

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2021/SDR/VOL.I

Dated: 13th March, 2021

To,

The Chief Electoral Officer of
all States/Union Territories.

Subject: FAQs on voting through postal ballot by Absentee Voters in the category of Senior Citizens, PwDs and COVID-19 suspect or affected persons -regarding.

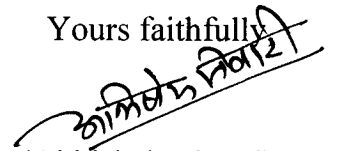
Ref: Commission's letters (1) No. 52/2020/SDR/Vol.I dated 28th September 2020 (2) letter No. 52/2020/Vol.I dated 28th September 2020 and (3) No. 52/2021/SDR/Vol.I letter dated 2nd February 2021.

Sir,

I am directed to invite your reference to the Commission's letter of even number dated 2nd February 2021 whereby guidelines for voting through postal ballot by Absentee Voters in the category of Senior Citizens, PwDs and COVID-19 suspect or affected persons were issued. In view of the various queries raised in this regard, a set of FAQs and clarifications in this regard is enclosed.

2. The FAQs may be circulated to all DEOs, Returning Officers, Officers connected to elections and the political parties based in your State, for their information.
3. Kindly acknowledge receipt.

Yours faithfully


(Abhishek Tiwari)
Under Secretary

FREQUENTLY ASKED QUESTIONS

Sub:- Postal Ballot facility in the category of absentee voters.

Q1. Who is entitled to avail facility of voting through postal ballot?

Ans. In pursuance of the Conduct of Elections (Amendment) Rules, 2019, and the Conduct of Elections (Amendment) Rules, 2020 read with the Election Commission's decision dated 16th July, 2020, the following categories of Absentee voters have been given the facility of voting through postal ballot (PB) paper :

- (i) Senior citizens (above 80 years of age),
- (ii) Persons with disability flagged in the electoral roll database,
- (iii) COVID 19 suspect or affected persons, and;
- (iv) Persons employed in essential services (In consultation with the Central & State Govt., CEO provide the list of essential services and then Commission issues the Notification)

Q2. What is the Form in which the application for postal ballot by an absentee voter can be made and where one can get copy of that Form?

Ans. The application for postal ballot can be made in Form-12D. The Form can be downloaded from the website of Election Commission (<https://eci.gov.in/files/file/12269-form-12d-letter-of-intimation-to-assistant-returning-officer-for-absentee-voters/>). Besides, the Booth Level Officers will distribute copy of Form-12D to absentee voters as per details given by the Returning Officer of the concerned constituency.

Q3. Which authority issues postal ballot to absentee voters?

Ans. Returning Officer of the constituency will issue postal ballot on the basis of Form-12D received from an absentee voter. The elector who has applied for postal ballot and whose particulars are found to be correct in the electoral roll along with other requirements, shall be issued postal ballot paper. The said postal ballot paper will be handed over by the polling officer visiting the residence of absentee voter. The postal ballot paper will not be sent to the absentee voter by any other means. Marking of vote on the postal ballot paper by the absentee voter should be done without any influence.

Q4. What are the conditions which a Person with Disability has to fulfill to avail facility of postal ballot?

Ans. To avail facility of postal ballot paper, a Person with Disability has to fulfill the following conditions:-

- (i) He should be flagged as Person with Disability (PwD) in the electoral roll database, and
- (ii) He needs to submit a copy of benchmark disability certificate issued by appropriate government alongwith Form-12D.

Q5- What are the steps involved in the postal ballots for Absentee voters in the categories of Sr. Citizens, PwD and Covid-19 suspect/affected.

Ans. Step 1- BLO will visit to the houses of the absentee voters in category of AVSC, AVPD and AVCO, as per details provided by the RO, and deliver Form 12D to the concerned elector and obtain acknowledgements from them.

