

ELECTIONS TO GRAM PANCHAYATS



HAND BOOK FOR RETURNING OFFICERS

ISSUED BY:

A.P. STATE ELECTION COMMISSION

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CHAPTER-I

ADMINISTRATIVE MACHINERY FOR CONDUCT OF ELECTIONS

Under Rule 3 of Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006 (hereinafter referred to as Conduct of Election Rules), the administrative machinery for the purpose of conduct of elections under these rules, shall be such as may be specified by the State Election Commission, by an order made under Article 243-K of the Constitution of India.

The State Election Commission issued notification under Article 243-K of the Constitution of India appointing administrative machinery for conduct of elections to Panchayat Raj Bodies. A copy of the same is enclosed as **Annexure-I**.

1. ELECTION AUTHORITY:

The State Election Commission appointed the **Commissioner of Panchayat Raj** as the '**Election Authority**'. Subject to the superintendence, direction and control of the State Election Commission, he shall be responsible for coordination and supervision of the preparation, publication and printing of electoral rolls for and the conduct of elections to Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in the entire State of Andhra Pradesh. He shall also perform such other functions as may be entrusted to him by the State Election Commission from time to time in connection with conduct of elections to Panchayats.

2. DISTRICT ELECTION AUTHORITY:

The State Election Commission appointed the **District Collectors** as the '**District Election Authorities**' in their respective districts. Subject to the superintendence, direction and control of the State Election Commission, they shall be responsible for conduct, coordination and supervision of all items of work connected with elections to Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in their respective jurisdictions. They shall also perform such functions as may be specified under the Act and Rules and also such other functions entrusted to them by the State Election Commission from time to time in connection with conduct of elections to Panchayats.

3. ADDITIONAL DISTRICT ELECTION AUTHORITY:

The State Election Commission appointed the **Joint Collectors**, the **Chief Executive Officers of Zilla Praja Parishads** and the **District Panchayat Officers** as the '**Additional District Election Authorities**' in their respective districts. They shall perform such functions as may be assigned to them by the District Election Authorities concerned. The District Election Authorities may authorise in writing the Additional District Election Authorities to exercise any powers and functions vested on them in any local area of the district in regard to any Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad in that area.

4. DEPUTY DISTRICT ELECTION AUTHORITIES:

The State Election Commission appointed the **Revenue Divisional Officers** or the **Sub-Collectors**, as the case may be, as the '**Deputy District Election Authorities**' in their respective jurisdictions. They shall perform such functions as may be assigned to them by the District Election Authorities concerned. The District Election Authorities may authorise in writing the Deputy District Election Authorities to exercise any powers and functions vested on them in any local area of the district in regard to any Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad in that area.

5. ASSISTANT DISTRICT ELECTION AUTHORITIES:

The State Election Commission appointed the **Tahsildars** and the **Mandal Parishad Development Officers** as the '**Assistant District Election Authorities**' in their respective jurisdictions. They shall perform such functions as may be assigned to them by the District Election Authorities concerned.

6. RETURNING OFFICER:

For every election to fill the seats of Members and Sarpanch of Gram Panchayat, the District Election Authority shall appoint a Returning Officer for one or more Gram Panchayats, who shall be an officer of the State Government or a local authority.

7. ASSISTANT RETURNING OFFICERS:

(a) The District Election Authority may appoint, one or more persons, as Assistant Returning Officers to assist any Returning Officer;

Provided that every such person shall be an Officer of the State Government or of a local authority.

(b) Every 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:

Provided that no Assistant Returning Officer shall perform any functions of the Returning Officer, which relate to the scrutiny of nominations, unless the Returning Officer is unavoidably prevented from performing such function.

8. ZONAL OFFICERS:

The District Election Authority may also appoint Zonal officers in connection with conduct of elections to Panchayat Raj bodies and entrust any powers and functions under the Conduct of Elections Rules to them to ensure smooth conduct of elections.

CHAPTER-II

ELECTION MATERIALS

1. GENERAL:

Each polling party has to be supplied with the election materials necessary for conducting the poll. A standard list of such polling materials is given in Annexure-II. The total requirement shall be assessed well in advance and procure the stock well in advance to avoid any difficulty at the last minute.

2. STATUTORY AND NON-STATUTORY FORMS TO BE USED AT STAGE-I & STAGE-II ELECTION PROCESS:

During the process of election, the Returning Officer will have to use a number of Statutory and Non-Statutory Forms and the Returning Officers have to be familiarize with them. The list of Statutory and Non-Statutory Forms to be used at Stage-I and Stage-II election process is appended at **Annexure-II**.

CHAPTER-III

APPOINTMENT OF RETURNING OFFICER / ASSISTANT RETURNING OFFICER

1. RETURNING OFFICER:

You will receive your appointment order as Returning Officer from the District Election Authority or from an officer authorised by him.

For the purpose of appointment of Returning Officers, the election process of Gram Panchayats is divided into two stages, viz., Stage-I and Stage-II.

The election process starting from the stage of publication of Election Notice under Rule 6 of Conduct of Election Rules and ending with the publication of List of Contesting Candidates for Members and Sarpanch of Gram Panchayat and allotment of symbols to them is called as Stage-I. The election process comprising of all other subsequent election process upto the conduct of the special meeting for election of Upa-Sarpanch is called as Stage-II.

