with sealed packet containing the marked copy of the electoral roll, register of voters in Form XXI and a new voting machine.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for making the names of the electors who are allowed to vote at the adjourned poll.

(5) The provisions of Rules 68 to 88 shall apply in relating to the conduct of an adjourned poll before it was so adjourned.

91. Closing of voting machines in case of booth capturing :-

Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit and thereupon the provision of Section 343-W of the Act, in so far as they relate to booth capturing at a polling station shall apply.

92. Scrutiny and inspection of voting machines :-

(1) The Election 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 at 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 in tact.

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

(4) If the Election 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 report the matter to the State Election Commission.

93. Counting of votes :-

(1) After the Election Officer 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 by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the election officers shall have:

(a) number of such votes recorded separately in respect of each candidate in Part II of Form XXIII;

(b) part II of Form XXIII completed in other respects and signed by 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 XX, and the particulars so entered in the result sheet announced.

94. Sealing of Machines :-

(1) After the result of voting recorded in control unit has been ascertained candidate-wise, and entered in Form XXIII, and in the form prescribed for this purpose, the Election Officer shall reseal the unit with his seal and the seals of such of the candidates of their election agents present who may desire to affix their seals thereon so however that the result of voting 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 election officer shall record the following particulars, namely:

(a) the serial number and name of the ward;

(b) the particulars of the 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.

95. Custody of voting machines and papers relating to election :-

(1) All voting machines used at an election shall be kept in the custody of the concerned Collector and District Election Authority or the Officer authorized by him.

(2) The Collector and District Election authority or the Officer authorized by him shall keep in the safe custody

(a) the packets of marked copy of the electoral roll;

(b) the packets containing register of voters in Form XXI

(c) the packets containing the number of votes recorded in respect of each candidate in Form XXIII;

(d) all other papers relating to election

96. Production and Inspection of voting machines and election papers :-

(1) While in the custody of the Collector and District Election authority or the Officer authorized by him

(a) the packets of marked copy of electoral roll;

(b) the packets containing registers of voters in Form XXI shall not be opened and their contents shall not be inspected by, or produced before any person or authority except under the order of the competent court.

(2) The control unit sealed as per the provisions of Rule 94 and kept in the custody of the Collector and District Election Authority or the Officer authorized by him and shall be stored in Government Treasury or sub- Treasury and shall not be opened and inspected by, or produced before any person or authority except under the order of the competent court.

97. Safe custody of voting machines and all other packets :-

(1) The Voting machines kept in the custody of the Collector and District Election authority or the Officer authorized by him shall be retained in tact for such period as the State Election Commission may direct and shall not be used at any subsequent election without previous approval of the State Election Commission.

(2) All other packets relating to elections where there is no election

petition, shall be destroyed as per the provisions of these rules.

98. Power of the State Election Commission to issue directions :-

Subject to the other provisions of these rules, the State Election Commission may Issue such directions as it may consider necessary to facilitate the proper use and operation of the voting machines and also as occasion requires to facilitate the holding of elections under these rules.