

Most Immediate

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.470/PB Counting/2013/SDR/

Dated : 5th, December, 2013

To

The Chief Electoral Officer,

(1)Chhattisgarh

(2)Madhya Pradesh

(3)Mizoram

(4)Rajasthan

(5)Delhi.

Sub: Counting of postal ballots – additional instructions.

Sir,

Some complaints have been received in the Commission alleging that postal ballot papers were issued by some ROs even after the date of poll.

Attention is invited in this connection to the provisions contained in Rules 20, 23 and 27 of the Conduct of the Elections Rules 1961 regarding intimation by voters on election duty for issue of postal ballot paper, procedure for issue of postal ballot paper and the time for return of postal ballot paper. As per these provisions, whenever any postal ballot paper is issued to voters on election duty, in the counterfoil of the ballot paper the electoral roll number of the elector, as entered in the marked copy of the electoral roll set apart for conduct of poll at the polling station, is entered, and in the said marked copy of the electoral roll the words "PB" is marked against the name of the elector to indicate that a postal ballot paper has been issued to the elector in order to ensure that the same elector is not allowed to vote at polling station. After postal ballot papers have been issued to voters on election duty entitled to vote by post, the RO shall send the relevant parts to the concerned presiding officers for marking the names of electors who cast their vote on EVM at the polling station. After the poll, this copy is to be sealed and kept in safe custody.

It is clear from the above provisions of law that once the marked copy of the electoral roll is sent to the presiding officers under clause (a) of sub rule (5) of Rule 23 of CE Rules 1961, no postal ballot paper can be issued thereafter. Therefore if any ballot paper is issued after the stage of preparing marked copy of electoral roll for supply to the presiding officers for conduct of poll, it will not be in accordance with the statutory Rules prescribed under the CE Rules 1961.

In view of the above, the Commission hereby directs that postal ballot papers, if any, issued after the finalization of the marked copy of the roll for supply to Presiding Officer, and in any event after the date of poll shall not be counted and treated as invalid at the stage of initial scrutiny of postal ballot paper envelopes and Form 13A under rules 54A(3), (4) and (5) of the C.E. Rules, 1961. The above direction may be followed scrupulously by all concerned.

Yours faithfully,



(Ashish Chakraborty)
Secretary