The District Election Authority or officer authorised by him appoints Returning Officers as indicated below:

1. A Returning Officer may be appointed for a group of two to four contiguous minor Gram Panchayats to perform election process comprised in Stage-I, and another Returning Officer for each such Gram Panchayats to perform election process comprised in Stage-II.
2. However, in respect of bigger Gram Panchayats having a population of not less than 10,000, a Returning Officer may be appointed exclusively to perform the functions comprised in both Stage-I and Stage-II.

2. ASSISTANT RETURNING OFFICERS:

The District Election Authority may appoint one or more persons, as Assistant Returning Officers to assist any Returning Officer. Every 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 provided that no Assistant Returning Officer shall perform any functions of the Returning Officer, which relates to scrutiny of nominations, unless the Returning Officer is unavoidably prevented from performing the said function.

Note: The instructions to the Returning Officers contained in this booklet are compiled for the convenience and easy reference by the Returning Officers. But these instructions are not a substitute for the provisions of Act and Conduct of Election Rules. As such, the Returning Officers are requested to refer the Act and Conduct of Election Rules, wherever necessary.

3. BROAD OUTLINES OF THE DUTIES OF THE RETURNING OFFICER:

The Returning Officer is primarily responsible for the following items of election work:-

Returning Officer (Stage-I):

1. Issue of public notice of election under Rule 6 of Conduct of Election Rules.
2. Receipt of nomination papers.
3. Publication of list of nominations received.
4. Scrutiny of nomination papers.
5. Recording of reasons in brief for rejecting any nomination paper.
6. Publication of list of validly nominated candidates.
7. Receipt of notice of withdrawal of candidates.
8. Publication of list of contesting candidates.
9. Allotment of symbols to contesting candidates.

Returning Officer (Stage-II):

1. Despatch of postal ballot papers and issue of EDC (Election Duty Certificate).
2. Visiting the Gram Panchayat and inspecting the polling stations.
3. Giving training to the polling staff allotted to Gram Panchayat.
4. Establishing contact with the contesting candidates and political parties to ensure free, fair and smooth elections.
5. Receiving the entire polling material required for conduct of elections to the office of Sarpanch and Members of Gram Panchayat from the distribution centre at the Mandal level and re-distribute the same to his Presiding Officers.
6. Supervise the setting up of polling stations and other poll arrangements in his Gram Panchayats.
7. Despatch of polling parties for the conduct of the poll and supply of election materials to them.
8. Effective supervision of the poll and sending reports to the State Election Commission / Election Authority / District Election Authority.
9. Counting of Votes.
10. Declaration of result.
11. Conduct of election of Upa-Sarpanch.
12. Issue of certificates of elections to the elected candidates.
13. Handing over of all sealed covers containing used and unused ballot papers and other stationery and prescribed covers to the election authority at Mandal level after completion of elections.

CHAPTER-IV

ISSUE OF ELECTION NOTIFICATION BY THE STATE ELECTION COMMISSION AND PUBLICATION OF ELECTION NOTICE & DISPLAY OF VOTERS LIST BY THE RETURNING OFFICER

1. ELECTION NOTIFICATION ISSUED BY THE STATE ELECTION COMMISSION:

The election process is set in motion immediately on issue of Notifications by the State Election Commission under Rule 4 of the A.P. Panchayat Raj (Conduct of Elections) Rules, 2006 calling upon the voters of the Gram Panchayats to elect their Sarpanch and Ward Members. The Election Notification contains detailed election schedule in which dates are appointed for various stages of election. The appointment of dates under the said rule is subject to the following guidelines.

- (1) The date on which the Returning Officer shall publish a notice in Form-II under Rule 6 of the Conduct of Election Rules.
- (2) On the same date of publication of Election Notice, the Returning Officer shall affix on the notice board of the office of the Gram Panchayat voters list thereof under Rule 5 of Conduct of Election Rules.
- (3) The last date for making nominations shall not be earlier than the 4th day and not later than 10th day after the date of publication of Election Notification issued by State Election Commission, whether or not it is a public holiday.
- (4) The date of scrutiny of nominations shall be the day immediately following the last date for making nominations, whether or not it is a public holiday.
- (5) The date for filing of appeals against rejection of nomination paper is the day immediately following the date of scrutiny of nominations. The appeals shall be disposed of by the appellate authority on the date immediately following the date of filing of appeal.
- (6) The last date and time for withdrawal of candidature shall not be later than 3 O'clock in the afternoon of the 3rd day after the day appointed for scrutiny of nominations, whether or not it is a public holiday.
- (7) The date of poll shall be a date not earlier than the 5th day after the last date for withdrawal of candidatures.
- (8) The counting of votes shall be taken up for the offices of Sarpanch and Ward Members of the Gram Panchayat after the completion of poll, on the same day.

2. ISSUE OF ELECTION NOTICE:

The Returning Officer Stage-I concerned should issue Election Notice under Rule 6 of the A.P. Panchayat Raj (Conduct of Election) Rules, 2006 in the prescribed Form (Form-I) as in **(Annexure-III)** for conduct of election of Sarpanch, Upa-Sarpanch and Members of Gram Panchayat on the date specified in the Election Notification issued by the State Election Commission and arrange for its publication on the notice board of the Gram Panchayat and three other conspicuous places in the Gram Panchayat.

