

**READY REFERENCE
FOR
RETURNING OFFICERS**



**STATE ELECTION COMMISSION
KERALA
2025**

READY REFERENCE FOR RETURNING OFFICERS

Published by

State Election Commission, Kerala

Janahitham, Vikas Bhavan P.O.,

Thiruvananthapuram - 695 033

Copies: 6300

State Election Commission, Kerala, 2025

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READY REFERENCE FOR RETURNING OFFICERS

District Election Officer (DEO)

State Election Commission shall depute District Collector as District Election Officer (DEO) for each district.

District Election Officer shall coordinate and supervise all the works in connection with the preparation and revision of electoral rolls and all the works in connection with the conduct of election in the district.

Returning Officer (RO)

State Election Commission shall, in consultation with the Government, designate or nominate one or more Returning Officer for every Panchayat/Municipality and for every election to fill a seat or seats in the Panchayat/Municipality or the same person to be the Returning Officer (RO) for more than one Panchayat/Municipality lying adjacent.

Returning Officer shall be an Officer of the Government or of a Local Self Government Institution.

Returning Officer shall perform all such acts and things as may be necessary for effectively conducting the elections and overall supervision of election process.

The nature of duties of a Returning Officer while conducting the scrutiny of nominations and counting of votes is of quasi - judicial nature.

Assistant Returning Officer (ARO)

State election Commission may appoint one or more persons as Assistant Returning Officers (ARO) to assist a Returning Officer in the performance of his functions.

Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer.

Assistant Returning Officer shall not perform any of the functions of the Returning Officer which relates to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

Duties and Responsibilities of a Returning Officer

A. General

Draw up well in advance a programme/plan for the smooth conduct of election.

Procure the election materials, forms etc. in adequate quantity.

B. Notification and Public Notice of Election

Returning officer shall give public notice of the intended election inviting nominations of candidates in Form No.1 after the issue of notification by the State Election Commission.

The notice shall be published even if it is a public holiday.

The notice shall be published in Malayalam & in local languages.

Separate notice for each ward/constituency.

Every notice should be published on the notice board of the office of the Returning Officer, office of the concerned Panchayat/ Municipality and such other places as the Commission may direct.

C. Submission and Receipt of Nomination

Nomination papers shall be in **Form No.2** and it shall be supplied free of cost to the candidates.

Nomination papers shall be presented either before the Returning Officer or before the specified Assistant Returning Officers **in between 11 a.m. and 3 p.m.** only.

Each nomination paper must be serially numbered and also note on the body of the nomination paper the exact time at which it has been received.

A list of nominations **received** everyday shall be published in **Form N3** in the notice board.

Returning Officer shall publish a list of nomination received in

Form No.3. after the last time fixed for the receipt of nomination.

If the last day for filing nomination or scrutiny of nominations or withdrawal of candidature is a public holiday, the nomination or scrutiny or withdrawal of candidature can be done on the next day, which is not a public holiday.

Copy of **Form 2A** shall be published at the office of the Returning Officer.

A copy of the nomination paper shall be given to an elector of a constituency if an application is made in that behalf of an elector on payment of prescribed fee.

D. Filing Nomination

Nomination papers in **Form No.2** can only be presented personally either by the candidate or his proposer along with details in Form No.2A. No one else can present it.

Maximum 3 sets nomination papers can be presented on behalf of a candidate.

If a candidate is nominated to contest election in more than one constituency in same panchayat/municipality, all his nominations are liable to be rejected.

E. Authorised Officer for oath taking

State Election Commission authorized the following persons before whom a person having been nominated as a candidate can make or subscribe oath or affirmation in the Form prescribed.

- i. Gazetted Officers of the State Service;
- ii. Superintendent of Prison in the case of a candidate confined in a Prison;
- iii. Commandant of the detention camp in the case of a candidate under preventive detention;
- iv. Medical Superintendent in-charge of the hospital or the Medical Practitioner attending in the case of a candidate who is confined to bed in a hospital or elsewhere owing to illness or any other cause, and;

- v. Where the candidate is out of India, the Diplomatic or Consular representative of India in the country where the candidate happens to be.

F. Forms

Form 2 Nomination shall be in Form 2 (Nomination Paper)

Form 2A Details regarding educational qualification, criminal cases of the candidates properties owned by the candidate and his family liabilities etc. It shall be **submitted along with nomination paper by the candidate.**

A constituency/ward is reserved to SC/ST, the candidate shall produce **caste/community certificate issued by Competent Authority.**

Form N1 is the intimation given by the Returning Officer to the candidate who is an elector of a different constituency/ward of same local body and fails to furnish a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries of such roll be produced along with the nomination paper.

Form N2 is the intimation given by the Returning Officer to those candidates who have not taken the oath or affirmation.

A candidate must make the oath, read aloud the oath and then sign before the authorized officer. Mere signing on the Form is not sufficient.

Form N42 containing the details of bank account, legal heirs of the candidate for refunding the deposit amount must be filed by the candidate along with nomination paper.

G. Deposit

A candidate shall deposit a sum of Rs.2000/-for Grama Panchayat; 4000/-for Block Panchayat; 5000/- for District Panchayat; 4000/- for Municipality 5000/- for Municipal Corporation along with nomination paper.

For candidates belonging to Scheduled Caste/Scheduled Tribe deposit shall be 50% of the above said amount.

Head of A/C for making deposits in the Treasury is 8443-civil deposits-121- 95- Deposits in connection with Municipality; 8443-121-94-Deposits in connection with Panchayat.

Deposit can also be made in the office of the local body.

H. Preliminary Examination

Returning Officer or Assistant Returning Officers shall conduct a preliminary examination at the time of filing of nomination paper and shall permit any misnomer or inaccurate description or clerical, technical, or printing error to be corrected.

I. Qualifications & Disqualifications

(a) A person shall be qualified for being nominated, if:-

- (i) his name included the electoral roll of any of the constituency/ward of the respective Panchayat/Municipality.
- (ii) he has completed his 21st year of age on the date of submission of nomination.
- (iii) in the case of a seat reserved for Scheduled Caste/ Scheduled Tribe, he is a member of the SC/ST as the case may be.
- (iv) in the case of a seat reserved for woman, such person is a woman.
- (v) he makes or subscribes an oath or affirmation before the Returning Officer or any other person authorized by the Commission.
- (vi) he has not been disqualified under any provisions of KPR Act/KM Act.

(b) A person shall be disqualified for being nominated, if:-

- (i) he is an officer or employee in the service of a Central, State, Local Authority or Corporation owned or controlled by a Central or State Government;
- (ii) he is an employee of a company or Co-operative society in which Central or State Government or Local Authority has not less than 51% share;

- (iii) he is an employee of a Statutory Board, KSRTC, KSEB or of any University established under a State enactment;

(c) A Person shall be disqualified to contest in an election if he:-

- (i) is so disqualified by or under any law for the purpose of the election to Legislative Assembly;
- (ii) has produced a false community certificate for contesting a seat reserved for SC/ST and proved so;
- (iii) has been sentenced by a Court or Tribunal for imprisonment for a period not less than 3 months for an offense involving moral turpitude;
- (iv) has been held Personally liable for maladministration by the Ombudsman ;
- (v) has been adjudged to be of unsound mind;
- (vi) has voluntarily acquired the citizenship of a foreign State;
- (vii) has been sentenced by a Criminal Court for any electoral offense punishable under Section 136 or Section 138;
- (viii) has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence;
- (ix) has been dismissed from Central or State Government or local authority and shall be disqualified for a period of 5 years from the date of such dismissal.
- (x) has been convicted of an offense punishable under Chapter IX-A of the Indian Penal Code or under any other provisions of law referred to in Section 8 of the Representation of People Act, 1951;
- (xi) he is guilty of corrupt practice under Section 101 of the Kerala Panchayat Raj Act or Section 107 of the Kerala Municipality Act.

- (xii) has failed to lodge election expenses and has been disqualified for a period of 5 years from the date of the order of the State Election Commission.
- (xiii) is an applicant to be adjudicated an insolvent or is an undischarged insolvent;
- (xiv) is interested in a subsisting contract made with, or any work being done for, the Government or to any Local Self Government Institution except as a shareholder (other than a director) in a company or except as
 - permitted by rules made under this Act.;
- (xv) is employed as a paid legal practitioner on behalf of the Government or the Panchayat concerned; or
- (xvi) is already a member whose term of office as such will not expire before his fresh election can take effect or has already been elected as a member whose term of office has not yet commenced;
- (xvii) is in arrears of any kind due by him to the Government or the Local Self Government Institution otherwise than in a fiduciary capacity up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired;
- (xviii) is dismissed or removed from the service of the Central Government or of the State Government or the service of any local authority; or
- (xix) has been disqualified as per the provisions of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 and has not completed 6 years from the date of disqualification;
- (xx) is debarred from practicing as an Advocate.
- (xxi) is a deaf-mute.
- (xxii) is included in the black list for any default in connection with any contract or tender with the Government.

If any question arises as to whether a candidate has become subject to any disqualification, the question shall be referred for the decision of the State Election Commission and decision of the State Election Commission shall be final.

J. Scrutiny of Nomination papers- Persons to be admitted

Persons to be admitted at the time of scrutiny:-

- 1.candidates; 2. election agents; 3.one proposer of the candidate ;
- 4.one other person duly authorized in writing by the candidate.

No other person shall be admitted.

K. Examination of Nomination Papers

The Returning Officers shall give the candidate or their election agent reasonable opportunity for examining the nomination papers of all candidates.

L. Scrutiny of Nomination Papers

All nomination papers are required to be scrutinized.

Any minor error in any one of the nomination papers of a candidate in regard to particulars such as part number, name, serial numbers etc of the electoral roll, it can be made up with the correct particulars given in another nomination paper by the same candidate.

Inaccurate or incomplete details will not render the **Form 2A** fake.

Furnishing of any wrong information or suppression of any material information from **Form 2A** will not be a ground for rejection of nomination paper, though it may attract penal action under section 177 of the Indian Penal Code.

If entries in **Form 2A** are not filled completely or certain columns in form 2A are kept blank, the returning officer shall inform the candidate to furnish duly filled fresh affidavit with complete particulars before the time of scrutiny or else incomplete form 2A will lead to rejection of nomination.

M. Objections and Summary inquiry

The reasons for the decision shall be recorded on every objection raised.

A brief statement of reason should be recorded at that time.

The objector may be supplied with a certified copy of the decision accepting the nomination paper of a candidate overruling the objection raised by him upon his request.

Objections can also be raised by the Returning Officer suo moto.

In case of a reasonable doubt as to the validity of a nomination paper, the benefit of such doubt should go to the candidate concerned and the nomination paper should be held to be valid.

Comparatively liberal approach may be adopted in overlooking minor, technical or clerical errors.

No nomination can be rejected solely on the ground of absence of the candidate or his representatives during the scrutiny proceedings.

It should be accepted or rejected on merit. Minor errors, any mistake or error of a technical/clerical/ nature should therefore be ignored.

The nomination paper should not be rejected on the following grounds when mistakes are made in nominations paper regarding:-

- (i) the year of election;
- (ii) name of constituency/ward;
- (iii) the electoral roll number;
- (iv) choice of symbols;
- (v) age, name or other particulars of the candidate or his proposer as given in the nomination paper and in the electoral roll;

N. Examination of roll number in Nomination paper

Check and satisfy himself that the name of the candidate and the name of the proposer and their electoral roll numbers as given in the nomination paper are the same, as that are entered in the relevant electoral roll.

Returning Officer can direct any inaccurate description or any clerical or technical error to be corrected.

Returning Officer does not entertain objections raised with respect to the matter that candidate is not ordinarily resident in the constituency/ward in which his name is registered.

O. Grounds for rejection of Nomination paper

Nomination paper of a candidate shall be rejected, if:-

- (i) the candidate is not qualified in law to be member/ councillor of the Panchayat/Municipality concerned;
- (ii) the candidate is disqualified in law to be such member; or
- (iii) the nomination paper has been delivered before 11 A.M. or after 3 p.m.
- (iv) the nomination paper has been presented to the Returning Officer or the Assistant Returning Officer by a person other than candidate or his proposer; or
- (v) the nomination paper has been delivered at a place other than that specified in the public notice; or
- (v) the nomination paper is not submitted in the prescribed form;
- (vi) the nomination paper has not been signed by the candidate and his proposer.
- (vii) The signature of the candidate or the proposer on the nomination paper is not genuine.
- (viii) the proposer is not an elector of the constituency/ward at the time of presentation of the nomination paper;
- (ix) proper deposit has not been made in accordance with provisions of the Act.
- (x) he has filed nomination paper to contest from more than one constituency/ward of the same panchayat /municipality.
- (xi) the oath or the affirmation is not made by the candidate as required under the Act.
- (xii) the candidate does not belong to the scheduled caste or scheduled tribe and he files nomination paper to contest a seat reserved for the scheduled caste or the scheduled tribe, as the case may be.
- (xiii) the candidate has omitted to specify his age in the nomination paper.

- (xiv) the nomination paper has not been signed either by the candidate or his proposer at the appropriate places meant for such signature.
- (xv) where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll has not been produced before the Returning Officer despite intimation given in Form N1.

P. Rejection of Nomination paper

Record the reason for rejecting a nomination paper. Supply certified copies of the order of rejection.

Q. Review of the Order of Returning Officer

The decision of the Returning Officer accepting or rejecting the nomination of a candidate is not subject to any review/revision by any authority including the court or the State Election Commission, until the process of election is over. It can be challenged only by means of an election petition before the appropriate court after the completion of election and not when the election process is still on.

R. List of validly nominated candidates

Returning Officer shall prepare and publish a list of validly nominated candidates immediately after completing the scrutiny and should send to the State Election Commission in **Form No. 4**.

S. Withdrawal of candidature and Allotment of Symbols

A candidate to withdraw his candidature by notice in writing in **Form No.5** to the Returning Officer before 3'O clock in the afternoon of the last day fixed for such withdrawal.

Every notice of withdrawal must be delivered to the Returning Officer by.

- (i) the candidate, or
- (ii) his proposer, or
- (iii) his election agent duly authorised.

The Returning Officer shall verify the genuineness of the notice

and identity of the person presenting the notice so as to avoid acceptance of any fake notice.

Receipt portion in **Form No.5** shall be handed over to the person delivering the notice.

No person who has given a notice of withdrawal of his candidature shall be allowed to cancel the notice.

The Returning Officer shall affix a copy of the notice (**Form No. 5**) in some conspicuous place in the office of the Returning Officer and in the office of the Panchayat/ Municipality concerned.

The Returning Officer shall prepare the list of contesting candidates in **Form No.6** who have not withdrawn their candidature, and publish the list in some conspicuous place of his office.

He shall also supply a copy of the list of contesting candidates to each of such candidates or his election agent.

List of contesting candidates has to be prepared in Malayalam alphabetical order as given in the nomination paper.

Candidate shall choose symbols as per the **Local Authorities Election symbols (Reservation and Allotment) order, 2017** as updated from time to time.

T. Order of Name on ballot paper

The names shall be arranged on the ballot paper in Malayalam alphabetical order without any categorisation or classification on the basis of party affiliation or party status by recognition.

The Returning Officer can also permit the candidates to prefix or suffix the name of their occupation, academic, honorific or any other title like Doctor, Professor, Advocate to their names.

If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or some other manner.

U. Restrictions on Printing of Posters/Pamphlet-Intimation to candidates

Election pamphlet or poster should bear on its face the names and addresses of the printer and the publisher. After printing the document,

one copy of the declaration as to the identity of the publisher duly attested by the persons personally known to the printer together with a copy of the document printed should be sent to the District Election officer by the printer within a reasonable time.

Attention of candidate to be invited to law relating to corrupt practices and electoral offenses.

The notice shall be given to the contesting candidates immediately after the last date fixed for withdrawal of candidature.

V. Election Agent

A candidate at an election may appoint any person other than himself to be his election agent.

Every appointment has to be made by a communication in **Form 8** by the candidate in duplicate and shall be forwarded to the Returning Officer.

Any person who is for the time being disqualified for being a member /councillor **shall be disqualified** for being an election agent so long as such disqualification subsists.

A candidate is **free to revoke** the appointment of his election agent at any time by a letter in **Form 9** which is to be lodged with the Returning Officer. The candidate concerned may appoint another person as his election agent.

W. Declaration of result- Uncontested Election

If there is only one contesting candidate, the Returning Officer shall declare the candidate to be duly elected immediately after the last hour for the withdrawal of candidature.

Returning Officer shall fill in **Form No.7** and sign it. Copies of it shall be forwarded to the State Election Commission, Govt in the Local Self Government Department, District Election Officer and the Secretary of the Panchayat or Municipality concerned.

Returning Officer shall issue a **Certificate of Election in Form 26** to the candidate and obtain acknowledgment.

X. Postal Ballot Paper

A copy of the application in Form No. 15 shall be supplied along with the order appointing officers for polling duty.

3 copies of each of the Forms for Grama/Block/District Panchayat and one copy for Municipalities will have to be supplied.

District Election officer should issue the appointment order in duplicate so that he can enclose a copy of the said order to the Returning Officer along with his application in Form 15.

Copy of each of the electoral roll for all the Grama Panchayat/ Municipality wards shall be made available at the centres for rehearsal and training classes.

Postal ballot papers shall be sent by post under acknowledgment to the elector with the following, namely:-

- (i) Declarations in Form No. 16
- (ii) Instruction for the electors in Form No. 17
- (iii) A cover in Form No. 18
- (iv) A large cover in Form No. 19

Returning Officer shall record on the counterfoil of the ballot paper the electoral roll number of the elector in the marked copy and its Part number.

Make a mark 'PB' against the name of the elector in the marked copy of the electoral roll while issuing postal ballots.

The counterfoils of such ballot papers issued to such electors shall be sealed in a separate packet and record on the packet a brief description of its contents and the date on which it is sealed. It should be kept in the safe custody of the Returning Officer.

Y. Second set of Ballot paper

A second ballot paper to a voter (along with other connected papers) shall be issued only if the ballot paper:-

(a) returns with the entire set of papers undelivered; or

(b) has been spoilt inadvertently by the voter and it is incapable of being used. The Returning Officer may re-issue postal ballot paper only if he is satisfied that it was not deliberately spoiled.

Spoiled and such returned postal ballot papers are to be cancelled and sealed in a separate packet.

Z. Receipt of Postal Ballot paper

All the postal ballot papers received back should be kept in safe custody.

Keep a register in which the number of postal ballot papers received should be duly entered .

The time and date of their receipt should be noted on each cover received late.

ZA. Poll Day

The Returning Officer should also thoroughly familiarize with each step to be taken in the conduct of poll at the polling station, and with the operation of voting machine.

Returning Officer should make proper arrangements for the safe transportation and custody of voting machines and other election papers and materials after the close of the poll from the polling stations to the storage centre.

If any of the contesting candidates so desires, he may be permitted to post an agent to keep watch at the place where the voting machines are stored pending the counting and allow him to affix his own seals to the doors and windows of the building.

No one will be allowed to enter the hall till the day of counting.

ZB. Counting

The Counting Halls, including partitions as planned, should be got ready at least three clear days ahead of the date of counting and a report sent by each Returning Officer to the District Election Officer.

District Election Officer shall send a consolidated report to the Commission.

Notice to candidates about the date, time and place of counting, should be given in advance.

ZC. Number of Counting Agents

One each for every Counting table and one for Returning Officer's table.

A candidate/election agent may appoint counting agents by letter in **Form 12**. The photographs of the Counting agents should also be produced.

Returning Officer may issue counting hall pass in **Form N 25** for production at the time of entry into the hall.

Do not allow any person to enter or leave the room without the permission of the Returning Officer.

Any person who persists in disobeying the direction of the Returning Officer may be removed from the place by the Returning Officer or by the Police Officer on duty or any person authorised in this behalf by the Returning Officer.

