

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 716, CUTTACK, SATURDAY, APRIL 1, 2023 / CHAITRA 11, 1945

HOME (ELECTIONS) DEPARTMENT

NOTIFICATION

The 1st April, 2023

No.2685-EC-CON-COE-0002/2023/Elec.- The following notification issued by Election Commission of India, New Delhi is hereby published in the Extraordinary Issue of the Gazette of Government of Odisha for general information.

By Order,

NIKUNJA BIHARI DHAL

Chief Electoral Officer &

Additional Chief Secretary to Government

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.52/2023/SDR/Vol.I

Dated: 31st March, 2023

NOTIFICATION

In pursuance of the provisions of clause (c) of Section 60 of the Representation of the People Act, 1951, the Election Commission hereby specifies that the elector above the age of 80 years and elector with physical disability (benchmark) as already marked/flagged in the data base of the electoral rolls of the State and, who requests for voting by postal ballot paper and subject to the verification of his request by Returning Officer concerned, would be a class of persons to give his vote by postal ballot in the ongoing **Bye Elections to the 04-Jalandhar (SC) Parliamentary Constituency of Punjab, 07-Jharsuguda Assembly Constituency of Odisha, 395-Chhanbey (SC) & 34-Suar Assembly Constituencies of Uttar Pradesh and 23-Sohiong (ST) Assembly Constituency of Meghalaya**, to be notified under Section 30 of the Representation of the People Act, 1951, 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 Election Commission, on the subject.

By order,
(S. B. JOSHI)
PRINCIPAL SECRETARY

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NIKUNJA BIHARI DHAL

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.52/2023/SDR/Vol.1

Dated: 31st March, 2023

NOTIFICATION

In pursuance of the provisions of clause (c) of Section-60 of the Representation of the People Act, 1951, the Election Commission hereby specifies that the Covid-19 suspect or affected person, certified by competent authority, who applies for voting by postal ballot paper, and subject to verification of his request by the Returning Officer concerned, would be a class of persons to **give** his vote by postal ballot in the ongoing **Bye Elections to the 04-Jalandhar (SC) Parliamentary Constituency of Punjab, 07-Jharsuguda Assembly Constituency of Odisha, 395-Chhanbey (SC) & 34-Suar Assembly Constituencies of Uttar Pradesh and 23-Sohiong (ST) Assembly Constituency of Meghalaya**, to be notified under Section 30 of the Representation of the People Act, 1951, 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. **1964**(E), dated 19th June, 2020 read with the directions and guidelines issued by the Election Commission on the subject.

By order,

(S. B. JOSHI)

PRINCIPAL SECRETARY

Guidelines for Voting through postal ballot by Absentee Voters in the category of Senior Citizens, PwDs and Covid-19 suspect or affected persons

1. 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 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 database for electoral roll and
- (iii) COVID 19 suspect or affected persons.

2. Process for applying PB by absentee voters.

(2.1) An Absentee Voter wishing to vote by postal ballot has to make application to the Returning Officer (RO) of the constituency concerned, in Form-12D, giving all requisite particulars. **Such application seeking postal ballot facility should reach to the RO from date of announcement of election to five days following the date of notification of the election concerned.**

(2.2) As per the amended provisions under Rule 27E and 27-I of the Conduct of Elections Rules, 1961 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 for facilitating voting through postal ballot by the absentee voters of senior citizen category (AVSC), absentee voters belonging to PWD category (AVPD) and absentee voters belonging to COVID 19 category (AVCO)

(2.3) If any elector at the time of election is hospitalized on account of COVID-19, in a hospital within the State or is in Home/ Institutional Quarantine on account of COVID-19 and hence not be in a position to cast vote personally at the polling station as per medical advice and if such elector makes request for issue of Postal Ballot, the RO concerned, on being satisfied about the genuineness of the

application, shall provide the postal ballot to the elector. The RO shall make arrangement to deliver Postal Ballot and to get the same collected back from the said elector before the date fixed for poll in the Constituency. This arrangement shall be made in coordination with the Nodal Officer for COVID-19, designated by the Chief Secretary, on the directions of the Commission. Application for postal ballot paper from such electors (Form 12D) should be accompanied by copy of certificate/ instructions from competent health authorities which show that the applicant is hospitalized in the State or is in quarantine within the State (Home or Institutional) on account of COVID 19.

2.4 In case of absentee voters belonging to PWD category (AVPD), who opt for postal ballot, application (Form 12D) should be accompanied by a copy of benchmark disability certificate (not less than 40% of a specified disability) as certified by the concerned certifying authority, under Section 2 of the Rights of Persons with Disabilities Act, 2016.