3. DISPLAY OF VOTERS LIST:

On the day of publication of Election Notice, the Returning Officer shall affix a notice on the notice board of the Gram Panchayat showing the voters list thereof as required under rule 5 of Conduct of Election Rules.

CHAPTER-V

NOMINATIONS

1. RECEIPT OF NOMINATION PAPERS:

(a) Presentation of nominations papers: The dates on which, the place at which, the hours between which and to whom nomination paper has to be presented are indicated in the Election Notice issued under Rule 6 of the Conduct of Election Rules. Nominations are to be received between 10.30 A.M to 5:00 P.M on all days including public holidays, if any. The nomination papers should be in Form-III for the Sarpanch and Member of the Gram Panchayat under Rule 8 (1) of Conduct of Election Rules, 2006.

Nomination papers must be presented by the candidate himself or his proposer in person and signed by the candidate and the proposer. Nomination papers submitted after the appointed time shall not be received. In order to see that there is no confusion at the time of receiving the nomination papers, the officer notified to receive the nominations, should sit in the appointed place, receive the nomination papers and when they are presented serially number them in the order of their receipt. Doors shall be closed at the specified time on the last day and no one should be allowed to enter the room after that time. Nomination papers of all the persons who are inside the room be received and numbers allotted to them serially.

(b) Nomination for reserved seats: Under Rule 8 (2) (c) of Conduct of Election Rules, a candidate who files his/her nomination for the Office of Sarpanch or Ward Member, Gram Panchayat, which is reserved to be filled by a person belonging to the Scheduled Caste or Scheduled Tribe or Backward Classes, shall invariably fill up the portion of the nomination which contains the declaration specifying the particular tribe or caste or class to which he/she belongs and the area in relation in which that tribe or caste or class, as the case may be, is a scheduled tribe / scheduled caste or backward class of the State. The declaration shall be made before any Gazetted Officer of the Government or before any officer of the Revenue Department not below the rank of a Mandal Revenue Officer (now redesignated as Tahsildar).

The Returning Officer concerned is permitted to accept the nomination to a reserve seat/office on the basis of community certificate issued by any competent authority under the relevant law, in lieu of the declaration [specified in Rule 8 (2)(c) of Conduct of Election Rules], if it satisfies the other requirements. In other words, a candidate can either produce a declaration under Rule 8(2)(c) or a community certificate from a competent authority under the relevant law.

(c) Number of Nominations that can be filed: Each candidate shall be nominated on a separate nomination paper. A candidate may be nominated by more than one proposer separately for the same elective post in a separate nomination paper.

As per Section 234(1) of the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as the Act), no person shall be entitled to contest in the elections to the office of Member of the Gram Panchayat from more than one ward.

In tune with the said provision, it is stipulated in the Rule 8 (3) of Conduct of Election Rules that a candidate may file nominations for more than one ward of a Gram Panchayat, but he shall withdraw his nominations to all but one ward of his choice, before the date and time fixed for withdrawal of candidature, failing which, all his nominations shall become invalid and he shall not be allowed to contest from any ward.

(d) Serial Numbering of Nomination Papers: All nomination papers must be serially numbered as soon as they are presented to you in the order in which they are presented, separately for the post of Sarpanch and each of the Members of the respective Wards of Gram Panchayat and give a receipt as provided in Form-III (**Annexure-IV**). Note on the body of each nomination paper, the date and the exact time at which it was received by you.

(e) Registration of names of candidates and proposers in the current electoral roll:

- (a) A candidate for the office of Member and Sarpanch shall be a person, whose name is registered in the electoral roll for that Gram Panchayat (in any ward of the Gram Panchayat).
- (b) The proposer for Member of a ward of a Gram Panchayat shall be registered voter in that ward (in the concerned ward of the Gram Panchayat).
- (c) The proposer for the office of Sarpanch shall be a registered voter in any ward of the concerned Gram Panchayat.

(f) Preliminary examination of Nomination Papers: As soon as you receive a nomination paper, you should examine it then and there and satisfy yourself that the security deposit has been made and the Form is filled completely with the signature etc. You are not required to hold a detailed scrutiny of any nomination paper at this stage. A candidate need not be an elector in the ward to which he is nominated, it is enough if he is an elector in the Gram Panchayat. You should compare the entries in the nomination paper, with the entry in the electoral roll of the Gram Panchayat concerned, or with a certified copy of such entry, as the case may be. Make sure that the electoral roll, with which you compare, is the one currently in force for the Gram Panchayat concerned or is a certified copy of such entry. If there is any discrepancy between the entry in the electoral roll in respect of the name of the candidate or of his proposer or their respective Sl.Nos. in electoral roll, you should then and there draw the attention of the candidate or his proposer, who presents the nomination paper, to such discrepancy and allow him to correct the same then and there. You are not empowered by law to allow any other error to be corrected.

(g) Errors in Electoral Rolls: It may happen that the entries in the electoral roll may suffer from clerical or printing errors. The nomination paper would not, in such a case, tally with the entries in the electoral roll, if the candidate does not adopt and repeat the errors in his nomination paper. You are required by law to overlook such errors in the electoral roll and the resulting discrepancies in the nomination paper, if the identity of the candidate is established beyond doubt.

(h) Signature of Candidates and Proposers in Nomination Paper: The candidate and his proposer shall sign at the places earmarked for the purpose in the nomination form. The candidate or his proposer is not required to write his name in full by way of signature. It is not obligatory that the signature in the nomination paper should tally exactly with the full name of the person as printed in the electoral roll. If he adopts his usual form of signature, it should be treated as valid signature.

(i) Receipt and Notice of Scrutiny: A printed Form for acknowledging the receipt of nomination paper and a notice to the candidate of the date and time for scrutiny of nomination have been incorporated at the end of the nomination paper. Fill this in, detach it from the body of the nomination paper and hand it over, then and there, to the person presenting the nomination paper as a token of receipt of nomination and notice of scrutiny. Do not forget that the date and time-indicated for scrutiny in this receipt should invariably be the same as indicated in your Election Notice.

(j) Instructions regarding Election Expenditure Accounts: At the time of presentation of nomination paper, each candidate should be supplied with copies of orders and instructions issued by State Election Commission for maintenance and lodging of accounts of election expenditure. A copy of the order issued by the State Election Commission is enclosed as **Annexure-V**.

(k) List of Nominations received: Immediately after the completion of the time specified on the last date of receipt of nomination papers, prepare a list of all nominations received in Form-V (**Annexure-VI**) separately for Sarpanch and for each ward in Telugu and publish it at the place where you received the nominations or at any other conspicuous place. The time, date and place specified in the said Form for scrutiny should invariably tally with those indicated in your Election Notice.

2. DECLARATIONS ACCOMPANYING NOMINATION FORM:

Declaration regarding SC / ST / BC status:

(a) A candidate for the office of Ward Member/Sarpanch of Gram Panchayat, which is reserved to be filled by SC or ST or BC, as the case may be, shall not be deemed to be qualified to be chosen to fill the seat unless his nomination contains a declaration as in Part-III of Form-III (**Annexure-IV**). The declaration shall be made before any Gazetted Officer of the Government or before any officer of the Revenue Department not below the rank of a Mandal Revenue Officer (now redesignated as Tahsildar).

(b) A candidate who is a member of a Scheduled Caste, Scheduled Tribe or Backward Class is entitled to the concessional rate of deposit as specified by the State Election Commission under Rule 10 (1). A candidate eligible for this concessional rate must file the declaration annexed as Part-III of Form-IV (Nomination paper) that he is a member of a Scheduled Caste or Scheduled Tribe or Backward Class, which he claims to be.

Self declaration to be filed by the contesting candidates regarding criminal antecedents, assets and liabilities and educational qualifications:

Rule 9 (3) of Conduct of Election Rules stipulate that every candidate shall, along with the nomination paper, also file a declaration with regard to his/her criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format.

The State Election Commission issued order on this subject in Ref. No. No.588/SEC-F1/2011, dated 20.12.2011 (copy of the order is enclosed as **Annexure-VII**). As per the said order.

(a) Every candidate contesting election to the office of Sarpanch or Member of Gram Panchayat shall, along with the nomination paper, furnish full and complete information regarding his/her criminal antecedents, assets and liabilities and educational qualifications in the form of a self declaration in the format appended attested by two witnesses.

(b) Non-furnishing of the said declaration by any candidate or his proposer shall be considered to be violation of said order and the nomination of the candidate concerned shall be liable to be rejected by the Returning Officer at the time of scrutiny of nominations.

3. DECLARATION REGARDING ELECTION EXPENDITURE ACCOUNTS:

A candidate shall also sign a declaration in the format shown in **Annexure-VIII** regarding maintenance of election expenditure accounts in the presence of Returning Officer before the date and time fixed for scrutiny of nominations. The Returning Officer shall countersign the declaration.

4. DEPOSITS:

As per Rule 10 (1) of Conduct of Election Rules, at or before the time of presentation of nomination paper, each candidate shall remit or cause to be remitted the amount of deposit as may be specified by the State Election Commission, in any Government Treasury or a Bank in which the Gram Panchayat concerned has an account or in cash with the Returning Officer. Where deposit is made in cash, a receipt therefor shall be given by the Returning Officer.

No candidate shall be deemed to be duly nominated, unless the deposit as aforesaid has been made.

Where a candidate has been nominated for the same seat in more than one nomination paper, not more than one deposit shall be required to be made.

The person belonging to SC/ST/BC, who wishes to pay deposit at concessional rate, shall furnish a declaration specified in part III of Form-III of Nomination paper (**Annexure-IV**) irrespective of the fact whether he is contesting for a reserved or non-reserved seat.

The delivery to the Returning Officer of a receipt from a Government Treasury or Bank wherein the concerned local body has an account showing the payment by or on behalf of a candidate to the credit of the Gram Panchayat, as the case may be, of the amount required to be deposited shall be deemed to be a deposit.

5. RETURN AND FORFEITURE OF DEPOSITS:

If no nomination paper is received within the time appointed in that behalf in respect of any person by whom or on whose behalf the deposit has been made or if the nomination of any such person has been rejected or the candidate has withdrawn his candidature, the deposit shall be returned to the person by whom it was made.

