

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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No.ECI/PN/35/2008

Dated: 5<sup>th</sup> December, 2008

## Press Note

Subject: Rule 49 O of the Conduct of Elections Rules, 1961-  
exercise of option by the voters – Impact on the election  
result.

It has been brought to the notice of the Commission that various misleading reports are being circulated through the Press, the electronic media, emails and through SMS to the effect that if the number of voters who choose to exercise their option **not** to vote for any contesting candidate as provided in Rule 49-O of Conduct of Elections Rules, 1961, exceeds the margin of votes secured by the winning candidate over the runner up, this will invalidate the election and a re-poll will be held. It is clarified that under Rule 49-O, the voter has an option not to vote at the election after he has been identified at the polling station and his name has been registered in Registers of voters (Form -17A). The Presiding Officer shall thereupon make a note to that effect against the name of that voter and obtain his signature (thumb impression in the case of an illiterate ). In such case, the voters who exercise the option of not voting at the election under Rule 49-O would only be deemed to have abstained themselves from voting and under the law, the candidate who secures highest number of valid votes polled, irrespective of his winning margin, is declared elected.

(S. K. RUDOLA)  
SECRETARY