3. Action by RO-

(3.1) **Distribution of Form 12D by BLO:**

- a) **BLO will visit to the houses of the absentee voters in category of AVSC, AVPD and AVCO, as per details provided by the RO, in the Polling Station area and deliver Form 12D to the concerned electors and obtain acknowledgements from them.**
- b) **BLO shall deposit all the Acknowledgements obtained from the electors with the RO.**
- c) **If an elector is not available, BLO will share his/her contact details and revisit to collect it within period of five days following the date of the notification.**
- d) **The elector may not opt for Postal Ballot. If he/she opts for Postal Ballot, then the BLO will collect the filled-in-Form 12D from the house of the elector and deposit with the RO forthwith within period of five days following the date of the notification.**
- e) **Sector Officer shall supervise the process of distribution and collection of Form 12D by BLOs under the overall supervision of RO.**

(3.2) The RO will draw a list (format as annexure-1) 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.

(3.3) On the last date for making nominations for the election, the electoral roll is frozen for that election and no further addition or deletion can be carried out in the roll till the completion of the election. At this stage, RO shall verify and ensure that the applicants for postal ballots are registered as elector and their electoral particulars given in Form 12-D are correct with reference to the existing electoral roll. Form 12D of all the electors, whose particulars with reference to the electoral roll have been found to be correct, shall be approved for issue of 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 approving FORM 12D, for postal ballot the RO shall 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.

(3.4) The RO shall indicate entry 'PB' in the marked copy of the electoral roll against the names of such electors, to show that a postal ballot paper has been issued to them, without however recording therein the sl. no. of the ballot papers issued to them.

(3.5) The RO shall also ensure that elector who has been issued postal ballot is not allowed to vote at a polling station.

(3.6) Further, the RO shall share list of all such PwD and 80+ electors, whose applications in Form 12D for availing Postal Ballot facility have been approved by him, with the Contesting Candidates of recognized political parties in printed hardcopy.

4. Form and design of Postal ballot paper

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.

5. Visits of Polling Officials, briefing of electors and collection of marked ballot papers:-

(5.1) Separate teams of poll officers, comprising two officials out of which at least one should be not below the rank/level of the official appointed as polling officer for Polling Station in the State, should be appointed for the purpose. A micro observer should also accompany the teams of Poll officers.

(5.2) Number of teams of Poll Officers to be appointed would depend on the number of Absentee Voters in the constituency to whom postal ballot papers have been issued.

(5.3) The team of poll officers shall visit the electors at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.

(5.4) The electors will be intimated, in advance, about the date and approximate time of visit of poll officers. 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.

(5.5) 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.

(5.6) 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.

(5.7) The list of AVSCs, AVPDs and AVCOs 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.

(5.8) The visiting poll officers shall ascertain the identity of the elector before issuing postal ballot paper.

(5.9) Name of elector and the document produced for identification shall also be entered in a register (annexed as annexure-2) to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. Further, a tick mark shall be placed against the name of the elector in the list of AVSC, AVPD and AVCO 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.

(5.10) 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. In this matter, all the provisions of Rule 49N of Conduct of Elections Rules, 1961 will be applicable the companion has to give declaration in the Form prescribed by the Commission and Poll officers shall keep a record of such cases in Form 14A, assistance of polling agents or candidates or prohibited 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.

(5.11) While briefing the electors about the procedure of voting and formalities to be observed on their part, the polling official shall clearly explain the following points to them:-

- (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.

(5.12) Poll officer is authorized to attest the declaration in Form 13A in the case of AVSC, AVPD and AVCO. While attesting the declaration, the poll officer shall write his full name and also the designation 'poll officer'. In the case of a COVID affected person on treatment in Hospital, the Medical Officer attending to the person also authorised to attest the declaration.

(5.13) After vote is cast on postal ballot and the envelope in Form 13C is ready, the Poll Officers will collect the same.

(5.14) Each team of poll officers should be provided with the list of AVSC, AVPD and AVCO electors, adequate number of postal ballot papers, envelopes, 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.

(5.15) Police Security cover shall be provided to the poll officers for their visits. Arrangement for videography of the proceedings at the address of AVSC/AVPD/AVCO 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.

(5.16) Visits by teams of poll officers to the address of AVSC, AVPD and AVCO electors should be planned in such a way that the same is completed one day prior to the date fixed for poll in the constituency. For instance, if poll is scheduled for 10th of Month, the postal voting for AVSC, AVPD and AVCO should be completed by 9th of that Month.

(5.17) For the poll officers deputed to AVCO electors appropriate protection equipment including PPE kit shall be provided. This should be done in consultation with the Nodal Health Officer for AVCOs.

6. Deposit of envelopes containing marked ballot papers and counterfoils

At the end of each day of visit by poll officers to the address of AVSC/AVPD/AVCO electors, the envelopes in Form-13C 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 of 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.

7. Contesting candidates will be duly informed about the Election Commission's above guidelines.

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Annexure-1

List of AVSC, AVPD and AVCO 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/AVCO electors issued with postal ballot

Name of Election: _____

Name of Constituency: _____

Sl.no.	Name of Elector	Sl. No. in the list of AVSC/AVPD/AVCO electors	Document produced for identification	Date on which voted	Signature/Thumb impression of elector

Signature of Poll Officer

Name : _____