If any candidate dies before the commencement of poll,

- a) where deposit was made by the candidate himself, it shall be returned to his legal representative;
- b) where deposit was made by any person on behalf of the candidate, it shall be returned to such person or his legal representative.

If a candidate by whom or on whose behalf the deposit referred as above has been made is not elected and the number of valid votes polled by him does not exceed one-eighth (1/8th) of the total number of valid votes polled to all the candidates (excluding the votes polled to 'NOTA' option), the deposit shall be forfeited to the Government. In case of forfeit of deposit, the Returning Officer shall communicate an order to the person concerned, who made the deposit citing the reasons for such forfeiture.

The deposits made in respect of a candidate shall, if it is not be forfeited as aforesaid, be returned to the candidate or to the persons, who have made the deposits on his behalf, as the case may be, within 30 days after publication of the result of the election.

Immediately after publication of the result of election, the Returning Officer or the person authorised by the District Collector in this behalf, shall pass an order as to whether the deposit shall be refunded or forfeited. The executive authority concerned shall within 30 days from the date of publication of result, return the deposit to the person who made the deposit or to his legal representative when such deposit is refundable.

Several instances of non-refund of deposit have come to the notice of the Commission. It is to be noted that candidate declared elected is also entitled for refund of the deposit. Any instance of non-refund of deposit to eligible persons as per rules will be viewed seriously by the Commission.

6. PUBLICATION OF LIST OF NOMINATIONS:

You have to publish a list of nominations received on every day in Form-V (**Annexure-VI**) on the notice board. Further, immediately after expiry of the hour fixed for receipt of nominations on the last date for receipt of nomination paper, you or a person authorized by you in this behalf shall publish a list in Form-V of all nominations received with a notice that the nomination papers will be taken up by you for scrutiny at the specified place on the date and time specified in the election notice.

7. DISPLAY OF COPIES OF NOMINATION PAPERS AND DECLARATIONS:

Copies of nomination papers filed by each candidate along with copies of Declarations accompanying the nomination should be displayed on the notice board in your office on the same day on which the nomination has been filed. If anyone furnishes any information contradicting the statements in the nomination form or the Declarations attested by two witnesses, copies of such papers should also be displayed on the notice board. A copy each of the Declarations furnished by the candidates should also make available to any person or persons desirous of obtaining the same on nominal payment of copying charges.

CHAPTER-VI

SCRUTINY OF NOMINATIONS

1. SCRUTINY OF NOMINATIONS:

(a) The Returning Officer is required by law to hold the scrutiny of the nomination papers received by him at the office or other specified place on the date and time specified in the Election Notice under Rule 12 of Conduct of Election Rules.

(b) The scrutiny of nomination papers should be done only by the Returning Officer. This work should not be entrusted to the Assistant Returning Officer or anyone else.

(c) On the date appointed for scrutiny of nominations, the candidate, one proposer of each candidate and one other person duly authorised in writing by each candidate are allowed to be present at the time of scrutiny. The Returning Officer will give such persons all reasonable facilities to examine the nomination papers of the candidates, which were received by him.

(d) The candidate and the persons accompanying him can make any substantial or material objection, but not raise flimsy or irrelevant technical objections in regard to any nomination paper.

(e) The Returning Officer should then take up one nomination paper after another and scrutinise them. If, however, more than one nomination paper has been presented by or on behalf of one candidate, you should take them up together and scrutinise them one after another. In case there is any minor error in any one of the nomination papers of a candidate in regard to particulars, such as, part number, name, serial number, etc., of the electoral roll, it can be made up with correct particulars given in another nomination form of the same candidate. Merely because one or more nomination papers of a candidate have been already found valid by you, it would not be correct or legal to pass over other nomination papers of that candidate without scrutiny.

(f) Even if no objection has been raised to a nomination paper, you will have to satisfy yourself that it is valid as per law. If any objection is raised on any nomination paper, you will have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid. Record your decision in each case giving brief reasons, particularly where an objection has been raised or where you reject the nomination paper. Your decision may be challenged later in an election petition and so your brief statement of reasons should invariably be recorded.

(g) Section 17, 18, 19, 19A, 19B and 20A of A.P Panchayat Raj Act, 1994 deal with qualifications and disqualification of candidates for election as Member, Gram Panchayat. An extract of the said sections of the Act is enclosed as **Annexure-IX**. The qualification or disqualification of a candidate should be related to the date fixed for scrutiny of nominations. In deciding whether a person is disqualified to contest the election, you should see whether the disqualification subsists on the date fixed for scrutiny.

(h) Do not reject any nomination paper on the ground of any defect, which is not of a substantial character. Any mistake or error of a technical or clerical nature should, therefore, be ignored.

(i) The nomination of a candidate shall not be rejected merely on the ground of any incorrect description of his name or of the name of his proposer or of any other particulars relating to the candidate or his proposer as entered in the electoral roll, if the identity of the candidate or proposer is otherwise established beyond reasonable doubt.

(j) The Returning Officer should meticulously examine the receipts for payment made as deposit in Government Treasury or Bank in which the Gram Panchayat concerned has an account with reference to the seals of the Treasury or Bank, etc., and make sure that the deposit has actually been made in the Treasury or Bank. Doubts, if any, should be got clarified then and there.

(k) There is a presumption that any nomination paper is valid unless the contrary is prima facie obvious or has been made out. In case of a reasonable doubt as to the validity of a nomination paper, the benefit of such doubt must go to the candidate concerned and the nomination paper should be held to be valid. Remember that whenever a candidate's nomination paper has been improperly rejected and he is prevented thereby from contesting the election, there is a legal presumption that the result of the election has been materially affected by such improper rejection and the election will, therefore be, set aside. There is no such legal presumption necessarily in the converse case where a candidate's nomination has been improperly accepted. It is always safer, therefore, to be comparatively more liberal rather than strict in your scrutiny of the nomination papers.

(l) While holding the scrutiny of nomination papers, you are performing an important quasi-judicial function. You have, therefore, to discharge this duty with complete judicial detachment and in accordance with the highest judicial standards. You must not allow any personal or political predilection to interfere with the procedure that you follow or the decision you take in any case. Fairness, impartiality and equal dealing with all candidates are expected of you by law. You must also devote yourself in such a manner that it would appear to all concerned that you are following the high code of conduct. Even if a candidate or his agent is difficult or cantankerous, you must exercise courtesy and patience. But at the same time you have to be firm so that your task may be accomplished in prompt, orderly and business like manner.

2. GROUNDS FOR REJECTION:

The Returning Officer will examine the nomination paper and will decide all objections, which may be made in application or on his own motion after such summary enquiry, if necessary, and reject any nomination on any of the following grounds:-

- (a) If the candidate is ineligible for election under sections 17, 18, 19, 19A, 19B and 20A of AP Panchayat Raj Act, 1994.
- (b) If the name of the proposer is not registered in the electoral roll of the Gram Panchayat in case of Sarpanch and in the electoral roll of the concerned ward in case of Member.
- (c) If there has been any failure on the part of the candidate or his proposer to comply with any of the provisions of rule 8, 9(3) and 10 of the Conduct of Election Rules.
- (d) If the nomination paper has been delivered to the Returning Officer or a person authorised by him in this behalf, by a person other than the candidate or his proposer.
- (e) If the candidate's nomination has not been delivered at the place specified in the Election Notice issued by the Returning Officer.

- (f) If the name of the candidate is not registered in the electoral roll of the Gram Panchayat.
- (g) If the nomination paper has been delivered to a person other than Returning Officer or person authorised by him in this behalf.
- (h) If the nomination paper is not substantially in the prescribed form.
- (i) If the nomination has not been signed either by the candidate or by the proposer or by both at the places meant for such signature in the nomination paper.
- (j) If the deposit required has not been made in accordance with the law.
- (k) If the signature of the candidate or his proposer is not genuine.
- (l) If a candidate files a nomination paper to contest a seat reserved for SC/ST/BC or Women and the candidate does not belong to such reserved category or not a woman.
- (m) If the candidate has not filed the declaration prescribed by the State Election Commission on disclosure of information regarding criminal antecedents, assets & liabilities and educational qualifications of the candidates in the prescribed proforma and attested by the witnesses.

The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination is rejected, he will record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day appointed in the Election Notice and no adjournment of the proceedings shall be allowed except when such proceedings are interrupted or obstructed by riot or violence or causes beyond the control of the Returning Officer. In case an objection is made, the candidate concerned may be allowed time to rebut the same not later than the next day and the Returning Officer shall record the decision on the date to which the proceedings are adjourned.

3. PUBLICATION OF LIST OF VALIDLY NOMINATED CANDIDATES:

Immediately after completion of scrutiny of nominations, a list of Validly Nominated Candidates shall be published in Form-VI (**Annexure-X**). There shall be one entry only in respect of each of the validly nominated candidate in the list although more than one nomination paper in respect of a candidate has been accepted as valid. If none of the nomination papers is found valid on scrutiny, the name of the candidate should not be entered in the list. This list shall be prepared separately for Sarpanch and each Ward constituency.

Note: 1) If a candidate filed 3 sets of nominations for Sarpanch or Ward Member and all the 3 sets of nomination papers were found valid and accepted in scrutiny, there shall be only one entry for such candidate in the list of validly nominated candidates even though 3 sets of nominations filed by him were found valid in scrutiny.

2) It is noticed in previous elections that some vested interests misled candidates who filed 2 or 3 sets of nominations for Sarpanch or Ward Member of Gram Panchayat to submit notice of withdrawal for one / two of validly accepted nominations, with a malafied intention to remove them from the contest. Such candidates, who filed 2 or 3 sets of validly accepted nominations, may be cautioned to be more careful not to give notice of withdrawal and once a validly nominated candidate submits the notice of withdrawal of candidature, he shall be treated as withdrawn from the contest for that seat.

