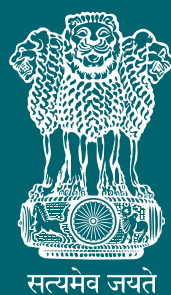


Edition-2



# HANDBOOK FOR COUNTING AGENT 2023



भारत निर्वाचन आयोग  
Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

*"Greater Participation for a stronger democracy"*

Document No : 324.6.EPS:HB:012:2023





सत्यमेव जयते

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## ABBREVIATIONS

<b>AC:</b>	Assembly Constituency
<b>AS:</b>	Assembly Segment
<b>ARO:</b>	Assistant Returning Officer
<b>BEL:</b>	Bharat Electronics Limited
<b>BU:</b>	Balloting Unit
<b>CU:</b>	Control Unit
<b>CEO:</b>	Chief Electoral Officer
<b>ECI:</b>	Election Commission of India
<b>ERO:</b>	Electoral Registration Officer
<b>ETPBS:</b>	Electronically Transmitted Postal Ballot System
<b>EVMs:</b>	Electronic Voting Machines
<b>FAQs:</b>	Frequently Asked Questions
<b>FLC:</b>	First Level Checking
<b>NOTA:</b>	None of the Above
<b>NRI:</b>	Non-Resident Indian
<b>PBs:</b>	Postal Ballots
<b>PC:</b>	Parliamentary Constituency
<b>PPS:</b>	Pink Paper Slip
<b>PS:</b>	Polling Station
<b>PwD:</b>	Persons with Disabilities
<b>RO:</b>	Returning Officer
<b>VCB:</b>	VVPAT Counting Booth
<b>VVPATs:</b>	Voter Verifiable Paper Audit Trails





## SECTION A:

### Role, Responsibilities and Appointment of Counting Agents

#### 1. Introduction

- 1.1 Counting of votes is the last major step in the election process. The true choice of the electorate finds expression in the correct and proper counting of votes. Therefore, the importance of the process of counting of votes hardly needs to be emphasized.
- 1.2 Counting agent remains present in the counting hall as a representative of the candidate and hence he/she plays an important role in ensuring transparency in the counting process.
- 1.3 The following persons can be allowed inside the counting hall:
  - i) Counting Supervisors, Counting Assistants and Micro-Observers;
  - ii) Persons authorized by the ECI (possessing authority letter duly issued by ECI), and Observers;
  - iii) Public servants on duty in connection with the election; and
  - iv) Candidates, their Election Agents and Counting Agents.
- 1.4 Counting Supervisor, Counting Assistants and Micro-Observers, are deployed using the randomization process. The micro-observers are responsible for the purity of counting process on his/her respective table.

#### 2. Role and Responsibilities of Counting Agents

- 2.1 Under the law, counting of votes is to be done under the supervision and direction of the Returning Officer of the constituency in the presence of the candidates and their agents. The law authorizes the Assistant Returning Officer also to undertake the counting of votes. The counting of votes may be simultaneously done at more than one place and at more than one table at the same place. As the candidate or his/her election agent cannot be expected to be physically present at each of such counting places and tables, the law permits the candidate to appoint counting agents, who may be present at each of the said counting places and counting tables, and look after his/her interests. Being the representatives of the candidates, the counting agents have an important role to play and their cooperation in this important task will make matters easy for the Counting Supervisors and the Counting Assistants.
- 2.2 Counting Agent should acquaint himself/herself fully with the following:
  - 2.2.1 Latest instructions regarding the rules and procedures prescribed for the conduct of elections with EVM-VVPAT.
  - 2.2.2 The functions and operation of EVM-VVPAT
  - 2.2.3 The process of counting of votes recorded in EVM and VVPAT
  - 2.2.4 The process related to postal ballot and ETPBS.

#### 3. Appointment of Counting Agents

##### 3.1 Eligibility

- 3.1.1 The law does not prescribe any qualification for a person to be appointed as a Counting Agent. However, the candidates are advised to appoint persons of the age of 18 years and above as their Counting agents so that their interests are properly watched during counting of votes.

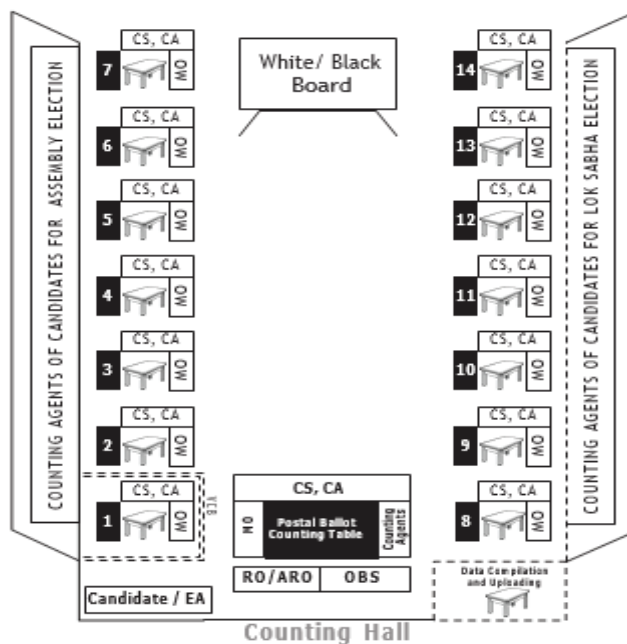
- 3.1.2 Since security personnel are not allowed to enter the counting hall as per standing instructions of the Election Commission, the following persons cannot be appointed as Counting Agent of a Candidate during an election:-
- a) Sitting Minister either of Union Government or of State Government, Member of Parliament or state Legislature
  - b) Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, etc.
  - c) Chairpersons and Members of Central PSUs/State PSUs, Govt. Bodies/ Corporation.
  - d) Persons receiving any honorarium from Government or Persons working on part time in any Govt./ Govt. Aided Institutions.
  - e) Para Medical/Healthcare staff working in Govt./Govt. Aided institutions, Fair Price Shop dealers, Anganwadi Employees.
  - f) Person in the service of the Government [This is an offence and Under Section 134-A of the R.P. Act 1951 and such appointees are punishable with imprisonment for a term which may extend to 3 (three) months, or with fine, or with both].
- 3.1.3 There is no prohibition against appointment of Gram Panchayat Pradhan/Gram Panchayat Sarpanch/Panchayat members, Councilors or Members of Municipal Corporation or Municipality and local persons, who are residents of the constituency, as Counting Agents of Candidates. There is no prohibition in appointing an NRI who is a citizen of India as Counting Agent.
- 3.1.4 Any other person having security cover provided by the State (both Union and State Govts.) shall not be allowed to act as Election Agent or Counting Agent of any candidate during an election even if they surrender or decide to relinquish their security.
- 3.1.5 Further, such person cannot enter the counting hall along with or without his security personnel
- 3.1.6 However, if such person happens to be a contesting candidate, who has been provided with armed security personnel, gives an undertaking that he is surrendering his armed security personnel on his own voluntarily to be able to sit in the counting hall, such persons shall be allowed to sit.

### **3.2 Number of Counting Agents per candidate:**

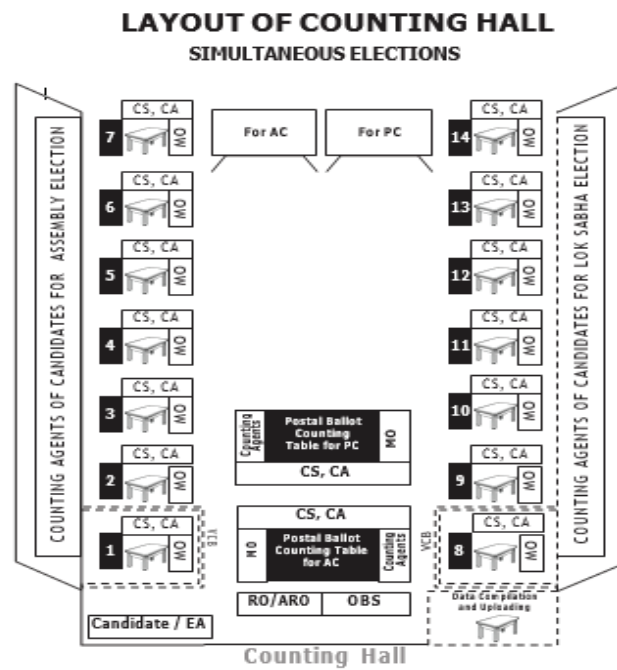
- 3.2.1 Each candidate has been allowed to appoint as many counting agents as there are counting tables and one more to watch the counting at the Returning Officer's table. Under the instructions of ECI not more than fourteen tables in addition to one table for the Returning Officer can be provided for counting in one counting hall. Thus, the maximum number of counting agents that may be appointed by a candidate should not ordinarily exceed 15, as the number of counting tables also does not ordinarily exceed 15, including the table of the Returning Officer. In view of number of extra tables planned for counting of Postal Ballot & ETPBS in other hall, the candidate may appoint additional counting agents for each such extra table.
- 3.2.2 ECI may, however, by a general or special direction permit the Returning Officer to provide more than 15 tables. In that event, the candidates will also be permitted to appoint more than 15 counting agents and equal to the number of counting tables provided by the Returning Officer.

- 3.2.3 Under the law, the Returning Officer will intimate to each candidate or his/her election agent, in writing at least seven days before the date fixed for the poll, the place where the counting of votes will be done and date and time at which the counting will commence. He/she will also inform them sufficiently in advance about the number of counting tables that will be provided in the counting hall, so that they may appoint their counting agents accordingly.
- 3.2.4 For an assembly constituency, counting of votes will normally be done at one place. However, for a parliamentary constituency, counting of votes may be done at different places. The above-mentioned limit, in regard to the maximum number of counting agents, will apply separately in respect of each such counting place when counting is done at more than one place.

**Layout of counting hall  
for AC/AS (Single Election)**



- 3.2.5 In the case of simultaneous elections to the Lok Sabha and the State Legislative Assembly, the counting of votes will be done simultaneously, assembly constituency segment-wise. In such event, the candidates for parliamentary and the assembly elections will be permitted to appoint their counting agents separately.



**Figure 1: Layouts of Counting Hall**

### 3.3 Appointment of Counting Agents

- 3.3.1 Appointment of accounting agent is to be made either by the candidate himself/herself or by his/her Election Agent. Such appointment is made in Form 18 appended to the Conduct of Elections Rules, 1961 (Annexure 1). The name and address of the Counting Agent will be filled in that form and the candidate or his/her Election Agent will personally sign that form. The Counting Agent will also sign that form in token of his/her acceptance of the appointment. Two copies of such forms together with the photographs of the agents will be prepared and signed, in all cases. One copy of that form is to be forwarded by the candidate/Election Agent to the Returning Officer while the second copy is given to the Counting Agent for production before the Returning Officer.
- 3.3.2 A candidate may appoint all his/her counting agents by a single letter of appointment in Form 18. In that case, all the counting agents are required to sign that letter of appointment in token of having accepted the appointment.
- 3.3.3 The facsimile signature of a candidate in the form of appointment is also accepted if there is no doubt about the signatures.

### 3.4 Time limit for appointing Counting Agents

- 3.4.1 The ECI has directed that in all constituencies, irrespective of the number of contesting candidates, the contesting candidates should submit the lists of their counting agents with photographs of such agents to the Returning Officer, latest by 17:00 hours three days prior to the date fixed for counting of votes. The Returning Officer will prepare identity cards for each such agent and issue the same to the candidate.
- 3.4.2 The Counting Agents must produce those identity cards along with their letter of appointment when they come to attend the counting.
- 3.4.3 The letter of appointment along with the identity card of counting agent must be produced before the Returning Officer at least one hour before the time fixed for counting of votes. The Returning Officer will not accept any appointment letter which is received after the aforesaid time.

### 3.5 Revocation of appointment

- 3.5.1 The candidate or his/her election agent is authorized to revoke the appointment of a counting agent.
- 3.5.2 Such revocation of appointment is made in Form 19 appended to the Conduct of Elections Rules, 1961 (Annexure II) and becomes operative from the time at which it is lodged with the Returning Officer. In such a case, the candidate is authorized to appoint another Counting Agent in place of the one whose appointment has been revoked, at any time before the commencement of counting. Once the counting has commenced, no appointment of fresh counting agent can be made.
- 3.5.3 Such fresh appointment of counting agent is to be made in the same manner as explained above.

## 4. Conduct Inside the Counting Hall

- 4.1 On production of his/her letter of appointment and the identity card before the Returning Officer, the Counting Agent will be required to sign the declaration contained in his/her letter of appointment regarding maintenance of secrecy of voting before the Returning Officer. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the counting agent to enter the counting hall.
- 4.2 The Returning Officer is empowered to subject any Counting Agent to search his/her person before entry into the counting hall.
- 4.3 Each Counting Agent will be given a badge by the Returning Officer indicating whose agent he/she is and showing the serial number of the table at which, he/she will watch the counting. He/she should remain seated at the table allotted to him/her. He/she will not be allowed to move about all over the hall. However, the candidate, his/her election agent and in their absence, only his/her Counting Agent at the Returning Officer's table will be allowed to go around all counting tables.
- 4.4 Everyone will be required to fully cooperate with the Returning Officer in maintaining strict discipline and order inside the counting hall. They should carry out all directions given by the Returning Officer. They should note that the Returning Officer may send any person who persists in disobeying his/her directions out of the counting hall.
- 4.5 Counting Agent and others will not be allowed to go outside the counting hall during counting process. In other words, when once Counting Agents and others are inside the counting hall, they will ordinarily be allowed to go outside only after the declaration of results.
- 4.6 All reasonable facilities for drinking water, refreshment, toilet, etc. will be provided near the counting hall.
- 4.7 Counting Agents are not allowed to carry Mobile Phone/I-Pad/Laptop or any such electronic device which can record audio or video, inside the counting centre. ECI's observers will be allowed to carry the mobile phones but they will keep their mobile phones in silent mode.
- 4.8 Counting Agents are allowed to carry pen/ pencil/ plain paper/ note pad duplicate copy of 17C (account of votes) furnished by the Presiding Officer to the Polling Agent after close of the poll, inside the counting hall for their use/reference during counting.
- 4.9 "No smoking" should be followed strictly, as a rule at the counting venue.
- 4.10 The counting will be done on the tables arranged in rows. The tables in each row will be serially numbered. On each counting table, the seating arrangement for the Counting Agents shall be made having regard to the following categories of priority, namely:



- (i) Counting Agents of Candidates of recognized National Parties;
- (ii) Counting Agents of Candidates of recognized State Parties;
- (iii) Counting Agents of Candidates of recognized State parties of other States who have been permitted to use their reserved symbols in the constituency;
- (iv) Counting Agents of Candidates of registered-unrecognized political parties;
- (v) Counting Agents of independent candidates.

Counting agents will be seated in their rows in the order, in which the names of the candidates appear in the ballot paper.

### 5. Arrangements for Barricading of Counting Tables

In each counting hall, barricades or wire mesh will be provided for each counting table so that the EVMs are not physically approachable to the Counting Agents. The counting agents will not cross the wire mesh or barricades and their seating arrangements will be beyond the wire mesh or barricades. However, the counting agents will be provided all reasonable facilities to view the whole counting process at the counting table. The Returning Officer will ensure that the barricades or wire mesh are transparent or that the space in between or above the bamboos or other material used for purpose of erecting barricades is adequate to permit full viewing of the counting process. The RO has to adopt such approach as he/she may deem fit to attain the objective of ensuring that the EVMs are not handled by unauthorized persons or tampered with in any manner in the process of counting.



**Figure 2: Arrangements for barricading for Counting Tables**

### 6. Maintenance of Secrecy

- 6.1 Every person inside the counting hall is required by law to maintain, and to aid in maintaining, the secrecy of voting and should not communicate to any person any information calculated to violate such secrecy. They should note that any person contravening the provisions of law in this respect is liable to be punished with imprisonment for a term which may extend to 3 months or with fine or with both (Section 128 of the R.P. Act, 1951).
- 6.2 Before the commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the above-mentioned Section 128 for the information of all present and for compliance on their part.

## SECTION B: COUNTING PROCESS

Cast votes can be grouped into two broad categories, i.e., Votes cast through Postal Ballots and Votes cast through EVMs. The Votes cast through Postal Ballots can further be sub-grouped into two categories, i.e., Electronically Transmitted Postal Ballots (ETPBS) and normal Postal Ballots (PB). This section of the handbook describes the procedure involved in all three cases. Chapter 7 deals with the counting process followed for Postal ballots of both types, i.e., ETPBS and PB. The details of EVM-VVPATs and the counting process for votes cast through EVMs are given in Chapter 8 onwards.

### 7. Counting of Postal Ballot Papers

**7.1** Depending on the mode of transmission, Postal Ballots are categorized into two categories, viz; Electronically Transmitted Postal Ballot Papers (ETPBs) and normal Postal Ballot Papers (PBs). ETPBs are exclusively meant for the “Service Voters” and are called so as transfer of unmarked ballot from the Returning Officer to the specified elector is electronic. However, the return journey of the cast ballot paper is through physical postal system. On the other hand, the normal postal ballot paper (PB) is meant for various categories of electors, viz; officials on election duty, senior citizens above 80 years, Persons with Disabilities (PwD) electors (flagged in electoral roll), Covid-19 suspected/affected electors etc. and to and fro journey of the same from Returning officer is completely physical.

**7.2** There is no difference in the counting process associated with both these categories of the Postal Ballots. However, the process of pre-counting verification of both is a bit different. Whereas, in case of normal Postal Ballots the verification is done manually on the table of Returning Officer by physically seeing and cross checking the Serial Numbers on the Covers and Declarations (Form 13A, B & C) in each set, the verification/validation in case of ETPBs is done electronically by scanning the QR codes on the Envelopes and Declarations.

#### 7.3 Verification/Validation of ETPBs:

**7.3.1** Only those ETPBs are considered for counting which are received till the hour fixed for commencement of counting.

**7.3.2** Since in case of ETPBs, the identification of each Postal Ballot sent to the elector is encrypted in the form of a QR code, the process of validation/verification about the genuineness of the returned Postal ballots at the time of counting of votes, is by way of reading the QR Codes on the labels affixed on the envelopes (Form 13C and 13B) and on the declaration by electors (Form 13A).

**7.3.3 Opening of Form 13-C (Outer Envelope):** The covers in Form 13-C received in time should be verified and opened one after another. QR code on the Outer Envelope will be scanned using a computer software and QR code reader and necessary validity checks will be performed. After verification of the outer envelope, a unique serial number will be provided by the computer. This serial number will also be manually marked by RO on the envelope being verified. The computer software will check the entry in the QR code for any possible duplicates in the list of Postal Ballots received and flag a warning for such cases. The computer software will also provide the list of serial numbers which are all duplicate of the Postal Ballot being handled. The RO will locate all such duplicate envelopes as indicated by the computer software and keep them together physically and invalidate all such duplicate/multiple votes. All such envelopes declared invalid shall not be opened for further processing and will be kept aside and preserved for future reference. Number of such duplicate Postal Ballots shall be marked in the register.

On opening the cover "B" (Form 13-C), two documents are required to be found inside. The first document is the declaration by the voter in Form 13-A and the second is the inner cover i.e., Form 13- B containing the Postal Ballot Paper. As each cover is opened, RO should take out the declaration in Form 13-A and the cover in Form 13-B, scan, verify and then scrutinize the declaration.

- 7.3.4 Before opening the cover in Form 13-B containing the Postal Ballot Paper, the Returning Officer must check the declaration i.e. Form 13-A and all such declarations must be kept separately and sealed, before taking up Form 13-B for opening and counting.

Returning Officer will reject a Postal Ballot without opening its inner cover in Form 13-B, if:

- i. The declaration in Form 13-A is not found in the cover, or
- ii. The Electronic Postal Ballot Identification Number (e-PBID) in the declaration in Form 13-A does not match the issued e-PBID, or
- iii. The declaration has not been duly signed and, or not attested by an officer competent to do so, or the e-PBID of Postal Ballot appearing in the declaration is different from the e-PBID on the cover in Form 13-B.

- 7.3.5 Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed back in the cover in Form 13-C (Outer Envelope). All such covers in Form 13-C should be kept together in a separate packet duly sealed and full particulars such as the name of constituency, date of counting and brief description of contents should be noted thereon for easy identification.

- 7.3.6 After completing the QR Code reading for all envelopes, the set of envelopes to be taken up for counting will be assigned to the counting tables for the postal ballot paper.

- 7.3.7 Further course of action for counting of these postal ballots shall be as per the provisions of Rule 54A of the Conduct of Elections Rules, 1961 and ECI's instructions on the subject.

#### **7.4 Verification of normal Postal Ballot Papers:**

- 7.4.1 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 13A and the second the inner 'Cover –A' (Form 13B) containing the postal ballot paper. Before opening the 'Cover –A' (Form 13B) containing the postal ballot paper, the Returning Officer must check the declaration (Form 13A).

- 7.4.2 The RO will reject a postal ballot paper without opening its inner 'Cover –A' (Form 13B) in any of the following cases:

- a. if the declaration in Form 13A is not found in the 'Cover –B' in Form 13C;
- b. if 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;
- c. 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 13B.

NOTE - A postal ballot paper shall not be rejected merely on the ground that the attesting officer has not put his/her seal on the declaration of the elector in Form 13A,



if the attesting officer has given all relevant details with regard to his/her 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/her signature on the outer 'Cover -B' (Form 13C) in which he has returned the postal ballot paper, if the identity of the sender is verifiable on the basis of his/her declaration in Form 13A.

- 7.4.3 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 put in the rejected category.
- 7.4.4 Thereafter, the RO/ARO will proceed to deal with the remaining 'Cover -A' in Form 13B, i.e., other than those rejected.
- 7.4.5 In order to protect the secrecy of postal votes, all the declaration in Form 13A which are found on scrutiny to be in order should first be placed in a separate packet and sealed.

### **7.5 Counting of Postal Ballots (Both types):**

- 7.5.1 As per the requirement of rule 54A of C.E. Rules, 1961, the postal ballots shall be taken up for counting first at the Returning Officer's table. All postal ballot papers received by Returning Officer should be brought before him/her.
- 7.5.2 The EVM counting can go on irrespective of the stage of postal ballot counting. Once the EVM counting is completed, the VVPAT slips counting can start as per the prescribed procedure for counting VVPAT slips.
- 7.5.3 Please note that no 'Cover -B' in Form 13C which contains the PB, received 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 13C should be made on each such cover received after the commencement of counting.
- 7.5.4 Thereafter, the RO/ARO will proceed to open the 'Cover -A' in Form 13B 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.
- 7.5.5 A 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.

NOTE - There is no particular mark required by law to be made by a voter to indicate his/ her vote on a PB. Any mark can be accepted as valid so long as it has been so made on the PB that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt.

7.6 In cases where margin of victory is less than the number of PBs rejected as invalid at the time of counting, the R.O. shall personally verify carefully all PBs rejected as invalid to satisfy himself/herself that decision to reject PBs was correct. The Observer and the RO shall record the findings of re-verification and satisfy themselves before finalizing the result.

## 8 EVM and VVPAT in Elections



CU with Polling Officer-3

### CU VVPAT BU

Elections in India are conducted with Electronic Voting Machines and VVPATs. EVM records correctly each vote cast by a voter and keeps an exact and up-to-date account of each vote so cast, candidate-wise. All votes cast by means of voting machines are valid votes and as such there is no invalid or rejected vote. Thus, the process of counting has become simple, easier and quicker.

**8.1 Balloting Unit (BU):** One BU caters up to a maximum of 16 candidates and 24 Ballot Units can be cascaded together for catering to 384 candidates (including None of the Above NOTA) with one Control Unit. During counting of votes polled in CU, Ballot Unit(s) is not required.

**8.2 Control Unit (CU):** A CU records the polled votes. During counting of votes from EVM, only Control Unit(s) is required. On the top most portion of the CU, there is provision for displaying the information and data recorded in the machine, like the number of candidates, total number of votes polled, votes polled to each candidate etc. This portion is called 'Display Section' of the CU. Below the Display Section, there are two separate compartments; On the left side one compartment "Battery Compartment" for installing Power Pack (battery) [It runs on a power pack (Battery) having 7.5 volts] and on the right side another compartment "Candidate Set Compartment" for setting the number of candidates contesting the particular election including NOTA. Below Battery and Candidate Set compartments there is a "Result Section Compartment". This compartment contains:

- (i) 'Close' button on the left side, used for closing the poll,
- (ii) Two buttons in the middle - 'Result' & 'Print'. Result button is for ascertaining the result. Print button is for printout of the detailed result (For this purpose a special gadget is to be attached to the CU) and
- (iii) 'Clear' button on the right side, for clearing the data recorded in the machine, when the data is no more required. In the bottom portion of the CU, there are two buttons

- one marked 'Ballot' and other marked 'Total'. By pressing the button 'Ballot', the ballot unit becomes ready to record the vote and by pressing the button 'Total', the total number of votes recorded up to that stage (but without the candidate-wise break up) can be ascertained. This section is known as the 'Ballot Section' of the CU.

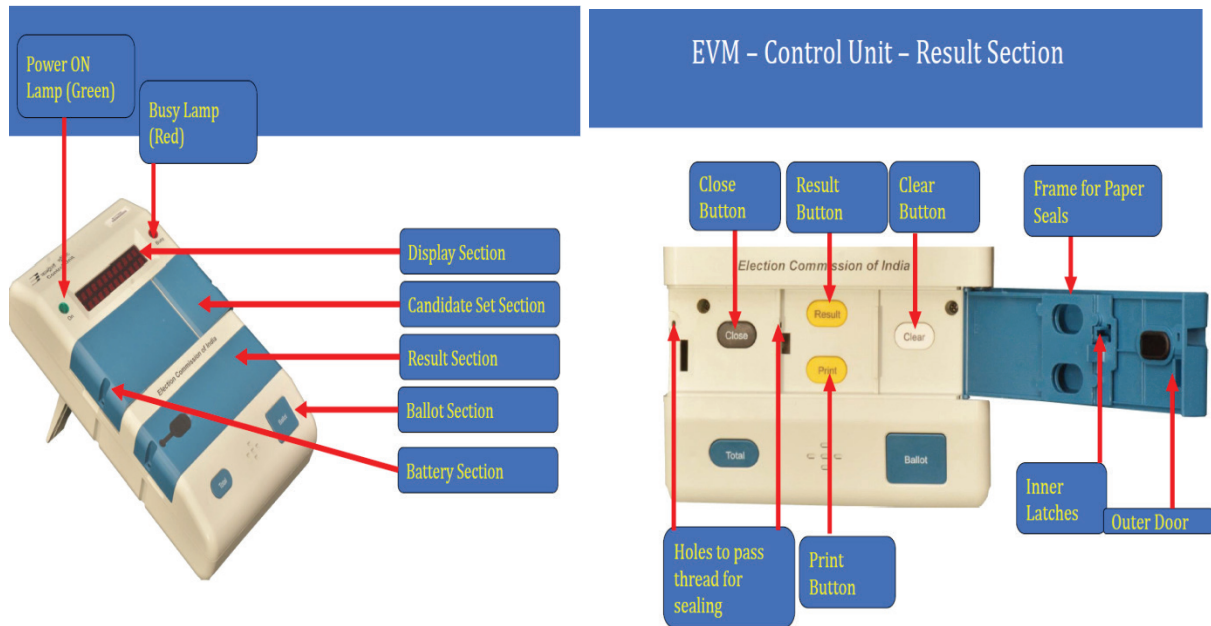


Figure 4: Detailed picture of Control Unit

8.3 **VVPAT:** Voter Verifiable Paper Audit Trail is an independent system attached with the Electronic Voting Machines that allows the voters to verify that their votes are cast as intended. VVPAT runs on a power pack (Battery) of 22.5 volts. When a vote is cast, a slip is printed on the VVPAT printer containing the serial number, name and symbol of the candidate and remains exposed through a transparent window for about 7 seconds. Thereafter, this printed slip automatically gets cut and falls in sealed drop box of the VVPAT and beep sound emits from the Control Unit to ensure vote has been successfully registered in EVM.



Figure 5: VVPAT with Slip

## 9. Counting of Votes (Recorded in EVMs)

After 30 minutes of commencement of postal ballot counting, the EVM counting can start and continue irrespective of the stage of postal ballot counting. Once the EVM counting is completed, the VVPAT slip counting can also start.

- 9.1 While the postal ballot papers are being counted by the Returning Officer at his/her table, the counting of votes recorded at polling stations by means of EVMs will also be taken up by the Assistant Returning Officer(s) at the other tables provided in the counting hall. For that purpose, the control units of EVMs received from the polling stations will be distributed to the various counting tables, beginning with the control unit of EVM of polling station No. 1, being distributed to table No. 1, the control unit of EVM of polling station No.2 being distributed to table No.2 and so on. At each counting table, votes cast at one polling station shall be taken up at a time. Thus, the counting of votes of as many polling stations as there are the number of counting tables will be simultaneously taken up in the first round of counting. The counting will be done and completed in as many rounds as are necessary, having regard to the number of counting tables and number of polling stations. The Control Units for the next round will not be brought on the counting tables, unless the counting of the previous round is over. In case of simultaneous elections, the total number of counting tables should be divided into two groups of equal number of tables. The first group should be for Assembly election and the other group for the Parliamentary election. For example, if the total number of counting tables is 14 (fourteen), in the first round of counting, Control Unit for Assembly election used at polling station number 1 should be given to table number 1 and the Control Unit used for Lok Sabha election at polling station number 1 should be given to table number 8, i.e., the first table for the counting of votes for Lok Sabha election, and Control Unit for Assembly election used at polling station number 2 should be given to table number 2 and the Control Unit used for Lok Sabha election at polling station number 2 should be given to table number 9, i.e., the second table for the counting of votes for Lok Sabha election and so on. Counting Agent should keep an account of such distribution with him/her for his/her information. It is to be noted that in the case of counting for simultaneous elections, the next round of counting shall be taken up only after the counting in the previous round, in respect of both assembly and parliamentary elections, is completed and Control Units used in the polling stations covered by the round completed are removed from the counting tables.
- 9.2 At the time of counting, only the control unit of the EVM used at a particular Polling Station is required for ascertaining the result of poll at that polling station. The Ballot Units have to be kept in strong room.
- 9.3 Along with the control unit, the relevant account of votes recorded in form 17C pertaining to that polling station will also be supplied to the counting table.
- 9.4 Before the votes recorded in any Control Unit of an EVM are counted, the seals on the Control Units are checked. The counting agents present at the counting table shall be allowed to inspect the Special Tag, the Green Paper Seals and such other vital seals as may have been affixed on the carrying case and the Control Unit and to satisfy themselves that the seals are intact and seals of control unit has not been tampered with. If seal of any Control Unit is found to have been tampered, the votes recorded in that machine shall not be counted and the matter shall be reported to ECI for its directions.
- 9.5 As each carrying case of Control Unit is brought to the counting table, the seals affixed there on by the Presiding Officer at the polling station will be examined. Even if the seal of a carrying case is not intact in any case, the control unit kept therein could not have been tampered with if the seals thereon and particularly the paper seal(s) on that unit are intact. The carrying case will then be opened and the control unit taken out.



- 9.6 As each Control Unit is taken out of the carrying case, its serial number will be checked so as to ensure that it is the same Control Unit which was supplied for use at that polling station. Then, the seal on the 'Candidate Set Section' which is put by the Returning Officer before the supply of the machine to the polling station and the seal on the outer cover of 'Result Section' which is affixed by the Presiding Officer at the polling station will be checked. Even if any of these seals is not intact the Control Unit could not have been tampered, if the paper seals put on the inner cover of the Result Section are intact.
- 9.7 On opening the outer cover of the Result Section, the inner cover sealed with the seal of the Presiding Officer will be seen. Even if this seal is not intact, the Control Unit could not have been mishandled if the paper seal is intact. In the inner cover of the Result Section, there will be a Green Paper Seal. The Green Paper Seal will have been so fixed that the two open ends of the seal project outwards from the sides of the inner compartment in which the result buttons are located. On one such open end of the paper seal will be the printed serial number of that seal. That serial number on the paper seal will be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in item 10 of Part I of Form 17C. The Counting Agents present at the counting table will be allowed to compare such serial number of the paper seal and satisfy themselves that the paper seal is the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.



**Figure 6: Different types of Seals and Tags**

- 9.8 If the serial number of the paper seal actually used in the Control Unit does not tally with the serial number as shown by the Presiding Officer in the paper seal account, it may be that the paper seal account contains a mistake or there would be a prima-facie suspicion that the voting machine has been mishandled with. The Returning Officer will decide the question by checking the serial numbers of the unused paper seals returned by the Presiding Officer. If he/she finds it to be a case of clerical mistake, he/she will ignore the discrepancy.
- 9.9 On the other hand, if the Returning Officer is satisfied that the voting machine has been mishandled with or is not the same which was supplied for use at that polling station, the machine will be kept apart and the votes recorded therein shall not be counted. He/she will report the matter to the ECI for its directions. Under the law, it is not necessary to adjourn the entire counting if any voting machine has been found to have been mishandled. The Returning Officer will proceed with the counting in respect of the other polling stations.
- 9.10 At the closure of each round, the Observer would randomly select any two Control Units from amongst the Control Units of the concerned round which have been counted. He/she would then direct the additional counting staff specifically deployed for this purpose by the Returning Officer/Assistant Returning Officer through random selection to independently note down from the Control Units selected, the details of the votes polled as indicated by the machine. These details he/she would then compare with the details provided by the officials in the table wise result to check for any discrepancy between the two. Care must be taken that the staff assigned for random checking are not aware of the details provided in the table wise result.
- 9.11 Apart from one Counting Supervisor and one Micro Observer for each counting Table, one Micro Observer would be seated in each of the 14 counting tables. The Micro Observer will invariably be a Central Govt./ Central Govt. PSU employee. This Micro Observer will note down the details of votes exhibited by the EVMs being counted in each round in that Table. These Micro Observers would be provided with a pre-printed statement on which there will be space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the contesting candidates and panel for NOTA as they appear in the ballot paper. They will sign at the end of the statement and hand them over to the observer after each round.
- 9.12 Wherever adequate numbers of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner/ CEO by mobilizing the required number of staff from the neighboring districts within the Division. The additional staff will be given brief orientation training before being deployed at the counting center as above. The additional staff also will be provided an ID Card by the District Election Officer. The constituency-wise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.
- 9.13 The Observers nominated by ECI and deployed in the concerned constituencies during the election process, have been provided special responsibility to oversee and supervise the counting process under the statutory provisions given under the law. They have also been empowered to stop the counting process at any time before the declaration of result or may direct the Returning Officer/Assistant Returning Officer not to declare the result under different circumstances as envisaged in the law.
- 9.14 In cases where the Observer orders to stop the process of counting, a detailed report in the matter shall be furnished forthwith to ECI by the Observer and Returning Officer concerned either jointly or separately for seeking appropriate orders of the ECI.

## 10. Ascertaining the Result

- 10.1** After satisfying that the paper seal is intact, that the Control Unit is the same as was supplied at the polling station and that it has not been tampered, the votes recorded therein shall be counted. For this purpose, the following procedure will be followed by the Counting Supervisor.
- (1) Power switch provided in the rear compartment of the Control Unit will be put to "ON" position. The "ON" lamp in the display section of the Control Unit will then glow green.
  - (2) The Green Paper Seal over the "Result" Button provided beneath the upper aperture of the inner cover of result section will be pierced through
  - (3) The 'Result' Button will then be pressed.
  - (4) At the "Result" button being so pressed, the total number of votes recorded for each Candidate and NOTA at the polling station shall be displayed automatically in the Display Panels of the control unit.
  - (5) The result as displayed sequential candidate wise shall be noted by the Counting Supervisor in Part II-Result of Counting' of Form 17C.
- 10.2 If required, the Result button can be pressed again to enable the candidates and/or their agents to note down the above result
- 10.3 After the result has been noted, the cover of result section will be closed and the control unit switched off.

## 11. Action to Be Taken in Special Cases relating to Counting of EVM votes and VVPAT slips

### 11.1 Procedure in case of discrepancy in the date & time of start and end of poll

- 11.1.1 The difference with the date & time noted in the mock poll certificate is compared.
- 11.1.2 If the difference does not match with the date & time difference of start and end of poll at the time of counting, the EVMs & VVPATs are kept aside and the matter shall be referred to ECI.
- 11.1.3 If it matches with the difference of date & time of start and end of poll noticed at the time of counting, the discrepancy is explained to the candidates and their representatives.
- 11.1.4 Thereafter, the counting of votes polled in EVMs is done in the usual manner.

### 11.2 Procedure in case the close button is not pressed at the end of the poll

- 11.2.1 'TOTAL' button of the Control Unit is pressed by the Counting Supervisor to tally total votes polled in CU with total votes polled mentioned in Form-17C.
- 11.2.2 If it tallies, Counting Supervisor presses the 'Close' button of the Control Unit and then presses the 'Result' button for obtaining result data.
- 11.2.3 If does it not tally, the said Control Unit is sealed in its' carrying case and kept aside under the custody of Returning Officer. Counting of votes in other machines go continue as usual. Corresponding VVPAT shall be counted as per ECI's guidelines.

### 11.3 Procedure in case of Control Unit does not display result at the time of Counting.

New power pack (Battery) is installed in CU to obtain Result. Even then, if CU does not

display result, the CU is kept inside its' carrying case and then under the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual. Corresponding VVPAT shall be counted as per ECI's guidelines.

**11.4 Issues regarding counting of VVPAT slips: 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) Pre-identified cases (on poll day, during scrutiny of documents on P+1 day etc.), where mock poll is either not erased from the Control Unit or VVPAT paper slips pertaining to mock poll not removed (fully or partially).
- (b) During the round-wise counting of EVMs, if there is any case in which the total votes polled in CU does not match the record of votes in Form 17-C, it is an indication that the Close-Result-Clear (CRC) protocol after mock poll was not correctly done in respect of this polling station during the actual poll.

In the above cases following action shall be taken.

In all such cases, the CU shall be kept aside i.e., these polling stations will not be taken up for counting during the regular round-wise counting of the Control Units. The Table allocated to such polling stations shall be kept vacant during the relevant round of counting. The list of all pre-identified polling stations shall be shared with the contesting candidates before the commencement of process of counting.

After the completion of all regular rounds of Control Unit counting, the following procedure shall be followed:

- (i) 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. In case of election to Parliamentary Constituency, 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 till completion of counting of votes in all Assembly Segments of that Parliamentary Constituency.
- (ii) 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.
- (iii) 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.
- (iv) The VVPAT slip count result of all these polling stations shall be added to the candidate-wise tally and the final result compiled.

11.4.1 If there is any discrepancy or difficulty to arrive at correct count of candidate wise votes polled, the matter shall be referred to the ECI for further direction.

11.4.2 Since, in the aforesaid cases, the Control Unit(s) will be discarded/not used for counting of votes, these polling stations will be excluded from the random selection of 5 (five) Polling Stations for Mandatory Verification of VVPAT paper slips count.



**11.5 Candidate Demanding VVPAT Paper Slips Counting under Rule 56D.**

After announcement of result sheet entries, any candidate, their election agent or their counting agents may apply in writing to the RO for counting the printed VVPAT paper slips in any or all polling stations. If such application is received, the RO will 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:

- 11.5.1 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.
- 11.5.2 Whether EVM had a problem and was replaced at that polling station during poll
- 11.5.3 Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll.

**11.6 Mandatory verification of VVPAT paper slips of randomly selected (five) polling stations.**

11.6.1 Mandatory verification of VVPAT paper slips of randomly selected 05(five) polling stations per Assembly Constituency/each Assembly Segment of Parliamentary Constituency must be conducted in all General and Bye Election to the House of People and State Legislative Assemblies, in addition to the provisions of Rule 56D of the conduct of Election Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs.

11.6.2 For this mandatory verification of VVPAT paper slips, the following procedure shall be followed:

1. The randomly selection of 05(five) polling stations per Assembly Constituency/ Segment shall be done by the Draw of lots, by the Returning Officer concerned, in the presence of candidates/their agents and the General Observer appointed by ECI for that Constituency.
2. The following procedure shall be followed for the conduct of draw of lots:
  - a) White colour paper cards of postcard size shall be used for conducting the draw of lots.
  - b) The paper cards shall have pre-printed Assembly Constituency/Assembly Segment number, Assembly Constituency/ Assembly Segment name and date of polling on the top, and the polling station number in the centre.
  - c) The paper cards to be used for draw of lots should be four folded in such a way that polling station number is not visible.
  - d) Each paper card shall be shown to the candidates/their agents before folding and dropping in the container.
  - e) The paper cards should be kept in the big container and must be shaken before picking up one slip by the Returning Officer.

11.6.3 The verification of VVPAT paper slips shall be done in a 'VVPAT Counting Booth'(VCB)' specifically prepared for this purpose inside the Counting Hall.

- 11.6.4 The verification count of the VVPAT paper slips of the randomly selected five polling stations will be conducted sequentially i.e., one after another.
- 11.6.5 In case, there is any mismatch between electronic count of the Control Unit and VVPAT slips manual count, recounting of the VVPAT slips of that particular EVM to be counted till it tallies either with the EVM count or one of the previous VVPAT slips counts.
- 11.6.6 After completing the process as specified in para 11.6.5 above, if there is any discrepancy between EVM count and VVPAT Paper slips count, as per Rule 56(D) (4)(b) of Conduct of Elections Rules, 1961, the VVPAT paper slips count should prevail. Hence, if there is any discrepancy between the count of votes displayed on the Control Unit and the count of printed paper slips in respect of that polling station, amend the result sheet as per the printed paper slips count.
- 11.6.7 The above process must be fully video recorded.
- 11.6.8 After completion of the above process, the Returning Officer should give a certificate in the format given below separately for each polling station to the Chief Electoral Officer concerned.

**Mandatory Verification of paper slips of VVPAT of randomly selected 05(five) polling stations**

Name of State.....

No. and Name of Assembly/Parliamentary Constituency:

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

S. No. and Name of Polling Station

Unique ID of Control Unit:

Unique ID of VVPAT:

**Table 1: Verification of paper slips of VVPAT of randomly selected five polling stations**

S.No.	Name of Candidate	Number of Votes Cast		Discrepancy, if any
		As per EVMs	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

It is certified that mandatory verification of counting of paper slips of VVPAT of randomly selected five polling stations has been conducted as per the instructions of ECI.

### **11.7 Sequence of Counting of VVPAT Slips**

- a) VVPAT slips of polling station(s) for which result is not displayed on the Display Panel of the Control Unit will be counted.
- b) VVPAT slips of polling station(s) ordered/instructions issued by ECI due to improper conduct of mock poll procedure by non-clearance of mock poll data/slips or mismatch of votes polled in CU and Form-1 7C will be counted.
- c) Counting of VVPAT slips under Rule 56D of the Conduct of Elections Rules 1961, if any.
- d) Mandatory verification of VVPAT slips of randomly selected 05 polling stations per Assembly Constituency/each Assembly Segment of Parliamentary Constituency.

## **12. Completion of Part II-Result of Counting of Form 17C**

- 12.1** As the votes secured by each candidate and for none of the above (NOTA) are displayed on the display panels of the control unit, the counting supervisor shall, as mentioned above, record the number of such votes separately in respect of each candidate in Part II-Result of Counting' of Form 17C. He/she shall also note down in the said Part II of Form 17C whether the total number of votes as shown in that part tallies with the total number of votes shown against item 6 of Part I of that Form or any discrepancy has been noticed between these two totals.
- 12.2** If Counting Supervisor notices any such discrepancy, he/she will bring it to the notice of the Returning Officer for appropriate action in accordance with law. Counting Agent may also bring it to the notice of the Candidate or his/her election agent so that he/she may if he/she so likes, pursue the matter, with the Returning Officer.
- 12.3** After completing Part II of Form 17C in all respects, the Counting Supervisor shall sign it. He/she shall also get it signed by the candidates or their agents present at the counting table.
- 12.4** A sample Form 17C is given at Annexure III.
- 12.5** One copy of the Part-II of Form 17C will be handed over to the RO/ARO for computing round wise tally of votes. The other copy of the Part-II will be collected from each table by an official specially designated by the RO. Photocopies of the same will be distributed among the counting agents present at respective Counting Tables for their record and verification.
- 12.6** After the Counting Supervisor has duly filled in Part II of Form 17C, signed it and got it signed by the candidates or their agents, he/she shall handover that form to the Returning Officer. The Returning Officer shall countersign the Form after satisfying himself/herself that the same has been properly filled and completed in all respects. The form so countersigned by the Returning Officer shall be sent to the officer who is compiling the final result and preparing the Final Result Sheet in Form 20.

## **13. Preparation of Final Result Sheet**

- 13.1** The officer in-charge for compiling the final result and preparing the Final Result Sheet in Form 20 shall make entries in that form showing the votes polled for 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 shall also be noted in the appropriate column in Form 20 against the polling station concerned.

