

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110001

No.52/2019/SDR

Dated: 2nd November, 2019

To,

The Chief Electoral Officer,
Jharkhand
Ranchi.

Subject: Postal ballot facility for the categories of Senior Citizen and Persons with Disabilities-Direction and guidelines-reg.

Sir,

On the recommendations of the Commission, the Central Government has amended the Conduct of Election Rules, 1961 and made the Conduct of Elections (Amendment) Rules 2019 to facilitate postal ballot to the absentee voters including **an elector belonging to the class of senior citizen or persons with disability**. The Commission is in the process of identification and notification of the categories of essential services for the purposes of absentee voters. However, for the already identified categories of electors belonging to the class of senior citizen or persons with disability, following procedures are prescribed:

Procedure for voting through postal ballot by Absentee voters in the category of senior citizens (above 80 years) (AVSC) and marked Persons with Disabilities (AVPD)

I. 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). Here,

‘**senior citizen**’ for the purpose of this Part means an elector belonging to the class of absentee voters and is above 80 years of age; and

‘**person with disability**’ means a person flagged as person with disability in the data base for the electoral roll.

- (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 this procedure/guidelines in the matter of facilitating postal ballot voting by the absentee voters in the category of AVSC and AVPD.

II. Action by the Returning Officer

- (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.

III. 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 three officials out of which at least one should not be 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.
 - (xi) The candidates shall be informed about the schedule of visit for the delivery and collection of postal ballots for this category. They may, if desired, depute their authorized representatives (including BLAs), with prior intimation to the Returning Officer, to watch the process.

IV. 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.

V. 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. The candidates shall be informed accordingly, who can keep a watch on the process.

Yours Faithfully,



(K.F. Wilfred)

Sr. Principal Secretary

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/TI of elector

Signature of Poll Officer

Name: _____