

Email/Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2019/SDR/ETPBS-VOL.II

Dated: 8th January, 2020

To,

The Chief Electoral Officer
NCT of Delhi
Delhi.

Subject: Commission's Notification under Section 60(c) of the RP Act, 1951- issue of postal ballot electors above the age of 80 years and electors with Physical disability -regarding.

Sir,

I am directed to forward herewith the Commission's Notification No. 52/2020/SDR dated 8th January, 2020 on the subject cited. This may be published in the State Gazette immediately and a copy of the same may also be forwarded to the Commission.

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

Kindly acknowledge.

Yours faithfully,



(N.T. Bhutia)
Secretary

To be published in the
State Gazette
immediately

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.52/2020/SDR

Dated: 8th January, 2020

NOTIFICATION

In pursuance of the provisions of clause (c) of Section-60 of the Representation of the People Act, 1951, the Commission hereby specifies that the electors above the age of 80 years and electors with physical disability as already marked/flagged in the data base of the electoral rolls in the NCT of Delhi and who request for voting by postal ballot paper, would be a class of persons to give vote by postal ballot in the current general election to the legislative assembly of NCT of Delhi as per the provisions in Part-III A of the Conduct of Elections Rules, 1961, as amended vide Ministry of Law & Justice, Govt. of India, Notification SO No. 3786(E), dated 22nd October, 2019, and the directions and guidelines issued by the Commission.

By Order,



(K.F.WILFRED)

SR. PRINCIPAL SECRETARY

Procedure for voting through postal ballot by Absentee voters in the category of senior citizens (AVSC) and PWDs (AVPD)

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

Provisions made by the amendments

- (1) 'Absentee Voter' has been defined in clause (a) of Rule-27A of CE Rules, 1961 as a person belonging to the class of persons notified by the Commission in terms of clause (c) of Section-60 of RP Act, 51 comprising persons employed in essential services who, on account of the compulsion of their duties, are not able to be present in their polling station on the day of poll. This category would also include senior citizens of 80 plus age and those belonging to the category of physically disabled (PWD).
- (2) Absentee Voter wishing to vote by postal ballot has to make application to the Returning Officer in Form-12D giving all requisite particulars. Such application seeking postal ballot facility should reach the RO within five days following the date of notification of the election concerned.
- (3) As per the amended provisions under Rule 27E and 27-I, the issue of Postal ballot paper to the absentee voter and return of the ballot paper after voting shall be in such manner as the Commission may direct. Accordingly, the Commission has laid down the following procedure/guidelines in the matter of facilitating postal ballot voting by the absentee voters in the category of AVSC and AVPD.

Action by RO

- (4) On receipt of application in Form-12D, the RO will draw a list of all Absentee Voters in this category, i.e. (a) Absentee Voters belonging to senior citizen category (80+) [denoted for convenience as 'AVSC'] and (b) Absentee Voters

belonging to PWD category (denoted as 'AVPD') whose applications have been received in time and are in order.

The format in which the list referred to above is to be prepared is annexed as ***Annexure- 1.***

- (5) On the last date for making nominations for the election, the electoral roll becomes frozen for that election and no further addition or deletion can be carried out in the roll till the completion of the election. At that stage, RO shall verify and ensure that the electoral roll particulars of the applicants for postal ballot mentioned in Form-12D match with the particulars in the electoral roll and they are registered as elector. All the electors referred to in para-3 above and whose particulars with reference to the electoral roll have been found to be correct shall be issued postal ballot paper as Absentee Voters in the category of AVSC and AVPD.

The list prepared under para (1) will then be finalized.