- 13.2 The entries so made in Form 20 in respect of each polling station shall be announced so that the candidates and their agents may take note of the result of counting in respect of each polling station. Alternatively, the Returning Officer may cause the entries made in Form 20 to be written on a display board. This will enable RO to proceed uninterruptedly with the counting of votes at other polling stations.

### 14. Recount

- 14.1 Normally, there will be no question of recount of votes recorded in the voting machines. Every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise. At the most, some candidates or their agents may not have noted down the result of voting at any particular polling station properly when the control unit displayed that information. If necessity arises for re-verification, the same can be done by pressing the "Result" button, whereupon the result of voting at that polling station will again be displayed in the display panels of that control unit.
- 14.2 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 in relation to constituencies.
- 14.3 Accordingly, after the entire counting is over, the Returning Officer will announce that result giving the total number of votes polled by each candidate as recorded in the Final Result Sheet (Form 20). After the announcement is made, a candidate, or in his/her absence his/her election agent or any of his/her counting agents, may apply in writing for a recount of votes recorded at all or any of polling stations stating the grounds on which he/she demands such recount.
- 14.4 After the entries made in the result sheet are announced, any candidate or in his/her absence his/her election agent or any of his/her counting agents may apply in writing to the Returning Officer to count the printed paper slips in the VVPAT in respect of any polling station or polling stations. The Returning Officer may, based on the guidelines issued by ECI, decide the matter as provided in Rule 56D of the Conduct of Election Rules.
- 14.5 For this purpose, the Returning Officer will announce the exact hour and minute up to which he/she will wait for receiving the written application for recount. When such an application for recount is made, the grounds urged for the recount will be considered and a decision taken by the Returning Officer. He/she may allow the application in whole or in part if it is reasonable, or he/she may reject it in toto if it appears to be frivolous or unreasonable. The decision of the Returning Officer will be final. If, in any case, an application for recount either wholly or in part is allowed, the Returning Officer will direct counting of the votes over again. The postal ballot papers may also be recounted if a request is made for their recount and such a request is allowed by the Returning Officer. After such recount has been completed, the result sheet will be amended to the extent necessary and the amendments so made announced. After the total number of votes polled by each candidate has been announced, the result sheet will be completed and signed.

- 14.6 It should be noted that a candidate or his/her election agent or any of his/her counting agents has no right to demand a recount after the Returning Officer has completed and signed the result sheet. Any demand for a recount of votes, made after the result sheet has been completed and signed, will be rejected.
- 14.7 If votes of a parliamentary constituency are counted at more places than one, then, according to Rule 65 of the Conduct of Elections Rules 1961, demand for recount of votes can be made only at the end of counting at the last place fixed for the purpose. Such last place would generally be the Headquarters of the Returning Officer where he/she would be collating and consolidating the results of the various assembly segments comprised within that parliamentary constituency.

### **15. Adjournment of Counting in Case of Fresh Poll**

- 15.1 Before taking any of the steps mentioned in the foregoing paragraph, the Returning Officer will wait for the direction of the ECI if he/she has made any report to it about any voting machine having been found tampered with as mentioned earlier. Where the ECI directs a fresh poll to be taken at the affected polling station(s), the counting will be adjourned after the counting process in respect of all other polling stations has been completed. In such a case all the voting machines and also all other papers relating to elections will be sealed by the Returning Officer. Every candidate or his/her agent, if he/she desires to affix his/her seal on every voting machine and packet, etc., in which the election papers are kept, will be allowed to do so. The counting so adjourned shall be recommenced after the fresh poll has been held, on such date and hour as the Returning Officer may fix in this regard and completed in accordance with the procedure prescribed above.
- 15.2 Observers appointed by the ECI to watch the conduct of elections have the powers to direct the Returning Officer to stop the counting of votes at any time before the declaration of result or not to declare the result, if in their opinion booth-capturing has taken place at a large number of polling stations or at the counting place or the Electronic voting machine or postal ballot papers are unlawfully taken out of the custody of Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with. The election proceeding in such cases shall proceed further in accordance with such directions of the ECI as it may issue on the report of the Observers and after taking all material circumstances into account.

### **16. Resealing of EVMs and VVPAT slips after Counting**

- 16.1 After the result of voting recorded in a Control Unit has been ascertained candidate wise and entered in 'Part II - Result of Counting' of Form 17C and in the Final Result Sheet in Form 20, the Returning Officer shall reseal the units with his/her seal and the seals of such of the candidates or their election agents present who may affix the seals thereon so that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result. Also, VVPAT papers slip should be sealed in such a manner as directed by the ECI.

The aforesaid resealing of Control Unit shall be done in the following manner:

- a. The outer cover of the result section of EVM shall be closed and resealed.
- b. The Control Unit of EVM so resealed shall be kept back in its' carrying case.

- c. The carrying case shall be resealed.
- d. An Address Tag shall be firmly attached to the handle of the carrying case containing the particulars of the election, name of the constituency, the particulars of polling station where the Control Unit was used, serial number of the control unit, date of poll, and date of counting.
- e. The candidates/their Election Agents or Counting Agents are also permitted to affix their seals on the voting machines if they so desire. The Counting Agents are advised in the interest of the candidates whom they represent to ensure that they affix their seals on these machines. It will satisfy their candidates that there is no possibility of the votes recorded therein being tampered with. Where, however, the candidate himself or his/her election agent has affixed such seal, the Counting Agents need not affix their separate seals.

**16.2 Removal of VVPAT slips from VVPATs after completion of Counting of Votes:**

After the result is announced, the VVPAT paper slips will be taken out of the VVPAT drop box, irrespective of whether the slips were counted or not and will be kept in a thick black paper envelope, polling station wise. It will be sealed using red wax with the bilingual secret seal of ECI provided to the Returning Officer. Candidates/their authorized agents will be allowed to witness the process and their signatures shall also be obtained on every envelope.



### Frequently Asked Questions (FAQs)

- 1. Who appoints counting agents and what is the manner of appointing counting agents?**

Ans: Counting agents are appointed by candidate or his/her election agents in Form 18, and declaration in Form 18 should be signed by counting agents in the presence of the Returning Officer.
- 2. How many counting agents can be appointed by the candidate?**

Ans: Each candidate or his/her election agent is allowed to appoint as many counting agents as the number of counting tables and one more counting agent for the Returning Officer's table.
- 3. Who is eligible to be appointed as a counting agent?**

Ans: Any person who is a citizen of India and aged above 18 years can be appointed as Counting agent. However, Sitting Minister either of Union Government or of State Government, Member of Parliament or state Legislature, Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, etc., Chairpersons and Members of Central PSUs/State PSUs, Govt. Bodies/Corporation, Persons receiving any honorarium from Government or Persons working on part time in any Govt./ Govt. Aided Institutions, Para Medical/Healthcare staff working in Govt./ Govt. Aided institutions, Fair Price Shop dealers, Anganwadi Employees, Person in the service of the Government [This is an offence and Under Section 134-A of the R.P. Act 1951 and such appointees are punishable with imprisonment for a term which may extend to 3 (three) months, or with fine, or with *both*] are not eligible for appointment as counting agents.
- 4. What are the prerequisites to enter into the counting hall by the counting agent?**

Ans: On the day of counting, counting agent has to produce the following for entry into the counting hall.