ZD. Secrecy of Ballot- Warning

Read out and explain, as necessary, the provisions of section 125 of the Kerala Panchayat Raj Act, 1994 before counting starts at the hall.

ZE. Persons allowed in counting hall

- (i) Counting supervisors and Counting assistants;
- (ii) Persons authorized by the State Election Commission;
- (iii) Public servants on duty in connection with the election;
- (iv) Candidates, their election agents and counting agents

ZF. Counting of Postal Ballot

Covers in **Form 19** containing postal ballot papers received after the hour fixed for the commencement of the counting votes should not be opened. They should be rejected and kept in a separate packet and sealed.

The cover in **Form 19** received in the time should be opened one after another.

The Returning Officer should take out the declaration in **Form 16** and the cover in **Form 18** and scrutinize the declaration.

If the declaration in Form 16 is not found in the cover or the declaration has not been duly signed and attested or attested by an officer not competent to do so or is otherwise substantially defective or if the serial number of ballot paper appearing in the declaration is different from the serial number on the cover in Form 18, the cover containing the postal ballot paper should not be opened. But the ballot paper should be rejected.

The declarations in Form 16 which have been found to be in order, should then be kept in a separate packet in order to ensure that the secrecy of the postal ballot papers.

ZG. Rejection of Postal Ballot paper

A postal ballot paper should be rejected, if :-

- (i) no vote is recorded thereon; or
- (ii) votes are given in favour of more candidate than one; or
- (iii) it is a spurious (bogus) ballot paper; or
- (iv) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (v) it is not returned in the cover sent along with it to the elector; and
- (vi) the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given.

ZH. Counting of Postal Ballot paper

The total number of valid postal votes received for each candidate should then be calculated, entered in the Result Sheet **in Form 25**.

All the valid Postal ballot papers and all the rejected ballot papers should be separately bundled and kept together in a packet and sealed with the seal of the Returning Officer and the seals of such of candidates, their election agents or counting agents.

Conduct of Election Rule 50 deals with counting of the postal ballot papers.

ZI. Counting of vote recorded in EVMs

After the postal ballot counting, the EVM counting can start. However, the penultimate round of EVM counting shall not commence unless the postal ballot counting is over.

The EVMs should be brought under escort from the strong room to the counting hall. Distribution of Control Units to the counting tables should be done in the serial order of the wards, i.e. 1,2,3,4, and so on. The control units used in all polling stations of the same ward should be counted in the same table.

There cannot be more than 14 counting tables in a counting hall.

Returning Officer shall have to ensure that the agents do not get any opportunity to handle the control units in any manner in order to eliminate any chance of tampering by them.

The Returning Officer's table shall be in the counting hall itself. It should be a separate table with a demarcated area.

After every stage of counting, the results of that stage should be noted on a board.

ZJ. Results of Counting – Form 24A

The counting supervisor should record the number of such votes separately in respect of each candidate in 'Part II - Result of Counting' **in Form 24A** as displayed on the Display Panels of the Control Unit.

In case of non-display of result on the Display Panel of the Control Unit, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should be continuing as usual. Result from such Control Unit(s) will be retrieved using Auxiliary Display Unit or Printer.

In case of any inability to retrieve final data, the Returning Officer shall forthwith report the matter to the State Election Commission for appropriate action.

ZK. Preparation/compilation of Final Result Sheet-Form 25

Compile the final result and preparing the Final Result Sheet in **Form 25**. Make entries on that Form showing the votes polled by each candidate polling station wise strictly in accordance with the entries made in 'Part II Result of Counting' of Form 24A in respect of each polling station. Tendered votes are not counted. Returning Officer has to prepare the Final Result Sheet only in Part I of **Form 25**. In that Part, the number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

After completing and signing the Result Sheet in Form 25 and after obtaining the necessary approval of the Commission, wherever required, Returning Officer may complete and sign the Result Sheet in Form 25. The candidate obtained the largest number of valid votes

should then be declared elected. Returning Officer must declare the result by public announcement.

ZL. Recount of votes

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. Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in Rule 51 of the Conduct of Election Rules still apply in relation to Returning Officer's constituency.

ZM. Equality of Votes

If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will have to be declared by drawing of lot.