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

Form and design of Postal ballot paper

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

(7) In the case of AVSCs and AVPDs, the Commission has specified that the issuing of postal ballot paper and returning of the same after casting vote shall be in the following manner:

- (i) Separate teams of poll officers comprising two officials out of which at least one should be not below in rank/level of the officials appointed as Polling Officer for Polling Stations in the State should be appointed for the purpose.
- (ii) Number of teams of Poll Officers to be appointed would depend on the number of Absentee Voters in this category in the list prepared by RO.
- (iii) The team of poll officers shall go to the electors in this category at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.
- (iv) The list of AVSCs and AVPDs shall be divided for distribution among the different teams of Poll Officers in such manner that each team gets a list of persons in geographically compact area.
- (v) It shall be the responsibility of each team of poll officers to (a) issue postal ballot to each of the Absentee Voters assigned to it, (b) brief the elector about the procedure to be followed for voting through postal ballot, (c) make sure that the elector votes without anyone influencing his/her choice, and ensuring the secrecy of voting, all activities at the address of the elector concerned. However, if any elector is not able to cast vote by himself due to blindness or physical infirmity, he/she shall be allowed to take the assistance of any adult person for casting vote.
- (vi) Identity of the elector shall be verified before issuing postal ballot paper. Name of elector and the document produced for identification shall also be entered in a register to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. A format for the register is annexed at **Annexure-2**. Further, a tick mark shall be placed against the name of the elector in the list of AVSC and

AVPD to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be got detached and kept in safe custody by the team.

- (vii) Poll officer is authorized to attest the declaration in Form 13A in the case of AVSC and AVPD. While attesting the declaration, the poll officer shall write his full name and also the designation 'poll officer'.
- (viii) The electors should be briefed about the procedure for voting and formalities to be observed on their part. They should be clearly briefed on the following points:
 - (a) making the declaration in Form 13A and getting it attested by the poll officer himself,
 - (b) entering the serial number of postal ballot paper, both on Form 13A and on the smaller envelope (form 13B),
 - (c) manner of marking vote, i.e by placing either cross mark or tick mark against the name of the candidate of choice,
 - (d) folding and placing the marked ballot in the smaller envelope and closing the envelope,
 - (e) Placing the declaration in Form 13A, duly filled up, signed and attested along with closed envelope(form 13B) containing the marked ballot paper inside the larger envelope (Form 13C),
 - (f) Closing the larger envelope and handing over the same to the poll officer.
- (ix) After vote is cast on postal ballot and the envelope in form 12C is ready, the team of Poll Officers will collect the same back.
- (x) The electors would have been already intimated about the date and approximate time of visit of poll officers for facilitating postal voting by them. However, if the elector is not present at the given address at the first visit, the team shall pay a second visit after leaving intimation

about the time of second visit. If the elector is not present even at the second visit, no further visit or action is required in his/her case.

Period during which postal ballot voting should be completed

- (8) Visit by teams of poll officers to the address of AVSC and AVPD electors should be planned in such a way that the same is completed three days prior to the date fixed for poll in the constituency. For instance, if poll is scheduled for 10th of the Month, the postal voting for AVSC and AVPD should be completed by 7th of that Month.
- (9) As directed above, advance intimation should be given to the AVSC and AVPD electors about the date and approximate time of visit of poll officers at their address for facilitating postal voting by them. Such intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form-12D. In other cases, the intimation may be given by post and/or through the BLO.
- (10) Apart from the list of AVSC and AVPD electors, adequate number of postal ballot papers, envelopes etc., each team of poll officers should be provided with pen, ink-pad (for thumb impression wherever required), glue stick for closing the envelopes, a sufficiently big canvas bag for keeping the envelopes of polled ballots and the counterfoils safely and other essential stationeries that may be considered necessary.
- (11) Police Security cover shall be provided to the poll officers during their field visit in this regard. Arrangement for videography of the proceedings at the address of AVSC/AVPD should also be made. For this purpose, a videographer should accompany the poll officers. It shall be ensured that the secrecy of vote is not violated while carrying out the videography exercise.

Deposit of envelopes containing marked ballot papers and counterfoils

- (12) At the end of each day of visit by poll officers to the address of AVSC and AVPD electors, the envelopes in Form-12C containing postal ballot paper

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

Annexure-1

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

Name of Election : _____

Name of Constituency: _____

Sl. No.	Name of Elector	Part Number	Sl. Number in the Part	EPIC Number

Signature of RO

Date:

Annexure-2

List of AVSC/AVPD electors issued with PB

Name of Election :

Name of Constituency:

Sl. No.	Name of Elector	Sl. Number in the list of AVSC/AVPD electors	Document produced for identification	Date on which voted	Signature/TL of elector

Signature of Poll Officer

Name: _____

Date: