

Andhra Pradesh Municipalities and Nagar Panchayats (Usage of Electronic Voting Machines) Rules, 2001

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-MUNICIPALITIES-AND-NAGAR-PANCHAYATS-US of 2001

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Andhra Pradesh Municipalities and Nagar Panchayats (Usage of Electronic Voting Machines) Rules, 2001Published vide Notification No. G.O. Ms. No. 553, M.A., Municipal Administration & Urban Development (Elections-I), dated 15.11.2001Last Updated 29th August, 2019No. G.O. Ms. No. 553. - In exercise of the powers conferred by sub-section (1) of Section 326 read with Section 28-E of the Andhra Pradesh Municipalities Act, 1965, the Governor of Andhra Pradesh hereby makes the following rules for usage of voting machines in the election to the Municipal Councils and Nagar Panchayats in the State;

1. Short Title, extent, and commencement.

(1)These rules may be called the Andhra Pradesh Municipalities and Nagar Panchayats (Usage of Electronic Voting Machines) Rules, 2001.(2)These Rules shall apply to all Municipalities and Nagar Panchayats in the State.(3)These Rules shall come into force from the date of publication in Andhra Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires(a)'Act' means the Andhra Pradesh Municipalities Act, 1965.(b)'Government' means the Government of Andhra Pradesh.(c)'Election Commission' means the State Election Commission constituted under Art. 243-K read with Art. 243-ZA of the Constitution of India.(d)'Election Authority' means the Authority of Authorises authorised by the State Election Commissioner.(e)'Election Officer' means the Commissioner or any

person or Officer authorised or appointed by the Election Authority to do any act or perform any function in connection with conduct of elections of Chairperson and Ward Members of Municipalities and Nagar Panchayats under rules issued thereunder.(f)'Section' means a Section of the Act.(g)'Electoral Roll' means the electoral roll prepared and published under Section 11 of the Act.

3. Design of Voting Machine.

- Every Electronic Voting Machine (hereinafter referred to as the Voting machine) shall have a Control Unit and a Balloting Unit and shall be of such designs as may be approved by the State Election Commission.

4. Preparation of Voting Machine by the Election Officer.

(1)Two separate Voting Machines shall be used one for Election to the Office of Chairperson and another for Ward Member in cases of simultaneous elections.(2)The Balloting Unit of the voting machine shall contain such particulars in such language or languages as the State Election Commission may specify.(3)The names of the candidates shall be arranged on the Ballot Unit in the same order in which they appear in the list of the contesting candidates.(4)If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.Subject to the foregoing provisions of this Rule, the Election Officer shall;(a)fix the label containing the names and symbols of the contesting candidates in the Balloting Unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.(b)Set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

5. Arrangements at the Polling Stations.

(1)Outside each polling station there shall be displayed prominently.(a)a notice specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and(b)a copy of the list of contesting candidates.(2)At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.(3)The Election Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.(4)Without prejudice to the provisions of sub-rule (3), the Election Officer may, with the previous approval of the State Election Commission, provide one common voting machine for two or more polling stations located in the same premises.

6. Admission to Polling Stations.

- The presiding officer shall regulate the number of electors, to be admitted at any time inside the Polling station and shall exclude there from all persons other than (a) Polling Officers. (b) Public servants on duty in connection with the election; (c) Persons authorised by the State Election Commission; (d) Candidates, their election agents and subject to the provisions of Rule 17 and Rule 18 of Andhra Pradesh Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986 and the A. P. Municipal Councils and Nagar Panchayats (conduct of election) Rules, 1965, respectively one polling agent of each candidate; (e) A child in arms accompanying as elector; (f) A person accompanying a blind or infirm elector who cannot move without help; and (g) Such other persons as the presiding officer may employ from time to time admit for the purpose of identifying voters or otherwise assisting him in taking the poll.

7. Preparation of voting machine for poll.

(1) The control unit and balloting unit of every voting machine used at polling station shall bear a label marked with: (a) the serial number and the name of the ward; (b) the serial number and the name of the polling station or stations as the case may be; (c) the serial number of the unit; and (d) the date of poll. (2) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that no voter has been already recorded in the voting machine and it bears the label referred to in sub rule (4) of Rule 4. (3) A paper seal shall be used for securing the control unit of the voting machine, and the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same. (4) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of the voting machine and shall secure and seal the same. (5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal. (6) The control unit shall be closed and secured and placed in full view of the presiding officer and the polling agents and the balloting unit placed in the voting compartment.

8. Marked copy of electoral roll.

- Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain: (a) any entry other than that made in pursuance of Rule 35-A of the A.P. Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and Rule 36-A of the A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965, and (b) any mark other than the mark made in pursuance of clause (b) of Rule 40 of A. P. Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and Rule 41 of the A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965,

9. Facilities for Women electors.

(1)Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.(2)The Election Officer or the presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of woman electors, and in particular, to help/ frisking any woman elector in case it become necessary.