  - i) A copy of Form-18
  - ii) Photo ID card duly signed and sealed by Returning Officer.
- 5. Once appointment in Form 18 is made by the candidate/candidate's election agent, can there be a change or revocation of counting agent(s)?**

Ans: A candidate or his/her election agent is free to revoke the appointment of counting agent by making a request in Form 19 at any time before the commencement of counting. A replacement may be appointed in Form 18 any time before the commencement of counting.
- 6. When should the counting agent reach the counting hall on the day of counting?**

Ans: The counting agent should reach the hall at least one hour before the time fixed for counting of votes.
- 7. What are the materials that can be carried by counting agent in the counting hall?**

Ans: Counting Agents are allowed to carry pen/pencil, plain paper/ note pad, duplicate copy of 17C obtained from the polling agent after close of the poll, inside the counting hall for their use during counting. Mobile phones or any other electronic recording devices will not be permitted inside the counting hall. Reasonable facilities for drinking water, refreshment, toilet etc. will be provided near the counting hall.
- 8. Are there any restrictions on the movement of counting agents during the counting process?**

Ans: Counting agents will ordinarily not be allowed to go outside the counting hall during the counting process. They are expected to remain seated at the allotted counting table and they will not be allowed to move about all over the hall.
- 9. Can a postal ballot paper be rejected on the ground that the attesting officer has not put his/her seal on the declaration of electors in Form 13 A?**

- Ans: i. If the attesting officer has given all relevant details with regard to his/her name and designation on that Form, postal ballot paper shall not be rejected merely on the grounds that the attesting officer has not put his/her seal on the declaration of the elector in Form 13A.
- ii. If the identity of the sender is verifiable on the basis of his/her declaration in Form 13A, a postal ballot paper shall also not be rejected on the ground that the sender (elector) has not put his/her signature on the outer cover "B" (Form 13C) in which he/she has returned the postal ballot paper.

**10. Is there any particular mark required by Law to be made by voter to indicate his / her vote on PB?**

Ans: There is no particular mark required by law to be made by a voter to indicate his/ her vote on a PB. Any mark can be accepted as valid if the intention of the voter is clear.

**11. What is the SOP in cases where margin of victory is less than numbers of PB rejected?**

Ans: In cases where margin of victory is less than the number of PBs rejected as invalid at the time of counting, as a measure of abundant caution, the Returning Officer is to personally verify carefully all rejected PBs to satisfy that the decision to reject was correct.

**12. When can EVM counting be started?**

Ans: After 30 minutes of the commencement of postal ballot counting, the EVM counting can start.

**13. How can a Counting Agent verify the paper seals/tags in the carrying case and the Control Unit?**

Ans: Before the votes recorded in the CU of any voting machine are counted, the candidates or their Election Agents or their Counting Agents present at the counting table, in order to satisfy themselves that the seals are intact, can ask the Counting staff to read out/display the paper seal, the special tag and such other vital seals as may have been affixed on the carrying case and the CU.

**14. Can a counting agent request for counting of printed VVPAT slips? What is the procedure?**

Ans: After announcement of result sheet entries, any candidate, their Election Agent or their Counting Agents may apply in writing to the Returning Officer (RO) for counting the printed VVPAT paper slips in any or all polling stations. 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.

**15. What is the role of the Counting Agent when the Counting staff have begun counting of the votes polled in the EVM?**

Ans: The Counting Agent would have received a duplicate copy of Form 17C furnished by the Presiding Officer to the polling agent. During counting of votes in the EVM, the Counting Agent can fill in Part II of Form 17C which is a record of votes polled. The aforesaid particulars would enable him/her to track the counting process and also to see whether the total votes polled in the EVM tallies with the sum of the votes polled by the individual candidates plus NOTA. The Counting Agent is also eligible to receive a copy of the filled-in Part II of 17C from the counting staff.



Annexures

Annexure I: Appointment and Declaration of Counting Agents (Form 18)

Conduct of Election Rules, 1961 (See Rule 52(2))

APPOINTMENT OF COUNTING AGENTS

Election to the.....from the.....constituency

To

The Returning Officer,

I, .....\*a candidate/the election agent of who is a

Candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at .....

Name of the counting agent

Address of the counting agent

- 1.
2.
3.
etc.

We agree to act as such counting agents.

Signature of candidate/election agents

- 1.
2.
3.
etc.

Place .....

Date.....

Signature of counting agents

**DECLARATION OF COUNTING AGENTS**

(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything forbidden by section 128 of the Representation of the People Act, 1951, which we have read/has been read over to us.

- 1.
- 2.
- 3.

Date:

Signed before Me

Date: .....

Signature of counting agents

Returning Officer

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\*Strike off the inappropriate alternative.

\*\*Section 128 of the Representation of the People Act, 1951.--

128. Maintenance of secrecy of voting.

(1) Every officer, clerk, agent or other person who

Performs any duty in connection with the recording of counting of votes at an elections hall maintain, and aid in maintaining, the secrecy of the voting and shall not except for some purpose authorised by or under any law communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

**Annexure II: Revocation of Appointment of Counting Agents (Form 19)**

**Conduct of Election Rules, 1961 (See Rule 52(4))**

***REVOCATION OF APPOINTMENT OF COUNTING AGENT***

Election of the\*.....

To  
The Returning Officer,

I.....(the election agent of..... a candidate at the  
Above election hereby revoke the appointment of..... my/  
his counting agent.

Place.....

Date.....

Signature of person revoking

-----  
\*Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the ..... Constituency.
- (2) Legislative Assembly from the ..... Constituency.
- (3) Council of States ..... Assembly of State.
- (4) Council of States by the elected members of the electoral college of ..... (Union Territory).
- (5) legislative Council by the members of the Legislative Assembly .....
- (6) Legislative Council from the ..... constituency.

N.B: Omit the words ()as necessary

**Annexure III: Account of Votes Recorded and Result of Counting**

(Form 17C)

Conduct of Election Rules, 1961 (See Rule 49S and 56C (2))

**PART I -ACCOUNT OF VOTES RECORDED**

Election to House of the People/Legislative Assembly of the State/Union Territory from .....  
..... constituency

Number and Name of Polling Station: .....

Identification Number of voting Machine used at the Polling Station: .....

Control Unit.....

Balloting Unit.....

VVPAT.....

1. Total number of electors assigned to the Polling Station
2. Total number of voters as entered in the Register for Voters (Form 17A)
3. Number of voters deciding not to record votes under rule 49-0
4. Number of voters not allowed to vote under rule 49M
5. Test votes recorded under rule 49MA (d) required to be deducted
  - (a) total number of test votes to be deducted:  
Total No.                      SI. No. (s) of elector(s) in Form 17A
  - (b) Candidate(s) for whom test vote(s) cast:  
SI.No.                      Name of candidate                      No. of votes
6. Total number of votes recorded as per voting machine: .....
7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4(i.e., 2-3-4) or any discrepancy noticed: .....
8. Number of voters to whom tendered Ballot papers were issued under rule 49P:
9. Number of tendered Ballot papers:

SI No.

.....

Total

From

To

**HANDBOOK FOR COUNTING AGENT**

(a) Received for use.....

(b) Issued to electors.....

(c) not used and returned

10. Account of papers seals

1. Paper seals supplied for use:

Signature of polling agents

Total No.....

SL No. from.....to.....

1. ....

2. Paper seals used:

Total No.....

SL No. from..... to .....

2. ....

3. Unused paper seals returned to Returning Officer:

Total No.....

SL No. from.....to .....

3. ....

4. Damaged paper seal, if any:

Total No.....

SL No. from.....to .....

4. ....

5. ....

6. ....

Date.....

Place.....

Signature of Presiding Officer

Polling Station No.....

**HANDBOOK FOR COUNTING AGENT**

**PART II: Result of Counting**

Sl. No. of candidate	Name of candidate	Number of votes as displayed on CU	Number of test votes to be deducted as per item 5 of Part I	Number of valid votes. (3-4)
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
Total				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals

Place.....

Date.....

Signature of Counting Supervisor

Full Signature

Name of candidate/election agent/counting agent

Full Signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Place.....

Date.....

Signature of Returning Officer

Full signature





# भारत निर्वाचन आयोग Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

*“Greater Participation for a stronger democracy”*