ZN. Formal Declaration of Result- Form 25A

The formal declaration of result should be made by Returning Officer in **Form 25A**. Care is to be taken that the name and address of the elected candidate shall be as given in list of contesting candidates. Name of the political party should be written as given in the latest Political Parties and Election Symbols notification. Returning Officer should authenticate his/her signature by affixing his/her seal.

The date to be given in the declaration should be the date on which result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when Returning Officer has to rectify some error in his/her original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

ZO. Certificate of Election- Form 26

As soon as may be after a candidate has been declared elected, Returning Officer should grant to such candidate a certificate of election in **Form 26** and obtain from the candidate an acknowledgment of its receipt duly signed by him.

It is essential that this acknowledgment is signed by the candidate

himself and his signature is attested by the Returning Officer personally before dispatch.

ZP. Certificate of Return of Election-Form 27

When Returning Officer has declared the result of election in the manner indicated above, he/she should complete and certify the return of Election in **Form 27** of the Conduct of Election Rules to the: i) State Election Commission; ii) Government; iii) District Election Officer; iv) Secretary of the respective local body.

ZQ. Fresh Poll

In case voting machine develops any mechanical failure during the course of recording votes in any polling station or in case of any inability to retrieve final data from any voting machine during counting, the State Election Commission to declare the poll at the polling station to be void and notify date for fresh poll.

ZR. Sealing of DMM after Counting

After the declaration of the result by the Returning Officer, the DMM used in the control unit is to be detached from the control unit and kept in a plastic box provided. This box is then sealed in a cloth lined cover and following details filled in;

1. Name of Panchayat/Municipality
2. Name of Ward and Number
3. Details of Polling station
4. Serial no. of DMM
5. Date of Poll
6. Date of counting

After completion of counting of votes, EVMs shall be kept in the same strong room.

ZS. Safe custody of DMM

The DMM sealed as above shall be kept in the safe custody of the District Election Officer and shall not be opened or inspected by or produced before any person or authority except under the orders of a competent court.

ZT. Sealing of other election papers for ensuring safe custody

Under rule 55A of the Conduct of Election Rules, the packets of election papers specified therein shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent Court. Special care has thus to be taken for the safe custody of following papers, where voting machines are used:

- i. The packets of Register of Votes in Form 21A, including the voter slips.
- ii. The packets of unused postal ballot papers with counterfoils attached thereto;
- iii. The packets of used postal ballot papers whether valid, or rejected (including the packets in which covers containing postal ballot papers received late are kept);
- iv. The packets of the counterfoils of used postal ballot papers;
- v. The packets of used and unused tendered ballot papers;
- vi. The packets of unused (surplus) ballot papers (printed for display on Balloting Units and for use as tendered ballot papers);
- vii. The packets of the marked copy of the electoral roll; and
- viii. The packets of the declarations by electors and the attestation of their signatures.

These papers should also be sealed with the secret seal of the Returning Officer. The papers mentioned at items (iii) and (viii) above shall be made into packets at the time of counting. Such packets shall be sealed by Returning Officer with his/her own seal immediately after the counting of the votes is over and with special secret seal, which will be supplied by the Commission for the election for each constituency. The secret seal will be in addition to the seals, if any, put on these packets by such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. They may also be permitted to note the number of the Commission's secret seal used.

The packets of papers mentioned at items (i), (v) and (vii) above

will be received from the Presiding Officers of the polling stations in duly sealed packets. Though, these packets are not required for any purpose at the time of counting of votes, each of them should be immediately sealed with the secret seal as soon as counting of votes is over and placed in steel trunk(s).

Returning Officer should ensure that the secret seal of the Commission is put on packets only and not on any of the locks of the steel trunk or trunks.

ZU. Safe custody of election records by District Election Officer

Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the voting machines and the sealed trunks(s) containing the packets should be dispatched to the District Election Officer at his headquarters. On receipt of the voting machines or Detachable Memory Module (DMM) and the sealed trunks the District Election Officer should forthwith arrange to deposit them for safe custody in the Treasury/Sub-treasury under double lock. The key of one of the locks of each trunk will be entrusted to the Treasury Officer or an Officer in the Treasury/Sub-treasury authorized under the Treasury Code and the key of the other lock of each trunk should be kept by the District Election Officer himself or a senior officer nominated for the purpose by the District Election Officer.