Step 2- Thereafter, the BLO will collect the filled-in-Form 12D from the house of the elector, who opt for it, within five days of the notification and deposit with the RO forthwith.

Step 3- On receipt of application in Form-I2D, the RO will draw a list in the format prescribed by the Commission of all Absentee Voters in the 3 categories, i.e. (a) 'AVSC', (b) 'AVPD' and (c) AVCO, whose applications have been received in time and are in order.

Step 4- All the electors, 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. In case of Absentee Voters belonging to the category of COVID-19 (AVCO), before issuing FORM I2D the RO will check certificate of competent authority, duly appointed by the State Government/UT administration to the effect that the elector is under home quarantine or institutional quarantine due to COVID-19.

Step 5- The team of polling officials along with micro observer shall visit the electors at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.

Step 6- Identity of the elector shall be verified and electors shall be briefed by the polling officials about the voting procedure.

Step 7- Elector shall mark his vote and place the ballot in smaller envelope.

Step 8- The duly filled up and signed declaration in Form 13A attested by the authorized poll officer along with closed envelope (Form 13B) containing the marked ballot paper shall be placed inside the larger envelope (Form 13C),

Step 9- Close the larger envelope and handed over the same to the poll officer.

Q6. When does the Returning Officer mark postal ballot in electoral roll ?

Ans. On receipt of application (Form 12D), the Returning Officer will draw a list of the absentee voters, whose applications have been received in time and are in order, and **after due verification** mark PB against the entry of the absentee voters in the electoral roll, whose applications have been approved by him.

Q7. Is it mandatory for all electors in the categories of absentee voter to vote through postal ballot?

Ans. No. Voting through postal ballot is an optional facility which an absentee voter can opt, if he so wishes. All others, who do not opt for postal ballot, may vote at the polling station concerned.

Q8. At what stage, Returning Officer should share information/list of absentee voters in the categories of 80+ electors and Persons with Disabilities with the contesting candidates?

Ans. After preparation of marked copy of electoral roll, the Returning Officer shall share list of absentee voters in the categories of senior citizens and persons with disabilities, who have been extended facility of postal ballot with the contesting candidates of recognized political parties, in printed hard copy. Thereafter, all the candidates shall be informed about the schedule of visit for the delivery and collection of postal ballots by the teams of poll officers. They may, if desire, depute their authorized representatives (including the Booth Level Agents) with prior intimation to the Returning Officer, to watch the process.

Signature/thumb impression of such authorized representatives/ Booth Level Agents accompanying the poll officers will be taken in the prescribed attendance sheet.

Q9. Whether an absentee voter in PwD category on the ground of blindness or physical infirmity take assistance of an adult person for marking postal ballot, and if so, what formalities have to be completed by the companion and the polling officer?

Ans. If an absentee voter in PwD category on the ground of blindness or physical infirmity requires assistance of an adult person for marking his postal ballot, all the provisions of Rule 49N of the Conduct of Election Rules, 1961 will be applicable. The companion has to give declaration in the Form prescribed by the Commission and the polling officer shall keep a record of such cases in Form-14A. Assistance of polling agents or candidates or political parties may not be taken. The companion should keep the vote secret and he/she can be acted as the companion of only one elector.

Q10. Suppose, application of a COVID-19 affected person for postal ballot has been approved by the Returning Officer, but before issuance of postal ballot by the RO, he has tested COVID-19 negative. Is he eligible to vote at a polling station?

Ans. No. Once the Returning officer has issued a postal ballot paper to an absentee voter on the basis of Form-12D, the said voter cannot vote at polling station in person.

Q11. The last hour of the poll is for COVID-19 suspected/ affected voters. But during the last hour of the poll there may be voters already in the queue. In that case, will the COVID affected/ suspected voters cast their votes after the normal voters in the queue have completed voting?

Ans. Yes, the COVID-19 affected/ suspected voters will cast their votes after the normal voters in the queue have completed voting. They may reach the polling station in the last hour fixed for poll.

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