10. Identification of electors.

(1)The presiding officer may employ at the polling station such persons, as he thinks fit to help identification of the electors or to assist him otherwise in taking the poll.(2)As each elector enters the polling station, the presiding officer or the polling officer authorised by him in his behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.(3)Where the polling station is situated in a ward electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960 issued under Representation of People Act, 1951, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.(4)In deciding the right of a person to cast his vote, the presiding officer or the polling officer, as the case may be shall over look the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

11. Facilities for public servants on election duty.

(1)the provisions of Rule 10 shall not apply to any person, who produces at the polling station an election duty certificate issued by Election Officer and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.(2)On production of such certificate, the presiding officer shall(a)obtain thereon, the signature of the person producing it;(b)have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and(c)permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

12. Challenging of Identity.

(1)Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of five rupees in cash with the presiding officer for each such challenge.(2)On such deposit being made, the presiding officer shall(a)warn the person challenged of the penalty for personation;(b)read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;(c)enter his name and address in the list of challenged votes in Form XIV of A.P.Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965, respectively.(d)require him to affix his signature in the said list.(3)The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose,(a)require the

challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;(b)put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and(c)administer an oath to the person challenged and any other person offering to give evidence.(4)If, after the inquiry, the presiding officer considers that the challenge has not been established he shall allow the person challenged to vote; and if he considers the the challenge has been established, he shall debar the person challenged from voting.(5)If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Municipal funds and in any other case, returned to the challenger at the conclusion of the inquiry.

13. Safeguards against personation.

(1)Every elector about whose identify the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.(2)If any elector,(a)refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or(b)fails or refuses to produce his identity card as required by sub rule (3) of rule 10 he shall not be allowed to vote.(3)Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger to his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

14. Procedure for voting by voting machines.

(1)Before permitting an elector to vote, the polling officer shall(a)record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form-I.(b)Obtain the signature or the thumb impression of the elector on the said register of votes; and(c)mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote.Provided that no elector shall be allowed to vote unless he has affixed his signature or thumb impression on the register of voters.(2)It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

15. Maintenance of secrecy of voting by electors within the polling station and voting procedure.

(1)Every elector who has been permitted to vote under Rule 14 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.(2)Immediately on being permitted to vote the elector shall proceed to the presiding officer or the polling officer in-charge of the control unit of the voting machine who shall, by pressing the

appropriate button on the control unit, activate the balloting unit; for recording of elector's vote.(3)The elector shall thereafter forthwith(a)proceed to the voting compartment;(b)record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and(c)come out of the voting compartment and leave the polling station.(4)Every elector shall vote without undue delay.(5)No elector shall be allowed to enter the voting compartment when another elector is inside it.(6)If an elector who has been permitted to vote under rule 14 or rule 18 refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) of Rule 15 or sub-rule (3) of Rule 18, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.(7)Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall, be made against the elector's name in the register of voters in Form-I by the presiding officer under his signature.

16. Recording of votes of blind or infirm electors.

(1)If the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to read the names or recognise the symbols on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button . thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes;Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day;Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.(2)The presiding officer shall keep a record of all cases under this rule in Form 11(B) prescribed under the A.P. Municipal Councils and Nagar Panchayats (Director Election of Chairperson) Rules, 1986, and A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965, respectively.

17. Elector deciding not to vote.

- If an elector, after his electoral roll number has been duly entered in the register of voters in Form-I and has put his signature or thumb impression thereon as required under clause (b) sub-rule (1) of rule 14, decided not to record his vote, a remark to this effect shall be made against the said entry in Form-I by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.

18. Tendered Votes.

(1)If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or languages as the State Election Commissioner may

specify.(2)Every, such elector shall before being supplied with tendered ballot paper affix his signature or thumb impression against the entry relating to him in a list in Form-XII of the A.P. Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965, respectively.(3)On receiving the ballot paper he shall forthwith(a)proceed to the voting compartment;(b)record there his vote on the ballot paper by placing a cross mark X with instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote.(c)Fold the ballot paper so as to conceal his vote,(d)Give it to the presiding officer who shall place it in a cover specially kept for the purpose; and(e)leave the polling station.(4)If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance the presiding officer shall permit him to take with him a companion, subject the same conditions and after following the same procedure as laid down in rule 16 for recording the vote in accordance with his wishes.

19. Presiding Officer's entry in the voting compartment during poll.

(1)The presiding officer may whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.(2)If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.(3)Whenever the presiding officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

20. Closing of Poll.

(1)The presiding officer shall close a polling station at the hour fixed in that behalf under Rule 51(1) of A.P. Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and Rule 52(1) of the A.P. Municipal Councils and Nagar panchayats (Conduct of Elections) Rules, 1965 Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.(2)If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the presiding officer and his decision shall be final.