ZV. Safe custody of election records by Returning Officer

Keep the nomination papers and personal details of the candidates furnished in Form No.2A in the custody of the Returning Officer himself, as these items do not come within the purview of those papers which are to be kept under the safe custody in treasury as per Rule 55A(2) of the Conduct of Election Rules. In the event of transfer, the Returning Officer shall hand over these papers to his successor/ the officer who is taking his charge, after making necessary entries in the appropriate register.

Take steps for the safe custody of detachable memory module and the packet containing used tendered ballot papers, marked copy

of the electoral rolls and all other relevant records relating to election, in the treasury.

ZW. Return of secret seal of the Commission

After the packets required to be sealed with the secret seal are sealed, the secret seal or seals should be placed in a separate packet which should be sealed with the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. Thereafter, the packet containing the secret seal of the Commission should be returned immediately to the Commission by registered / insured post and in any case not later than 24 hours after the counting of the votes is completed.

ZX. Declaration and Publication of Result of Election

After the counting has been completed in all respects, Returning Officer has to proceed to make the formal declaration of result of election.

If any polled EVMs have been kept apart on account of technical malfunction or tampering with, then, Commission's permission is mandatory, before declaring the result. If that be so, send a detailed report to the Commission forthwith giving all the required information and obtain prior approval before making the declaration of result.

ZY. Return & forfeiture of deposits

The deposit made by a candidate shall be returned if:- i) the candidate is not shown in the list of contesting candidates, that is to say either his nomination was rejected or after his nomination was accepted, he withdraws his candidature; or ii) he dies before the commencement of the poll; or iii) he is elected; or iv) he is not elected but gets more than 1/6th of the total number of valid votes polled by all the candidates at the election.

A deposit can be refunded only to the person in whose name it was made or his legal representative if he is dead. Returning Officer shall only refund the deposit amount in the bank account furnished in **Form N 42** by the candidate along with nomination paper.

**Statutory Forms
(Conduct of Election Rules)**

Forms	Purpose
Form No.1	Public notice of the intended election inviting nomination
Form No.2	Nomination paper
Form No.2A	Details of candidate regarding his educational qualification, criminal cases, properties owned by him and his family, liabilities etc
Form No.3	List of nomination papers received till the time fixed for the receipt of nomination paper is over
Form No.4	List of validly nominated candidates
Form No.5	Notice of withdrawal of candidature
Form No.6	List of contesting candidates
Form No.7	Declaration of result when a seat is uncontested
Form No.8	Appointment of Election Agent
Form No.9	Revocation of appointment of Election Agent
Form No.10	Appointment of Polling Agent
Form No.11	Revocation of appointment of Polling Agent
Form No.12	Appointment of Counting Agent
Form No.13	Revocation of appointment of Counting Agent
Form No.14	Appointment of Presiding officer and Polling officer
Form No.15	Application for postal ballot paper

Form No.16	Declaration by elector (postal ballot paper)
Form No.17	Instructions to elector (postal ballot paper)
Form No.18	Small cover (postal ballot paper)
Form No.19	Large cover(postal ballot paper)
Form No.20	Ballot paper
Form No.21	List of Challenged votes
Form No.21 A	Register of votes
Form No.21 B	List of tendered votes
Form No.22	List of blind & infirm voters
Form No.24A	Results of Counting
Form No.25	Result Sheet
Form No.25A	Declaration of Result of election
Form No.26	Certificate of Election
Form No.27	Return of Election
Non-Statutory Forms	
Form No.N1	Notice by Returning Officer
to those candidate who is an elector of a different Constituency and fails to furnish a copy of the electoral roll of that constituency	
Form No.N2	Notice by Returning Officer
to those candidate who has not taken the oath or affirmation	
Form No.N3	List of nominations received everyday published in the notice board
Form No.N42	Details of bank account, legal heirs of the candidate filed by the candidate along with nomination paper for deposit refund

