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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110001

No 464/Counting Process/2023-EPS

Dated: 19th July, 2023

To,

The Chief Electoral Officers of
all States and Union Territories

Sub: Procedure on counting of votes from Electronic Voting Machine, VVPAT and Postal Ballot during General Election and Bye election to Lok Sabha and State Legislative Assemblies -reg.

Reference:

No	Instruction	Date
1.	470/2008/EPS	19.01.2009
2.	470/2008/EPS	19.01.2009
3.	470/2009/EPS	21.01.2009
4.	470/2009/EPS	22.01.2009
5.	470/INST/2009/EPS	08.09.2009
6.	470/BR-LA/2010	22.11.2010
7.	470/BR-LA/2010	22.11.2010
8.	470/BR-LA/2010	23.11.2010
9.	470/TN-LA/2011/SS-1	06.05.2011
10.	470/INST/2012-EPS	01.03.2012
11.	470/INST/2012-EPS	03.03.2012
12.	470/INST/2012-EPS	03.01.2013
13.	470/INST/ EPS/2014	14.05.2014
14.	470/INST/2014-EPS	30.04.2014
15.	470/INST/2014-EPS	30.04.2014
16.	464/INST/2019/EPS	28.03.2019
17.	464/INST/2019/EPS	29.04.2019
18.	464/INST/2019/EPS	13.05.2019
19.	464/INST/2019/EPS	13.05.2019
20.	470/INST/2019/EPS	21.05.2019
21.	464/INST/EPS/2019	21.05.2019

Madam/Sir,

The Commission has issued various instructions, from time to time, on counting procedure for counting of votes in EVM, VVPAT and Postal Ballot at Counting Centers. All instructions relating to the counting procedure are hereby consolidated and revised instructions, in supersession of all the referred existing instructions, is hereby issued as under:

1. Legal Provisions:

The legal provisions governing counting process are contained in the Representation of the People Act, 1951 and the Conduct of Elections Rules, 1961. A compilation thereof is enclosed at **Annexure-1**. The Observers, the District Election Officers (DEOs), the Returning Officers (ROs) and all other officers concerned should familiarize themselves with the relevant provisions of the law, rules and instructions issued by the Commission for proper arrangements, pre-counting and post-counting storages and smooth conduct of counting process.

2. Counting of Votes- General instruction:

- (i) The DEOs, ROs and Observers shall ensure that the existing instructions related to counting arrangements in and around Counting Centers has been fully complied before counting of votes at the hour fixed for the purpose.
- (ii) The counting of votes of constituency shall not commence, if ECI orders on adjourned poll at any polling station(s) is pending.
- (iii) The counting of votes of constituency may commence if re-poll at any polling station(s) is taking place on counting day. In such case **the penultimate round of counting shall start only after re-pollled EVMs & VVPATs, from such polling stations are received in the concerned Counting Hall under full security escort.**
- (iv) RO should read out aloud the provisions of Section 128 of the Representation of the People Act 1951 and Rule 54 of Conduct of Election Rules 1961 to maintain secrecy of vote.
- (v) Under Rule 60 of the Conduct of Elections Rules, 1961, counting shall be continuous without any interval.
- (vi) No unauthorized person should be present in the counting hall. Under Rule 53(4), the RO has authority to direct anybody to go out of Counting Center, if anyone fails to obey

the lawful directions of the returning officer.

3. Counting through Postal Ballot paper-

- (i) Under Rule 54A of the Conduct of Elections Rules 1961, the counting of postal ballot papers shall be started first at the RO's table.
- (ii) Only such Postal Ballot Papers shall be taken up for counting which are received by the RO before the hour fixed for commencement of counting.
- (iii) The Returning Officer shall furnish the latest account of the total number of postal ballot papers (received from the facilitation centers and through post) to the Observer at the time of commencement of counting.
- (iv) RO or one of the AROs shall explain and demonstrate the requirements of a valid declaration to all the counting supervisors, assistants and the micro-observers before the envelopes of the postal ballot papers are distributed to each of the counting tables and actual scrutiny of the declaration by the counting supervisor.
- (v) The RO shall ensure that there is no inordinate delay in scrutiny of the declarations by the AROs and the counting supervisors.
- (vi) *All the cases of rejection of postal ballot on account of defects in Declaration in Form-13A should be re-verified by the Returning Officer before they are actually put in the rejected category.*
- (vii) The Observer shall very closely oversee the process of counting of votes by postal ballot especially the scrutiny of the declaration in Form 13A. While submitting the report on counting after declaration of result, the Observer shall include therein a detailed description of the procedure followed for the

postal ballot counting. This should specifically make a mention about the total number of postal ballot papers received for counting, number of PB rejected, number of tables provided for postal ballot counting and the total time taken for the counting of PB.

- (viii) All PBs received by the RO up to the hour fixed for commencement of counting shall be counted, so all such PBs should be brought before the RO. Please note that no 'Cover - B' in Form 13-C which contains the Postal Ballot, received late after the time fixed for the commencement of counting shall be opened and counted [Rule 54A (2)], and a suitable endorsement to that effect on the cover in Form 13-C should be made by RO/authorized ARO on each such cover received after the commencement of counting. Thereafter these covers in Form 13C will be put into a larger cover and sealed, before proceeding further.
- (ix) All postal ballots received till the time fixed for commencement of counting of votes shall be opened for counting. For counting of the postal ballots following points /stages must be scrupulously followed-
- (a) All cover 'B' in Form 13-C containing postal ballot papers, which were received in time by the Returning Officer, are to be opened one after another.
 - (b) On opening the cover "B" in Form 13C, two documents are required to be found inside. The first is -the declaration by the voter in Form 13-A and the second is the inner "Cover A (Form 13-B) containing the postal ballot paper. Before opening the cover "A" containing the postal ballot paper, the Returning Officer shall check the declaration (Form 13-A).
 - (c) He shall reject a postal ballot paper without opening

its inner cover (Form 13-B) in any of the following cases:

- If the declaration in Form 13-A is not found inside the cover "B" in Form 13-C;
- the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective,
- If the serial number of the ballot paper appearing on the declaration in Form 13A is different from the serial number as endorsed on the inner cover "A" in Form 13-B

- (x) A postal ballot paper shall not be rejected merely on the ground that the attesting officer has not put his seal on the declaration of the elector in Form 13-A if the attesting officer has given all relevant details with regard to his name and designation on that Form. Further, a postal ballot paper shall also not be rejected on the ground that the sender (elector) has not put his signature on the outer cover "B" (Form 13 C) in which he has returned the Postal Ballot Paper, if the identity of the sender is verifiable on the basis of his declaration in Form 13-A.
- (xi) All such rejected covers "A" in Form 13-B containing the Postal Ballot Paper should be suitably endorsed by the RO or the authorized ARO, and will be back with the respective declarations in the larger cover "B" in Form 13-C.
- (xii) All such larger covers "B" will be kept in a separate packet, which will be sealed by the RO/ARO concerned and full particulars, such as the name of the Constituency, the date of counting and a brief description of the content will be noted thereon for identifying the packet.
- (xiii) Thereafter, the RO/ARO will proceed to deal with the remaining covers "A" in Form 13-B, i.e., other than those rejected as

aforesaid. In order to protect the secrecy of the postal votes, all the declaration in Form 13-A which are found on scrutiny to be in order should first be placed in a separate packet and sealed. It is necessary to put these declarations away in a sealed packet before any ballot papers are brought out of their cover "A" in Form 13-B, to ensure secrecy of vote as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.

- (xiv) Thereafter, the RO/ARO will proceed to open the covers "A" in Form 13-B one after another to take out the postal ballot papers contained in them. The RO /ARO will scrutinize every such ballot paper and decide its validity.
- (xv) Postal ballot paper will be rejected on the following grounds: -
- (a) If no vote is recorded thereon; or
 - (b) If votes are given on it in favour of more than one candidate, or
 - (c) If it is a spurious ballot paper, or
 - (d) If it has been so damaged or mutilated that its identity as genuine ballot paper cannot be established; or
 - (e) If it is not returned in the cover "B" sent along with it to the elector by the Returning Officer, or
 - (f) If the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given; or
 - (g) If it bears any mark or writing by which the voter can be identified.
- (xvi) There is no particular mark required by law to be made by a voter to indicate his/her vote on a Postal Ballot. Any mark can be accepted as valid so long as it has been so made on the Postal Ballot that the intention of the voter to vote for a

particular candidate is clear beyond any reasonable doubt. Thus, a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned. Vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked. (Rule 54A (10) of the Conduct of Elections Rules 1961)

- (xvii) The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate so counted will be entered in the result sheet in Form 20 and announced for the information of the candidates/election agents/counting agents.
- (xviii) Thereafter all the valid postal ballot papers and all rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the RO and the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon.
- (xix) Counting of votes in postal ballots received for Parliamentary Constituency: The Assistant Returning Officer for the Parliamentary Constituency, who will count the votes polled at a component Assembly Segment will have *nothing to do with counting of the postal ballot papers* for the Parliamentary Constituency. According to Rule 65 of the Conduct of Elections Rules 1961, if votes are counted at more Counting Centers than one (as in most cases they will be in the case of Parliamentary election), the provisions of Rule 54A of the said rule will apply only to the counting at the last of such places. The place at which the Returning Officer finally counts and declares the result should be considered as the last place of counting.
- (xx) Elaborate instructions issued from time to time by the

Commission shall be followed scrupulously on pre-counting activities for ETPBS, intimation to candidates about postal ballots received from facilitation centers and by post, storage and transmission of such postal ballots and counting of votes by Postal Ballot and results thereof.

4. Procedure of counting of votes through EVM.

(i) After 30 minutes of the commencement of counting of postal ballots, counting of votes from EVMs should be started.

(ii) Counting of votes from EVMs shall be started on the scheduled time of counting in the following cases:

- If there is no postal ballot paper in the constituency.
- Other Assembly Segments of the Parliamentary Constituency where postal ballots are not counted.

(iii) At the time of counting, only the Control Unit of the EVM used in the polling station is required for ascertaining the result.

(iv) Hence, for counting of votes in EVM, only Control Units along with the respective Form 17-C shall be brought to the counting tables.

(v) Allotment of CUs on Counting Table:

a) Distribution of Control Units of EVMs on the various counting tables should be done in the serial order of the polling stations i.e., CU used at PS No. 1 should be given to counting table number 1, that of PS No. 2 to counting table number 2, and so on.

b) Only after completion of counting of all the CUs of a particular round and taken out of all CUs of that round from the Counting hall, the CUs of the next round shall be brought in the counting hall after getting verbal clearance of RO/ARO and the result of that round has been posted on the blackboard/whiteboard/TV etc.

(vi) Ascertaining the Result:

- a) Before ascertain the result from the Control Units of EVMs, Counting Officials shall ensure that
- Paper seal used in the Control Unit is intact and the same was provided to that particular polling station.
 - Control Unit is switched ON.
 - Total votes displayed on the Display Panel of the Control Unit (Press TOTAL button of the Control Unit) tallies with the total votes polled mentioned in Form 17C.
- b) For ascertaining the result from the Control Unit, tear the Green Paper Seal and remove the Address Tag of the Result Section of the CU and press 'Result' Button of the CU without removing Green Paper Seal.
- c) The total number of votes recorded for each candidate the polling station shall be displayed automatically in the Display Panels of the CU.
- d) The Control Unit may be kept lifted, by the Counting Assistant in such manner and position that the display panel is clearly visible to the Counting Supervisor, Micro Observer and Counting Agents of candidates sitting across the wire-mesh/fence to note down the votes polled against each candidate including NOTA. This process shall be repeated, if any Counting Agent desires.
- e) After the result has been noted in Part-II of Form 17C, the cover of Result Section shall be closed and the Control Unit should be switched OFF. Control Units along with Paper Seals shall be kept inside the carrying case and send for sealing purpose.
- f) In case of **non-display** of result in the display panel of Control Unit the said unit shall be kept inside carrying case and keep under RO custody. In such case VVPAT slips of respective VVPAT shall be counted after completion of all CUs count.

- g) In case of **close button** was not pressed at the end of poll, Total Button of the CU should be pressed to see total votes in CU.
- If total votes polled in the CU tallies with total votes polled in CU mentioned in Form 17 C, result from the CU shall be ascertained after pressing Close button and then Result button.
 - If total votes polled in the CU does not tally with total votes polled in CU mentioned in Form 17 C, keep the CU back in carrying case and keep under RO custody.
- h) Issues regarding non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C: In all pre-identified such cases (on poll day, during scrutiny of documents on P+1 day etc.), their lists shall be shared with the contesting candidates before the commencement of counting. In all such cases CU(s) shall not be brought to the counting hall for retrieving result from that Control Unit(s).
- i) EVM counting can go on irrespective of the stage of Postal Ballot counting.
- j) As a measure to cross check the correctness of counting, the observers should randomly select two CUs counted in each round with the help of additional counting staff.
- k) If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer, then: -
- The result of that round for each table shall be re-verified from the CU.
 - The erring official would be taken off and replaced by another set of staff. Severe disciplinary action should be initiated against him/her.

- The result provided by such staff (and table) in the preceding rounds would be checked again in presence of Observer and corrected sheets prepared wherever necessary.

5. Compilation of result of counting of Form 17C Part II:

- (i) Candidate wise result of each CU (Polling Station) is noted in Part II of Form 17C and sign by the respective Counting Supervisor. Signatures of candidates or their counting agents present at the counting table shall be obtained. Before taking signature of candidates/their agents/counting agents in Part II of Form 17C, in space between counting supervisor signature and signature of candidates/their agents/counting agents, write in pen - "We, hereby certify that CU No(s)is/are the same which were used in the Polling Station No.....".
- (ii) Result sheet is to be prepared in duplicate using carbon paper so that there is no discrepancy between the two copies. Original copy of the Part-II of Form 17C will be handed over to the RO/ARO for computing round wise tally of votes. The carbon copy will be used for taking multiple photocopies for supplying copy each to the counting agents at the respective table. These copies should be got signed from the counting agents present and thereafter by the Counting supervisor present at the table.
- (iii) The original second copy should be returned to the Counting Supervisor of the respective table. They will keep the copy of each round of EVM counting and at the end of the counting put them in an envelope super scribed "Duplicate copy of result of counting in Form 17C-Part-II, mention the Table number, total number of rounds counted and the Name of the Counting Supervisor and handover the envelope personally to the RO/ARO after completion of counting. This packet should be sealed and kept separately by the RO along with other documents.
- (iv) Returning Officer shall ensure that the name of candidates entered in this list is exactly as per the order in the ballot paper used on the BU.

(v) When tabulation sheet of each polling booth (Form 17C) is received at the RO/ARO's table, it will be the responsibility of the Returning Officer to show it to the candidates/their election agents/counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each polling station. RO/ARO should countersign on the original filled Part-II of Form 17C after satisfying himself that the same has been properly filled and completed in all respects. The Form so countersigned by the Returning Officer should be sent to the officer who is compiling the final result and preparing the Final Result Sheet in **Form -20**.

6. Preparation/compilation of Final Result Sheet in Form 20:

- (i) The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 should make entries on that Form showing the votes polled by each candidate polling station wise strictly in accordance with the entries made in '**Part II Result of Counting**' of Form 17C in respect of each polling station. The number of tendered votes polled, if any; at a polling station should also be noted in the appropriate column in Form 20 against the polling station concerned as per the report of the Presiding Officer. Tendered votes are not to be counted.
- (ii) In addition to above, on the basis of Part II of Form 17 C duly completed by counting supervisors, RO shall get prepared a round wise statement in the proforma as per **Annexure-2**.
- (iii) A copy of the detailed polling station-wise round-wise breakup of the votes as shown in the said Proforma will be kept by the Observer in his folder. In addition, on the computer installed in the Counting Hall where parallel tabulation work will be done in an Excel Sheet to counter check any human error. This data entry will also be done Polling station wise and round wise and a print out of the same shall be taken out and compared by the observer and also be signed by the officer.

- (iv) Both RO and the observers should get satisfied after due checking that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part-II of Form 17C (result of counting) pertaining to that counting table.
- (v) In case Observer is allotted to look after counting in more than one Hall/AC/AS, the Micro-Observers attached to the Observer in each hall and who are preparing the round-wise tabulation format of randomly selected two CUs and sign the round-wise tabulation format on behalf of the Observers in their absence. The Observer will countersign the same thereafter immediately.
- (vi) The Observer and Returning Officer will sign the candidate wise results for that round after checking everything and ensure that the results of that round of counting of votes are immediately displayed prominently on the blackboard/whiteboard. It should also be announced through public address system. A copy of the round's results should be shared with all candidates/agents after completion of that round. A copy of the print out should be given to media room for information of press and another copy to communication room for uploading on **ENCORE**.
- (vii) As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced after competition of each round.
- (viii) Similarly, the consolidated position of the PC by combining the position of the rounds of different ASs should also be announced and repeated at suitable intervals over the public address system for public, preferably from a centralized location where the public announcement booth is located.
- (ix) If RO is counting the votes of an Assembly Constituency, he has to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

- (x) After the total number of votes polled to each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, RO should strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and tendered votes. But, before striking this grand total, the entire Final Result Sheet shall have to be carefully checked and it must be ensured that each and every entry in respect of each candidate for every polling station has been made correct and that the Form is not incomplete in any respect.
- (xi) Proper care should be taken that only the voting machine used for taking re-poll, wherever ordered, is taken for counting and its count of votes candidate wise are entered in the Result Sheet.
- (xii) Any incorrect totaling is going to materially affect the result of election. This, in turn, will affect the declaration of result, which has to be made on the basis of Form 20. RO shall be held personally responsible for any inaccuracy/discrepancy in that Form. Any slackness shall be viewed very seriously by the Commission and severe disciplinary actions will be taken against the RO.
- (xiii) ARO of Assembly segment of a Parliamentary Constituency, after completion of counting of votes, shall prepare the Result Sheet in respect of that Assembly segment in Part I of Form 20. Part II of that form will be completed by the Returning Officer by consolidating the Result Sheets of all the Assembly segments. ARO of an assembly segment in a LS election, is not required to show in Part I of Form 20 the number of votes polled by the candidates by means of postal ballot papers because the counting of Postal Ballots, under the law, is required to be done by the Returning Officer for the Parliamentary Constituency and he will record the result of voting of postal ballot papers in Part II of the said Form 20. If RO is counting the votes of an Assembly constituency, he has to prepare the Final Result Sheet only in

Part I of Form 20. In that Part, the number of votes polled to each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

- (xiv) Immediately on the completion of counting of votes of an Assembly Segment of a Parliamentary Constituency, Result Sheet in Part I of Form 20, all the relevant Forms 17C and all other papers and records relating to the counting of votes should be forwarded to the Returning Officer for the Parliamentary Constituency for consolidation of the result and completion of the Final Result Sheet in Part II of Form 20.
- (xv) The RO for the Parliamentary Constituency, on receipt of Result Sheets in Part I of Form 20 from ARO should incorporate the result in respect of each Assembly Segment in the Final Result Sheet in Part II of the said Form 20. RO shall also record the result of counting of postal ballot papers in the said Part II of Form 20. Then, strike the grand total of the votes received by each candidate (both) the votes recorded in the voting machines at the polling stations and the postal ballot papers, rejected postal ballot papers and tendered votes.

7. Counting of VVPAT slips

- (i) Counting of VVPAT slips shall be started only after completion of counting of votes from CUs i.e. no CU(s) is left for counting of votes.
- (ii) Counting of VVPAT slips shall be done only in VVPAT Counting Booth (VCB) under close supervision of RO and Observer in the presence of candidates/their agents.
- (iii) Before starting VVPAT slips count, Counting Officials and counting agents of other counting tables should be taken out from the counting hall.
- (iv) Sequence of VVPAT Slips Count:
- (a) Counting of VVPAT slips of polling station(s) for which result is not displayed on the Display Panel of the Control Unit.

- (b) Counting of VVPAT slips of polling station(s) having cases of improper conduct of mock poll procedure by non-clearance of mock poll data/slips or mismatch of votes polled in CU and votes polled in CU mentioned in Form-17C, **if winning margin is equal to or less than total votes polled in these polling stations.**
- (c) Counting of VVPAT slips under Rule 56D of the Conduct of Elections Rules 1961, **if RO decides (speaking order) to count the printed paper slips of any polling station(s) on a written application received from any candidates/election agents/counting agents under Rule 56(D).**
- (d) Mandatory verification of VVPAT slips of randomly selected 05 polling stations per Assembly Constituency/each Assembly Segment of Parliamentary Constituency **shall be done only after completion of counting of votes.**
- (v) Issues regarding non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C:
- (a) For all the polling stations where EVM and VVPAT has been kept aside as mentioned above, will not be taken up for counting in any Assembly Segment of the Parliamentary Constituency till completion of counting of votes in all Assembly Segments of that Parliamentary Constituency.
- (b) If the winning margin is more than the total votes polled in all such polling stations, these polling stations, identified as mentioned above, will not be taken up for counting and the result will be declared without these polling stations.
- (c) If the winning margin is equal to or less than total votes polled in these polling stations, in such case **only counting of the respective VVPAT paper slips** will be done and the **Control**

Units shall be discarded for counting purpose i.e. the Control Units shall not be used for counting of votes.

- (d) Even in cases where VVPAT paper slips pertaining to mock poll have not been taken out from the drop box of the VVPAT, the VVPAT slips shall be counted and the candidate wise votes from mock poll certificate shall be deducted to arrive at correct count of candidate wise votes polled.
 - (e) The VVPAT slip count result of all these polling stations shall be added to the candidate-wise tally and the final result compiled.
 - (f) If there is any discrepancy or difficulty to arrive at correct count of candidate wise votes polled, the matter shall be referred to the Commission for further direction in the matter.
- (vi) Candidate Demanding VVPAT Paper Slip Counting under Rule 56D:

After announcement of result sheet entries, if any candidate, their election agent or their counting agents apply in writing to the RO for counting of the printed VVPAT paper slips in any or all polling stations and if such application is received, the RO should pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO should give due consideration to the following:

- (a) Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate demanding the counting.
- (b) Whether EVM and VVPAT had a problem and was replaced at that polling station during poll.
- (c) Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station

during the poll.

(vii) Mandatory verification of VVPAT paper slips:

Mandatory verification of VVPAT paper slips of randomly selected 05 (five) polling stations (**Annexure-III/ IV**) must be conducted in all General and Bye Elections to the House of the People and State Legislative Assemblies, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after completion of the last round of counting of votes, recorded in the EVMs, as under: -

- (a) The verification of VVPAT paper slips of randomly selected 05 (five) polling stations shall be by Draw of lots, by the Returning Officer/Assistant Returning Officer concerned for each AC/AS. It should be done after the completion of the last round of counting of votes recorded in the EVMs and VVPAT paper slips count due to non-display of result from the Control Unit(s) or under Rule 56(D) of the Conduct of Elections Rules 1961 or whatsoever the reason, in the presence of candidates/their agents and the Observer appointed by the Commission for that Constituency.
- (b) This verification should be done in a VVPAT Counting Booth (VCB).
- (c) In Draw of lots, the following polling station(s) shall not be included:
 - The polling station(s) where VVPAT slips have been counted due to non-display of result from CU(s)
 - The polling station(s) where VVPAT slips have been counted under Rule 56(D) of the Conduct of Elections Rules 1961
 - The polling station(s), where is the cases of ***non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C.***

- (d) In case, counting of votes to Lok-Sabha and Legislative Assembly is held simultaneously, separate tables should be arranged for VVPAT Counting Booth for PC and AC elections.
- (viii) As per Rule 56D (4) (b) of the Conduct of Elections Rules 1961, if there is any discrepancy between EVM count and paper slip count, the paper slip count should prevail. Hence, if there is discrepancy between the counts of votes displayed on the Control Unit and the count of printed-paper slips in respect of that Polling Station, the result sheet shall be amended as per the printed-paper slips count.
- (ix) Election authorities shall refer to the latest Manual of Electronic Voting Machines for any reference or guidance on counting of votes in EVM and VVPAT.

8. Recount:

- (i) Normally, there will be no question of recount of votes recorded in the voting machines as every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise.
- (ii) Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in Rule 63 of the Conduct of Elections Rules, 1961, still apply.
- (iii) When the counting is complete and the Final Result Sheet in Form 20 has been prepared, RO should announce the total number of votes polled by each candidate as entered in Form 20. Then RO should pause for a minute or two.
- (iv) If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, RO should ascertain from him the time required for making an application for recount in writing. However, in the case, where the counting

places are in different locations, application for re-count in respect of such can be presented before the ARO supervising the counting in that Assembly Segment. The concerned ARO may deal with application for re-count with the approval of the RO as it would be difficult for candidates/agents located in other counting locations to reach the RO's location in time to make application for re-count.

- (v) A candidate has option to make request for recount of polled ballot papers and/or polled EVMs of all or some of the polling stations.
- (vi) If RO consider that the time applied for is reasonable, he shall allow it and announce the exact hour and minute up to, which RO will wait for receiving the written application for recount.
- (vii) RO must not sign the Final Result Sheet in Form 20 until after the expiry of the time so announced.
- (viii) If RO receives an application for recount, he should consider the grounds urged and decide the matter judiciously. RO may allow the application in whole or in part if it is reasonable or may reject it in to if it appears to be frivolous or unreasonable. But the right of a candidate to demand a recount under Rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a, prima facie case, which the counting was not accurate and recount is necessary in the interest of justice.
- (ix) In every case, RO should record a brief statement of reasons for the decision and should give a speaking order. ROs decision will be final.
- (x) In case, RO allow an application for recount either wholly or in part, he shall have the votes recorded in the voting machines counted over again in accordance with his decision. The postal ballot papers will also be counted over again if so, decided by RO.
- (xi) After the recount, the RO shall correct the final result sheet

necessary and announce the amendments so made, if any.

- (xii) After the total number of votes polled by each candidate after recount has been announced by RO, complete and sign the Result Sheet. No candidate has a right to demand a recount after RO have completed and signed the Final Result Sheet. Reject any demand for any recount of votes after RO have completed and signed the Final Result Sheet.
- (xiii) Entire process shall have to be video-recorded carefully.
- (xiv) A candidate has right to file request for 2nd recount. It would be unreasonable to demand second recount if the first recount showed only minor variations from the first recount and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the margin between first two candidates is close and where previous recount has shown differing results.
- (xv) In every case of 2nd recount, RO should recount a brief statement of reasons for the decision and should give a speaking order. But RO would be justified in refusing a further recount when the previous recount showed the same result even if the difference between the contesting candidates may be very small.
- (xvi) It is pertinent to mention that a Returning Officer's duty is to count accurately the votes. Hence, at any point of time during counting, he has the right to order the counting staff to do the count of the votes again.
- (xvii) If votes are counted at more places than one, according to rule 65 of the Conduct of Elections Rules, 1961, the demand for recount of votes can be made only at the end of counting in the last place fixed for the purpose. Thus, in the case of Parliamentary Constituency, the recount can be demanded only at the place where the Returning Officer counts the postal ballot papers and completes Part II of the

Final Result Sheet in Form 20 and not at the places where the votes have been counted Assembly segment-wise. If recount is permitted by the RO of PC, then all the voting machines and all relevant papers would have to be taken to the last place of counting (i.e. place of PC of RO) which will be very troublesome and inconvenient. Hence, it would be better and desirable that, if any doubt is expressed by any candidate immediately after the counting of votes at any polling station is over, RO check up again. This is strictly not a recount but a check, which will satisfy all the candidates.

9. Adjournment of Counting:

- (i) RO should proceed with the counting at each place continuously. In case RO have to suspend or adjourn the counting before its completion for any unavoidable reason, he should seal up all the voting machines and also all other papers relating to elections. He will also allow every candidate or his agent, if he so desires, to place his seal on every voting machine and packet, etc., in which the election papers are kept.
- (ii) It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with RO's seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to ROs on such room.
- (iii) For storage of Polled EVMs, VVPAT slips, CD/Storage devices and six packets containing elections papers, latest instruction of the Commission may be referred to.

10. Role of Observers:

- (i) The Observers will ensure that the Final Result Sheet in Form 20 is filled by the RO before he declares the result in Form 21 C (for General Election) and Form 21 D (for Bye election) sends it to appropriate quarters. One copy each of the Forms 20, 21C and 21D and Form 21E duly filled in will be collected by the Observers

and attached with their reports on counting and submission to the Commission.

(ii) All Observers will keep a close watch on the process of counting of votes and compilation of results. Towards this end, neither the Observer nor the ARO/RO or any other election official should leave the counting hall till the counting is completed and result declared. Strict discipline should be maintained inside the counting premises and prompt action should be taken against anyone not observing the rules.

(iii) Power of Observers to stop counting: The observers, appointed by the Commission under section 20B of the Representation of People Act 1951, have the power to direct RO to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in his/her opinion booth capturing has taken place at a large number of the polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of ROs custody or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station or place cannot be ascertained. In such case, the observers have no power to order re-commencement of the counting. It will recommence only on the order of the Commission.

11. Procedure to be followed in case of destruction, loss etc. of Electronic Voting Machine before compilation of counting:

Under the law (Section 64A of the Conduct of Elections Rules 1961), the Commission is competent to direct, after taking all material circumstances into account, the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that the voting machine used at a polling station has been:



- (i) Unlawfully taken out of his custody, or
- (ii) Accidentally or intentionally destroyed or lost, or
- (iii) Damaged or tampered with, to such an extent that the result of the poll at that polling station or place cannot be ascertained. If any such occasion arises, RO should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.

12. Procedure to be followed in the case of Booth Capturing at the Counting Centre:

- (i) Under Section 58A(b) of the Representation of the People Act 1951, if booth capturing takes place at any place of counting of vote in such a manner that result of the counting at that Counting Centre cannot be ascertained, the Returning Officer shall forthwith report the matter to the Commission.
- (ii) On receipt of the report of the Returning Officer, the Commission shall, after taking all material circumstances into account, either direct a re-poll at the affected polling stations or countermand the election. In such cases, RO has to proceed as per direction of the Commission.

13. Counting after Re-poll directed after commencement of counting:

If any re-poll has been held at a polling station in accordance with the directions given by the Commission, RO should fix the date, time and place for counting the votes recorded in such Re-poll and give notice of the same in writing to every candidate or his election agent. RO should follow the same procedure as detailed above for such further counting as far as it is applicable.

14. Mandatory re-counting of all postal ballot papers:

Where the margin of victory is less than the number of postal ballot papers rejected as invalid at the time of counting, all the rejected Postal Ballot papers shall be mandatorily re-verified by the Returning Officer before declaration of result. Whenever, such re-verification is

done, the entire proceedings should be video-graphed.

15. Equality of votes:

If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will have to be declared by draw of lot. This will be in rare of the rarest case and in such case also matter first be reported to the Commission for such directions as the Commission may like to give.

16. Declaration and Publication of Result of Election:

- (i) After the counting has been completed in all respects, RO have to proceed to make the formal declaration of result of election.
- (ii) RO must, however, verify and satisfy himself that there is no case, which requires to be referred to the Commission for its directions, and that there is no general or special direction from the Commission's observers to withhold the declaration of result in the constituency. If that be so, he should send a detailed report to the Commission forthwith giving all required information and obtain its prior approval before making the declaration of result.

17. Declaration of Result:

- (i) Before RO declare result of an election, RO should obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself about the fairness of counting of votes and complete accuracy of compilation of result. After having done so, he shall issue an authorization to the Returning Officer concerned for declaration of result in **Annexure V**.
- (ii) After completing and signing the Result Sheet in Form 20 appended to the Conduct of Elections Rules, 1961, and necessary approval of the Commission, wherever required, and a No Objection Certificate (**NOC**) from the Observer in the above format, the candidate to whom the largest number of valid votes have been given should then be declared elected RO must declare the result

by a loud announcement.

- (iii) It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of result.

18. Form of declaration of result:

- (i) The formal declaration of result should be made by RO either in Form 21C (in the case of General election) or Form 21D (the case of a bye-election to fill a casual vacancy) of the Conduct of Elections Rules, 1961, as may be appropriate. Due care is to be taken that in Form 21C or 21D, the name and address of the elected candidate shall be as given in list of contesting candidates, name of political party should be written as given in latest Political Parties and Election Symbols notification. After RO's signature, he/she shall affix RO's rubber stamp.
- (ii) The date to be given in the declaration should be the date on which result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when RO has to rectify some error in his original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

19. Authorities to whom copies of declaration of result should be sent:

Immediately after the declaration of result, RO should send copies of the declaration of result in Form 21C or 21D, as the case may be, to:

- (i) Election Commission of India;
- (ii) Chief Electoral Officer of the State/ UT;
- (iii) (a) Union Ministry of Law and Justice (Legislative Department), New Delhi, and
- (b) The Secretary General of the Lok Sabha, New Delhi (in

the case of election to the Lok Sabha);

OR

(a) The State Government/ Lt. Governor; and

(b) The Secretary to State/ UT Legislative Assembly (in the case of election to the State/ UT Legislative Assembly)

20. Authorities to whom copies of return of election should be sent:

(i) He should complete and certify the Return of Election in Form 21-E of the Conduct of Elections Rules, 1961 and forward signed copies of the return to the Election Commission and the Chief Electoral Officer of the State/ UT. **The name of the candidates should be written as given in the Form-7A**

(ii) If any candidate or his agent wants to take a copy or an extract from this return, he should be permitted to do so. RO may supply a copy of such return to an applicant on payment of fee of Rs. 2/-
[Rules 93(3)]

21. Report of result of election:

(i) As soon as results has been declared, RO should intimate the same to: -

(a) The Election Commission of India, New Delhi

(b) The Director of News Services, All-India Radio, New Delhi,

(c) AIR Station in the Headquarters of the State/ UT;

(d) The Director, Doordarshan Kendra, Parliament Street, New Delhi- 110001;

(e) Doordarshan Kendras concerned, if any, in the headquarters of the State/ UT;

(f) The information Officer, P.I.B., New Delhi;

(g) The Ministry of Law, Justice (Legislative Department), Shastri Bhavan, New Delhi (in respect of election to the House of the People); OR the State Government/ UT; (In respect of



- election to be State/ UT Legislative Assembly)
- (h) The Secretary General, Lok Sabha, New Delhi (in respect of election to the House of the People) OR the Secretary of the State/ UT Legislative Assembly (in respect of the election to the State/ UT Legislative Assembly); and
- (i) The Chief Electoral Officer of the State/UT
- (j) The fax/Email may be addressed to the Commission and repeated to the other addresses at (b), (d), (f) and (g).
- (ii) The message communicating the result should indicate the following particulars;
- (a) Serial number and name of the constituency (State, Parliamentary/Assembly) as given in Delimitation of Parliamentary and Assembly Constituencies Order;
- (b) Total number of electors in the constituency;
- (c) Total number of votes polled;
- (d) Number of votes rejected;
- (e) Names of contesting candidates with their party affiliations and votes polled by each; and
- (f) Name of the candidate declared elected.
- (iii) RO should further ensure that whenever RO refer to a woman candidate in Email/Fax message communicating the result it should be ensured to prefix her name with 'Kumari' or 'Srimati' as the case maybe, so that it should definitely be understood that the candidate is a woman.
- (iv) RO should also ensure that figures of votes which are mentioned while reporting the result are given in words and not in numerals as the latter are likely to be mutilated during transmission.

22. Certificate of election:

- (i) As soon as results has been declared, RO should grant to returned candidate a certificate of election in Form 22 and

obtain from the candidate an acknowledgment of its receipt duly signed by him. if he happened to be present at the Counting Centre. Where he is not so present, he should be contacted as quickly as possible and the dispatch of the acknowledgment completed within a day or two. These acknowledgments are required by the authorities concerned for verifying the identity of the elected candidates at the time of making or subscribing the oath of affirmation by them.

(ii) The certificate of election in respect of elections to the House of the People should be issued in English or Hindi, but such certificate of election in respect of the State Legislature may be issued in English or Hindi or in any of the languages used for official purposes of the State. It should be open to the elected candidate to sign the acknowledgment in any language he likes in **Annexure VI**.

(iii) It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by the Returning Officer personally before dispatch. Thereafter, he/she shall immediately send this acknowledgment by registered post to the Secretary General to the House of the People or as the case may be the Secretary of the Legislative Assembly.

(iv) Where the elected candidate is not present at the Counting Centre nor visits the locality shortly thereafter the certificate may be handed over to a person duly authorized by the candidate in this behalf and personally known to the Returning Officer, the acknowledgment (duly signed by the candidate) being also obtained through the same person.

23. Drawing of Proceedings:

After the sealing of the voting machines and election papers at the counting place after the counting of votes, RO should draw up proceedings mentioning therein: -



- (i) The full particulars of the candidates/agents present in the counting hall;
- (ii) The fact that they were asked to affix their seals on the voting machines and packets of election paper, if they so desired; and
- (iii) The particulars of persons who had affixed their seals on the voting machines and packets and the particulars of those persons who had refused to do so.

Then, RO should sign the proceedings and obtain on it the signatures of such of the candidates/agents as are present and willing to sign. The proceedings should be put inside an envelope which should be sealed and the sealed envelope be kept along with the packets of election papers.

24. The instructions shall be brought to the notice of all concerned for strict compliance during General Election and Bye-elections to Lok Sabha and State Legislative Elections.

Yours faithfully,

(Ajay Kumar Verma)
Secretary

Annexure-I

Legal Provisions	
Representation of People Act, 1951	
Section 64- Counting of Votes	<ul style="list-style-type: none"> Counting under supervision and direction of the Returning Officer Contesting candidate/election agent/ counting agents have a right to be present.
Section 64A- Destruction, loss etc. of ballot papers at the time of counting	<ul style="list-style-type: none"> RO shall report the matter to the ECI ECI may direct counting to be stopped and declare poll to be void, order re-poll for that polling station. Or if satisfied the result of election will not get materially affected, may allow counting to be completed
Section 65- Equality of Votes	<ul style="list-style-type: none"> Results to be decided by draw of lot by Returning Officer
Section 66- Declaration of Results	<ul style="list-style-type: none"> In the absence of any other wise direction from ECI, Returning Officer to declare the result
Section 67- Report of the Result	<ul style="list-style-type: none"> RO to report result to ECI & Appropriate authority (i.e. Secretary State Legislature/Parliament, who shall get it published in official Gazette immediately.
Section 128- Maintenance of secrecy of voting	<ul style="list-style-type: none"> Applicable to officer/clerk/agent/person performing duty in connection to Election (during poll or counting) RO/ARO should take an oath to maintain secrecy of voting & read it out aloud before the commencement of counting of votes Violation punishable with 3 months imprisonment or fine or with both
Section 129- Officers, etc. at elections not to act for candidates or to influence voting	<ul style="list-style-type: none"> Applicable to DEO/RO/AROs/Polling Staff Imprisonment up to 6 months/fine/both
Section 136- Other offences and penalties thereof [Sub sections to (1)- (4)]	<ul style="list-style-type: none"> Guilty of electoral offence: tampering with EVM/Ballot box or ballot paper/nomination paper fraudulently Imprisonment up to 6 months or 2 years/fine/both
Conduct of Election Rules, 1961	
Rule 66A: Rules 50-54 have been made applicable. Rules 55C, 56C and 57C	<ul style="list-style-type: none"> In relation to counting of votes where EVMs used.

Rule 51: Time and place for counting	<ul style="list-style-type: none"> • To be fixed by RO at least one week before date of counting. • Notice to given to in writing to each candidate/his election agent.
Rule 52: Appointment of Counting Agents	<ul style="list-style-type: none"> • Subject to ECI directions, a candidate may appoint counting agents which shall not exceed 16 for each place of counting. • Appointment to be made in Form 18, in duplicate. One copy for Returning Officer for record and other copy to agent for production before Returning Officer, not later than one hour before the time fixed for counting. • No entry in counting hall unless second copy of FORM 18 is given to RO after signing the declaration. • Revocation in Form 19
Rule 53- Admission to the place of counting	<ul style="list-style-type: none"> • Nobody else except RO/ARO, counting staff, candidates, their election agents and counting agents public servants on duty, persons authorized by ECI. • Whosoever misconducts himself or fail to obey lawful direction of RO shall be removed from counting hall.
Rule 54- Secrecy of voting	<ul style="list-style-type: none"> • Returning Officer to read out provision of section-128 aloud before commencement of counting.
Rule 55C- Scrutiny and inspection of voting machines	<ul style="list-style-type: none"> • Counting Staff and counting agents to inspect and ensure that the CU is not tempered and all seals are intact. In case not, report matter to ECI
Rule 56	<ul style="list-style-type: none"> • Counting of Votes
Rules 57	<ul style="list-style-type: none"> • Sealing of voting machines
Rule 60	<ul style="list-style-type: none"> • For continuous counting
Rule 61	<ul style="list-style-type: none"> • Provides for re-commencement of counting after fresh poll
Rule 63	<ul style="list-style-type: none"> • For recount of votes
Rule 64	<ul style="list-style-type: none"> • For declaration of result of election and return of election
Rule 65	<ul style="list-style-type: none"> • For counting at 2 or more places
Rule 66	<ul style="list-style-type: none"> • For grant of certificate of election to returned candidate

21

Format for tabulating Trends/Results

Number & Name of Constituency _____

Round Number _____ Date _____

Table No.	1	2	3	4	5	6	Total	Brought from previous round	Cumulative Total
Polling Booth No.									
Sl. No.	Name of candidate								
Rejected Vote									
Total Vote									
	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO		
	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer		

Important:

- 1 All over writings/cutting should be certified by observer
- 2 Polling station number whose votes are counted should be indicated below the table number
- 3 A copy of this is to be kept by observer in a separate folder for cross checking later.



Annexure-III

Mandatory verification of paper slips of VVPAT of 05 randomly selected polling stations

(Separate for each polling station)

Name of State/UT.....
No. and Name of Assembly/Parliamentary Constituency.....
No. and Name of Assembly Segment (in case of PC)
Sl. No. and name of Polling Station.....
Unique ID of Control Unit.....
Unique ID of VVPAT:.....

It is to certify that mandatory verification of paper slips of VVPAT of 05 randomly selected polling station has been conducted as per the instructions of the Commission.

Name of Candidate	No. of Votes cast		Discrepancy, if any
	As per EVM	As per Paper Slips	
1.			
2.			
3.			
--			
--			
NOTA			
TOTAL VOTES			

Signature of Counting Agents

1.....
2.....
3.....

Signature of Counting Supervisor

Signature of Returning Officer

Signature of General Observer

Annexure-IV

Mandatory verification of paper slips of VVPAT of 05 randomly selected polling stations

(To be sent to the Commission through the Zonal Secretary concerned)

Name of State/UT.....

No. and Name of Assembly/Parliamentary Constituency.....

No. and Name of Assembly Segment (in case of PC)

Sl. No. and name of Polling stations

1.
.....
2.
.....
3.
.....
4.
.....
5.
.....

It is to certify that the entire process of mandatory verification of counting of paper slips of VVPAT of 05 randomly selected polling stations has been conducted under my close and direct oversight with strict compliance of the Commission's instructions.

-signature-

(Name of ECI Observer)

Observer Code.....

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Authorisation by the Observer for declaration of result

I, Observer Code (_____) for Assembly Constituency (Name/Code) /Assembly Segment of -----Parliamentary Constituency (Name/Code) after having satisfied myself about the fairness of counting of votes and complete accuracy of compilation of result in Form-20 hereby authorize the Returning Officer for _____ Parliamentary/Assembly Constituency to declare the result.

Signature of the Observer _____

Name of the Observer _____

Code of the Observer _____

Parliamentary/Assembly Constituency No. & Name _____



Annexure VI

**Acknowledgement of receipt of Certificate of Election in
Form 22 by the returned candidate**

I.....(name)..... acknowledge
receipt of the certificate of election in Form 22 in respect of my
election tofrom.....constituency, declared
on date.....

Signature of the returned Candidate

Attested and forwarded to the Secretary
Legislative Assembly/ Lok Sabha

.....

Returning Officer

