

RAJYA SABHA ELECTION

Poll Day Arrangements

VOTING PROCEDURE

System of Election

- Election under the proportional representation system by means of single transferable vote.
- Members to be elected by elected members of legislative assembly
[Article 80(4) of Constitution].
- Notice about date, time and place of voting to be communicated to each elector (rule 69).

Open Ballot Voting

- Under provision to Section 59 of RP Act, 51, vote at Rajya Sabha election is given by open ballot.
- An elector who is a member of a political party is required to show the ballot paper to the **authorized agent of that political party** for verification (*Rule 39AA*).

Open Ballot Voting

- Appointment of authorized agent to be made by political party in Form-22A.
- A party which has MLA elected on its ticket has the right to appoint authorized agent whether or not it has set up candidate at the election.
- Right to appoint agent under Rule 39AA is vested in the political party.
- Authorized agent is different from polling agent appointed by candidates.

Authorised Agent

AUTHORIZED AGENT

- Rule 39AA (2) of the Conduct of Elections Rules, 1961 does not specify who shall be the authorized agents of the Party
- apart from that the election to the Council of States have a system of 'Open Ballot Paper'. Hence, an MLA or Minister can also be appointed as the Authorized Agent of the political party in respect of election to the Council of State.
- In election to Council of States same person cannot be appointed as the authorised agent of more than one party
- In respect of elections to the Council of States, the Election Commission vide its letter no. 318/CS/2008-PLN-III dated 25th March, 2008 has directed that under Rule 39AA of the Conduct of Elections Rules (Amendment), 1961 dated 27th February, 2004, the power to appoint authorized agent has been given to the Political Parties which have elected MLAs in the Assembly and not to the candidates, irrespective of whether such Political Parties have set up their own candidate(s) at the election or not.
- The MLAs belonging to Political Parties are required to show the ballot paper after marking votes to the authorised agent of the Political Party concerned.

...the presiding officer shall, between

marking votes to the authorised agent of the Political Party concerned.

- **Rule 39A Information regarding casting of votes.**- the presiding officer shall, between the period when an elector being a member of a political party records his vote on a ballot paper and before such elector inserts that ballot paper into the ballot box, allow the authorised agent of that political party to verify as to whom such elector has cast his vote:
 - if such elector refuses to show his marked ballot paper to the authorised agent of his political party, the **ballot paper issued to him shall be taken back by the presiding officer** or a polling officer under the direction of the presiding officer and the ballot paper so taken back shall then PO shall record on its back the words "**Cancelled: voting procedure violated**" [Rule 39A(6)] and put his signature below those words.
 - Every political party, whose member as an elector casts a vote at a polling station, shall, for the purposes of sub-rule (1), appoint, in Form 22A, two authorised agents.
 - An authorised agent appointed under sub-rule (2) shall be present throughout the polling hours at the polling station and the other shall ~~also~~ relieve him when he goes out of the polling station or vice versa.". The voters belonging to political parties to show to the authorized agents of their parties (if any appointed by them under the Rule) to whom they have voted. They are to show this only to the Authorised agents of their party and to nobody else. If they show to others, the Presiding Officer will take back the filled ballot paper from them and get cancelled after following the procedure prescribed.

- **Rule 42(4). Tendered votes.**—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, the elector (where such elector is a member of a political party), after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the presiding officer, who shall, before placing the

tendered ballot paper in the said cover, allow the authorised agent of that political party to verify as to which candidate the elector has cast his vote.

Rule

- **84. Declaration of result and return by returning officers.**—(1) Upon the completion of counting, the returning officer shall, prepare and certify a return of the election in Form 23B and after reporting the result of the election under section 67, send signed copies of the said Form to the Election Commission and the chief electoral officer and before sealing the packets under, allow the authorised agent of a political party to verify as to whom the electors being members of that political party have cast their votes.]

- If an elector belonging to political party refuses to show the marked ballot paper to the authorized agent of that party (if appointed) RO shall take back the ballot paper and treat it as cancelled for violation of voting procedure.
- In such case, RO shall record “cancelled: voting procedure violated” and keep it in a separate cover. This ballot will not be counted.

Proviso to Rule 39AA

- **Independent MLA shall not show** the marked ballot paper to any agent. Doing so would amount to violation of voting procedure
- MLA belonging to one political party can not show ballot paper to authorized agent of any other political party.
- The authorized agent can only inspect and make notes, but can not give any direction to the elector.

Arrangements in polling station

- A copy of list of contesting candidates to be displayed outside polling station.
- Notice containing important instructions for electors to be displayed outside polling station.
- Seating arrangements for polling officers, polling agents and authorized agents.
- One or more voting compartments.
- Ballot box to be so placed that it is visible to all polling agents. Ideally it should be close to the table of the RO.

Commencement of Poll

- Poll to start at the prescribed hour.
- RO to demonstrate to polling agents that –
 - list of electors to be used for the poll does not contain any marking (*Rule 33A*)
 - the ballot box is empty
- RO to make the declaration in the prescribed format. Read it out to those present in the polling station.

Duties of Polling Officers

- **First Polling Officer-**
 - Identification of Elector
 - In- Charge of Marked Copy of Electoral Roll
 - After identification of voter, he underline the name of voter and also mark tick in case of female voter.
- **Second Polling Officer-**
 - In-charge of bundles of ballot Papers
 - Record Part number and Serial Number on the counterfoil
 - Taking signature/Thumb Impression on Counterfoil
 - Ballot Paper detached from counter foil and handed over to voter.
- **Third Polling Officer-**
 - In-Charge of the article to be supplied to the elector for marking the ballot paper

Issue of Ballot Paper to Electors

- Ballot paper and counterfoil to be stamped on the reverse side with the brass seal supplied by the Commission [*Rule 38A (1)*].
- Each ballot paper to be signed by RO on the reverse side.

Issue of Ballot Paper

- When ballot paper is issued to an elector, the serial no. of the elector in the list of electors (electoral roll) to be entered on the counterfoil of the ballot paper by the polling officer.
- Sl. No. of ballot paper shall be noted against the name of the elector in the list of electors.
- Obtain the signature of elector in the counterfoil [*Rule 38A (2)*].
- Mark the name of elector in the list of electors to indicate that he has voted.

Method of Voting

- Elector has to mark preferences 1,2,3 etc. against the name of the candidates.
- Elector can mark as many preferences as the number of candidates . If there are 4 candidates, elector can mark preferences up to 4.
- Marking preference `1' is mandatory for the ballot to be treated as valid. Subsequent preferences are optional.

(Rule 37A)

Voting

- Marking of preferences to be in the international form of Indian numerals (1,2,3,4) or in Roman form (I, II, III, IV).
- Preference can not be in words (*Explanation under Rule 37A*).
- Vote to be recorded using the pen supplied for the purpose [*Rule 39A(2)*]. EC has prescribed sketch pen of violet colour. This should be provided in the voting compartment.

Close of Poll

- Poll to be closed at the appointed time.
- All electors present in the polling station at the time fixed for close of poll should be permitted to vote.
- Ballot Paper Account to be prepared in Form 16.
- A copy of Ballot Paper Account to be given to polling agents present at the close of poll.
- RO to make and sign the declaration at the close of poll.
- Ballot Box to be sealed.

Counting of Votes

- After close of poll, RO shall send a report about poll proceedings to the EC.
- After examining RO's report, EC will give clearance for counting.
- Counting to be taken up only after receiving EC's clearance.

THANK YOU