21. Account of votes recorded.

(1)The presiding officer shall at the close of the poll prepare an account of votes recorded in Form-XVI under Rule 51 (6) of A.P. Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and Rule 52(6) of the A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965 and enclose it in a separate cover with the words "Account of Votes Recorded" superscribed thereon.(2)The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form II after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

22. Sealing of voting machine after poll.

(1)As soon as practicable after the closing of the poll, the presiding officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from control unit.(2)The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the State Election Commission may direct and the seal used for securing them shall be so affixed that it will not possible to open the units without breaking the seals.(3)The polling agents present at the polling station, who desires to affix their seals, shall also be permitted to do so.

23. Sealing of other packets.

(1)the presiding officer shall then make into separate packets.(a)The marked copy of the electoral roll;(b)the register of voters in Form I;(c)the cover containing the tendered ballot papers and the list in Form-II;(d)the list of challenged votes; and(e)any other papers directed by the Election Commission to be kept in a sealed packet.(2)Each packet shall be sealed with the seal of the presiding officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

24. Transmission of voting machines, etc., to the Election Officer.

(1)the presiding officer shall then deliver or cause to be delivered to the Election Officer at such place as the Election Officer may direct.(a)the voting machine;(b)the account of votes recorded in Form-III;(c)the sealed packets referred to in rule 23 and(d)all other papers used at the poll.(2)The Election Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

25. Procedure on adjournment of poll.

(1)If the poll at any polling stations is adjourned under Rule 49 of A.P. Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and Rule 50 of the A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965, shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under Rule 51(1) and 52(1) of the said rules.(2)when an adjourned poll is recommended under Rule 49 of A.P. Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and Rule 50 of the A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.(3)The Election Officer shall provide the presiding Officer of the polling station at which such adjourned poll is held, with sealed packet containing the marked copy of the electoral roll, register of voters in Form-I and a new voting machine.(4)The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for making the names of the electors who are allowed to vote at the adjourned poll.(5)The provisions of rules 2 to 24 shall apply in relating to the conduct of an adjourned poll before it was so adjourned.

26. Closing of voting machines in case of booth capturing.

- Where the presiding officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

27. Procedure and Forms.

- The procedure and the Forms prescribed in A.P. Municipal Councils and Nagar Panchayats (Direct Election of Chairperson) Rules, 1986, and A.P. Municipal Councils and Nagar Panchayats (Conduct of Elections) Rules, 1965, which are not modified or revised in these rules shall be followed, wherever required. Form I (See Rule 14) Register of Votes Election to the office of the Chairperson, Municipal Council/Nagar Panchayat of _____/Ward Member of Municipal Council/Nagar Panchayat _____ from _____ Ward.No. & Name of the Polling Station _____

Sl.No. Sl.No. of elector in the electoral roll Signature /Thumb impression of elector Remarks

- 1.
- 2.
- 3.
- 4.
- etc.

Signature of Presiding Officer.

Form II (See Rule 18) List of Tendered Votes Election to the office of the Chairperson, Municipal Council/Nagar Panchayat of _____/Ward Member of Municipal Council/Nagar Panchayat _____ from _____ Ward.No. & Name of the Polling Station _____

Sl. No.	Name of Elector	Sl. No. of elector in electoral roll	Sl.No. in Register of voters (Form) of the person who has already voted in place of elector	Signature /Thumb impression of elector
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- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Date: Signature of Presiding Officer.

Form III(See Rule 21)Part-I-Account of Votes Recorded

Election to the office of the Chairperson,Municipal Council/Nagar Panchayat of _____/Ward Member ofMunicipal Council/Nagar Panchayat from Ward.

No. and Name of Polling Station_____Identification No. of Voting Control Unit_____ Machine usedat the polling station balloting unit_____

1. Total No. of electors assigned to the PollingStation.
2. Total No. of voters as entered in theRegister of voters (Form-I)
3. No. of voters decided not to record votesunder Rule 17.
4. No. of voters not allowed to vote under Rule15.
5. Total No, of votes recorded as per votingmachine.
6. Whether the total No. of votes as shownagainst item 5 tallies with the total No. of voters as shownagainst item 2 minus Nos. of voters deciding not to record votesas against item No. 3 minus No. of voters as against item4(2-3&4) or any discrepancy noticed.
7. No. of voters to whom tendered ballot paperswere issued under Rule 18.
8. No of tendered ballot papers.

Sl.Nos.
From To

- (a) received for use
- (b) issued to electors
- (c) not used and returned

9. Account of paper seals

1. Serial numbers of paper seals supplied

Sl.Nos.
From To

2. Total numbers supplied.
3. Number of paper seals used.
4. Number of unused paper seals returned to Election Officer(Deduct item 3 from item 2)
5. Serial number of damaged paper seal, if any

Signature of
Polling Agents.

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

Date:

Place

Signature of
Presiding
Officer
Polling Station
No.

Part-II Result of Counting

S.No. Name of the Candidate No. of Votes recorded

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Total: Whether the total nos. of votes shown above tallies with the total No. of votes shown against item 5 of Part-I or any discrepancy noticed between the two totals. Place: Date:

Signature of Counting Supervisor Name of the candidate/ election
agent/ counting agent Full signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Signature of Election
Officer.