

WEST BENGAL STATE ELECTION COMMISSION
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No. 1197(5)-SEC/5C-7/2006

Date: 03.05.2012

From : The Secretary,
West Bengal State Election Commission

To : The District Municipal Election Officer &
District Magistrate, Jalpaiguri / Nadia /
Purba Medinipur / Burdwan / Birbhum

Re.: Municipal Elections on 3rd June, 2012 - Counting of votes
Preservation of E.V.M.s and counting arrangements
therefore:

Sir,

I am directed to refer to this Commission's Order No.1196-SEC/ 5C-7/2006 dated 03.05.2012 and to state that certain salient features of counting procedure are laid down in rule 61A to 61F of the West Bengal Municipalities (Conduct of Elections) Rules, 1995. Since counting of votes for the ensuing elections, shall be taken up at a central place under the supervision of the Municipal Returning Officer/ Assistant. Municipal Returning Officer instead of at the polling station / stations, such provisions shall apply mutatis mutandis for the counting process to be held centrally. However, some additional points in this connection are added for convenience.

- 1) Counting of votes for the Municipalities where Municipal General Elections are being held on the **3rd June, 2012** shall be taken up on the **5th June, 2012** at a centrally located place. Counting should preferably start at 8.00 A.M. In case, re-poll is required to be taken in any polling station(s) of any ward, counting of votes for the said ward may also start on the same day and same time as may be fixed for the general counting.
- 2) The Municipal Returning Officer in terms of Rule 61B of the said rule, shall at least one week before the date fixed for the poll, appoint the place or places where the counting of votes will take place and the date and time at which counting will commence and shall give notice in Form 21A to each candidate or his election agent (Form enclosed).
- 3) After the poll, the Presiding Officers will deposit the Control Units and the Balloting units properly sealed in the respective carrying cases at the receiving centre. Those are to be stored systematically in pairs in the Strong Room(s) under proper police guard till the Counting is over. The candidates may be allowed to post their representatives near the Strong Room with proper passes issued by the Municipal Returning Officer concerned. Not more than 1(one) representative of a candidate

be allowed to stay at any point of time. Police officials on guard may be briefed properly in this regard.

- 4) On the day of counting, the Strong Room is to be opened and the Control Units are to be brought to the Counting Hall one after another. If the number of tables is more than one, such number of control units will be brought to the Counting Hall at a time as the number of tables set up for any particular constituency. **The balloting unit has no role to play so far as the counting of votes is concerned. Hence, there is no need to bring out the balloting Units from the Strong Room.**
- 5) **The number of counting tables should not exceed 14 in any case, excluding the table of Municipal Returning Officer/ Assistant Municipal Returning Officer.** There is no limitation on the number of halls in a counting venue which should be decided on the basis of the availability of space and the number of polling stations involved in that venue. Under compelling circumstances, number of tables in a hall may be increased on obtaining prior approval of this Commission. **In every counting hall, the counting tables may be placed in 2 rows with arrangement of sitting of 1 (one) Counting Supervisor and 1 (one) Counting Assistant.** By the side of each table, there shall be seats for the counting agents, as may be required.
- 6) **Inside each counting hall, barricades should be provided for each counting table so that counting agents are prevented from handling the Control Unit. However, counting agent must be provided with all reasonable facilities to see the whole counting process at the counting table.** This can be achieved by ensuring that barricades are transparent or that the space in between or above the bamboos or other material used for the purpose of erecting barricades, is adequate to permit full viewing of the counting process. The exact manner in which barricades may be erected is left to the discretion of the Municipal Returning Officer who has to adopt such approach as he may deem fit for attaining the objective of ensuring that the agents do not get an opportunity of handling and or tampering with the control units in any manner.
- 7) Each candidate should be 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.**
- 8) Every such appointment shall be made in Form 18 in duplicate, one copy of which shall be forwarded to the Municipal Returning Officer while the other copy shall be made over to the counting agent for production before the Municipal Returning Officer not later than one hour before the time fixed for counting under rule 61B. No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Municipal Returning Officer the second copy of his appointment under sub-rule 2 of rule 61C of the West Bengal Municipalities (Conduct of Elections) Rules 1995 after duly completing and signing the declaration contained therein and produces his Identity Card issued by the Returning Officer. Commission's directions mentioned in Order No. 1194-SEC/1C-6/1998 dated 03.05.2012 may be referred to.
- 9) Compilation of results is to be done in Form 23 and 24 as provided under the law, Adequate number of such forms may be arranged well in advance.