4. PROVISION FOR APPEAL AGAINST REJECTED NOMINATIONS:

As per the provision of Rule 13 of Conduct of Election Rules, the candidate for the office of Sarpanch or Member of Gram Panchayat, whose nomination paper has been rejected, may prefer an appeal against the decision of the Returning Officer before the concerned Revenue Divisional Officer. The date for filing appeal against the rejection of the nomination shall be the day immediately following the date for the scrutiny of nominations and the date of disposal of appeal by the appellate authority shall be the day immediately following the date for filing of the appeal. As the time being very short, you must intimate to the candidate that his candidature is being rejected at the time of rejection and that he has a right to prefer an appeal before the appellate authority the very next day. Since the appellate authority has also got only one day to pass order, you must take action to see that all records relating to the rejected cases are sent to the appellate authority immediately.

Note: The appeal can be filed only against rejection of nomination and not against acceptance.

CHAPTER-VII

WITHDRAWAL OF CANDIDATURE

According to sub-rule (1) of Rule 14 of Conduct of Election Rules, any candidate may withdraw his candidature by notice in writing in Form-VII (**Annexure-XI**) signed by him and delivered personally to the Returning Officer at any time after the presentation of his nomination paper and not later than 3 O'clock in the afternoon on the 3rd day after the scrutiny of nominations, whether or not it is a public holiday. If the notice is not delivered by the candidate in person, it shall be delivered by his proposer or election agent, who has been authorised in this behalf in writing by the candidate.

The Returning Officer shall give a receipt for the same as provided in Form-VII on being satisfied as to the genuineness of the notice of withdrawal and the identity of the candidate.

Once a notice of withdrawal of candidature is given by a candidate to the Returning Officer, the candidate shall not be allowed under any circumstances to cancel the withdrawal.

The Returning Officer on receiving a notice of the withdrawal shall, as soon as, cause a notice of the withdrawal published in Form-VIII (**Annexure-XII**) on the notice board of the Gram Panchayat.

CHAPTER-VIII

PUBLICATION OF LIST OF CONTESTING CANDIDATES AND ALLOTMENT OF SYMBOLS

1. PUBLICATION OF LIST OF CONTESTING CANDIDATES:

On the expiry of the time for withdrawal of candidature, the Returning Officer shall prepare in Telugu language a list of contesting candidates in Form-IX (**Annexure-XIII**) separately for each Ward and Sarpanch under Rule 15 of the Conduct of Election Rules and publish on the notice board of the office of the Gram Panchayat or in any conspicuous place, if there is no office of the Gram Panchayat.

The list shall contain the names of the candidates in alphabetical order in Telugu and shall describe them as in their nomination paper.

The arrangement of names shall be on the basis of the first letter of the name of the candidate irrespective of whether the name given is the proper name or surname. If the first letter is same, the second letter shall be taken into consideration and so on. The initials, if any, prefixed to the name of the candidate shall be ignored for the aforesaid purpose. If two candidates have the same name but different initials, then two names shall be arranged inter-se with reference to the first letter of the initial. Further, if two or more such candidates have the same name but different surnames, then their names shall be arranged inter-se in the alphabetical order with reference to the surnames.

If two or more candidates bear the same name they should be distinguished by the addition of their occupation or residence or in some other manner. In the list of contesting candidates, the names of such candidates shall be arranged in the order in which their nominations were received by the Returning Officer.

There will be no objection to the addition of any honorific, academic, hereditary and professional or any other title to the name of a candidate but such title should on no account be taken into consideration in the arrangement of names in alphabetical order.

If the poll is found necessary, the Returning Officer shall assign to each contesting candidate a distinct symbol as per the directions issued by the State Election Commission in that behalf. In every case where a symbol has been assigned to a candidate, such candidate or his election agent shall forthwith be informed of his symbol so assigned and be supplied specimen thereof by the Returning Officer.

2. ALLOTMENT OF SYMBOLS:

The State Election Commission issues symbol notification specifying list of free symbols separately for the office of Sarpanch and Member. You shall serially allot the symbols from the list of free symbols notified by the State Election Commission to the contesting candidates for the office of Sarpanch or Ward Member, as the case may be. In Ward Member/Sarpanch of Gram Panchayat elections, after arranging the list of contesting candidates as per Telugu alphabetical order in Form-IX, symbols shall be allotted to them serially as notified by the APSEC and every Ballot Paper shall have NOTA option symbol below the last contesting candidate symbol as per Rule 35-A of A.P.P.R. (Conduct of Elections) Rules, 2006. The name and symbol of NOTA option will be the panel below the panel containing symbol of the last candidate. Against 'None of the Above', the notation NOTA shall be printed with symbol allotted to it.

In case of Sarpanch election, the first symbol in the list of free symbols notified for the office of Sarpanch should be allotted to first candidate in the list of contesting candidate for the office of Sarpanch and symbol at Sl.No.2 to the second candidate in the list of contesting candidate and so on and NOTA option and symbol shall be added below the last contesting candidate symbol. Model Ballot Paper used for Ballot Boxes and Postal Ballots is appended (**Annexure-XIV**).

In case of Ward Member election, the first symbol in the list of free symbols notified for the office of Ward Member shall be allotted to the first candidate in the list of contesting candidates for the ward concerned and symbol at Sl.No.2 to the second candidate in the list of contesting candidates and so on and NOTA option symbol shall be added below the last contesting candidate symbol. Same procedure shall be followed for ward constituencies also. Model Ballot Paper used for Ballot Boxes and Postal Ballots is appended (**Annexure-XIV & XV**).