- 10) Each counting agent shall display his identity card issued by the Returning Officer indicating whose agent he is and the serial number of the table at which he will watch the counting. He should not be allowed to move about all over the hall.
- 11) Before the votes recorded in any control unit of a voting machine are counted, the candidates or their election agents or their counting agents present at the counting table shall be allowed to inspect the 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. If it is found that any voting machines has in fact been damaged or tampered with the votes recorded in that machines shall not be counted. In that case, the Municipal Returning Officer concerned shall forthwith report full fact to this Commission and await its direction in regard to counting of votes.
- 12) The seal from the carrying case will be removed first to open the carrying case. The Control unit is to be taken out and the seals on the two compartments i.e. the Battery Section and the Result Section are to be verified. But, only the seal of the Result Section is to be broken. The paper seal is then to be verified meticulously. If the paper seal is found to be in order and has not been tampered with the unit is fit for counting even if any of the seals either in the carrying case or outer cover is broken. The inner cover of the Result Section shall not be opened. Only pressing the Result 1 button by piercing the paper seal through the aperture will be sufficient to get the result displayed sequentially.
- 13) The Result 1 button can be pressed any number of times to enable the Municipal Returning Officer, the candidate and / or their agents to note down the above result.
- 14) After the result has been noted, the cover of Result Section is to be closed and sealed with the Secret Seal of the Municipal Returning Officer and the candidates / their election agents who are desirous of affixing their seals.
Thereafter, the seal on the Battery Section is to be broken and the cover is to be opened. The battery inside the unit is to be taken out to avoid bloating of the battery with the passage of time and the resultant damage to the unit. The compartment is to be closed once again and sealed with the Secret Seal of the Municipal Returning officer. The memory in the Control Unit will remain intact even after removal of the battery.
- 15) After the counting process is over and the result of voting recorded in the Control Unit has been ascertained candidate-wise and the Final Result Sheet is prepared in Form-23, the Returning Officer shall seal the control unit of an Electronic Voting Machine, with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon.

The Returning Officer shall record the following particulars on the container of the control unit :-

- (a) the name of the Municipality to which the election relates;
- (b) the number of constituency;
- (c) the particulars of the polling station where the control unit has been used;
- (d) serial number of the control unit;
- (e) the date of poll; and

- (f) the date of counting of votes.

The concerned Municipal Returning Officer or an officer authorised by the **Municipal Returning Officer shall keep in safe custody the control unit so sealed for a period of thirty days from the date of declaration of the results and shall not erase this memory without the order of the Commission.**

- 16) The Control Unit and the Balloting Units are to be kept inside the wooden boxes and these boxes are to be kept under proper security arrangement. Each of the boxes is to be numbered and there should be a label pasted on it to indicate its contents so that the control/balloting unit used at any particular polling station may be easily located.

The batteries taken out from the used Control Unit are also to be kept properly so that those may be used for training or demonstration purpose in future.

- 17) The Municipal Returning Officer will send the Balloting Units and Control Units to the District Municipal Election Officer for safe custody in due course.

Yours faithfully,

Sd/
(Tapas Ray)
Secretary,
West Bengal State Election Commission

No. 1197(5)/1(6)-SEC/5C-7/2006

Date : 03.05.2012

Copy forwarded for information and necessary action to the Municipal Returning Officer & Sub-Divisional Officer, Jalpaiguri (Sadar) / Ranaghat / Tamluk/ Haldia / Durgapur / Rampurhat.

Sd/
Joint Secretary,
West Bengal State Election Commission