CHAPTER-IX

DECLARATION OF RESULTS OF UNCONTESTED ELECTIONS **(UNANIMOUS ELECTION)**

Under Rule 16 of Conduct of Election Rules, if there is only one validly nominated candidate after the last hour for withdrawal of candidature for the office of Sarpanch or Member of Gram Panchayat, the Returning Officer shall forthwith declare such candidate as duly elected in Form-X (**Annexure-XVI**) and send the same to the State Election Commission, Election Authority and District Election Authority.

GRANT OF ELECTION CERTIFICATE:

As soon as may be after a candidate has been declared under Rule 16 to have been elected, the Returning Officer shall grant such candidate a Certificate of Election in Form-XXIX (**Annexure-XXV**) and obtain from the candidate an acknowledgement of its receipt duly signed by him immediately.

CHAPTER-X

FINAL ACTION IN STAGE-I

Soon after the publication of the list of contesting candidates, completion of allotment of symbols and despatch of postal ballots, you should handover the following records to the Mandal Parishad Development Officer in his/her office on the same day and obtain acknowledgement.

- (a) Gram Panchayat wise, Post wise election Files which contain all valid nomination papers along with its enclosures, Rejected nomination papers if any, Form-V, VI, VII, VIII, IX, and X and receipts relating to crediting the security deposit amount into the concerned head of account of the Gram Panchayat concerned. These should be maintained chronologically for each of the group of Gram Panchayat assigned to you, duly numbering the pages in it. It contains essential documents crucial in deciding any election dispute by the Election Tribunal.
- (b) Hand Book for Returning Officer and Manual of Election Law (Panchayat Raj).
- (c) Booklet containing special instructions of District Election Authority, if any, supplied.
- (d) Unused stationery items.

CHAPTER-XI

ELECTION PROCESS (STAGE-II)

1. DUTIES OF RETURNING OFFICER (STAGE-II):

The Returning Officer (Stage-II) will be appointed separately for each Gram Panchayat and he will be responsible for completion of the entire remaining election process in that Gram Panchayat, which includes the following stages:-

- a) Despatch of Postal Ballot Papers and issue of EDCs.
- b) Visiting the Gram Panchayat and inspecting the polling stations.
- c) Observance of Model Code of Conduct
- d) Giving training to the polling staff allotted to Gram Panchayat.
- e) Receiving the entire polling material required for conduct of elections to the office of Sarpanch and Member of Gram Panchayat from the distribution centre at the Mandal level and re-distribute the same to his polling parties.
- f) Supervise the setting up of polling stations and other poll arrangements in his Gram Panchayat.
- g) Supervising the actual polling process in all the wards in his Gram Panchayat.
- h) Take up counting of votes for all Wards and Sarpanch and declare the results.
- i) After declaring results, convening a special meeting of the Gram Panchayat to elect the Upa-Sarpanch.
- j) Issue of certificates of election to the elected candidates.
- k) After completion of elections, handing over of all sealed covers containing used and un-used ballot papers, other stationery and prescribed covers at the Reception Centre.

CHAPTER-XII

APPONTMENT OF ELECTION AGENT, POLLING AGENT AND COUNTING AGENT

1. ELECTION AGENT:

Under Rule 18 (1) of Conduct of Election Rules, every person nominated as a candidate, may appoint in writing a person to be his election agent. The candidate shall obtain in writing the acceptance of such person for being appointed as election agent. The notice of such appointment shall be given in Form-XI (**Annexure-XVII**) by forwarding the same in duplicate to the Returning Officer, who shall return one copy thereof to the election agent after affixing his seal and signature in token of his approval of the appointment. A candidate may revoke appointment of his election agent in writing and such revocation will be operative from the date on which it is lodged with the Returning Officer. In the event of such revocation or death of an election agent, the candidate may appoint another person to be his election agent in a like manner. The election agent so appointed shall perform such functions during elections as are authorized under the relevant Conduct of Election Rules.

2. POLLING AGENT:

A candidate or his election agent may appoint one agent and one relief agent to act as polling agents for each polling station and every such appointment shall be made in Form-XII (**Annexure-XVIII**) and shall be made over to the polling agent for production at the polling station. The polling agent shall, on the date fixed for the poll, present the copy and sign the declaration contained therein before the Presiding Officer of the polling station where such polling agent is appointed for duty and the Presiding Officer shall retain it thereafter in his custody. At any polling station only one polling agent or relief agent can be present at any given point of time, but not both.

Any revocation of an appointment of polling agent shall be signed by the candidate or his election agent and such revocation will be operative from the date on which it is lodged with the Returning Officer. In the event of revocation or death of any agent at any time before the close of poll, a candidate or his election agent may appoint polling agent in the manner prescribed above.

The role of polling agent is to observe the polling, i.e., whether the poll process is orderly free and fair. The polling agent can perform this role only if he is from local area and familiar with the identity of voters of that particular booth. A person appointed as polling agent from outside the local area and not familiar with the identity of voters will not serve the purpose for which he is appointed. The State Election Commission issued the following guidelines with regard to appointment of Polling Agents by contesting candidates.

- (i) A person to be appointed as Polling Agent shall be a registered voter in any of the polling stations located in the Gram Panchayat concerned.
- (ii) Such polling agent must have EPIC or any of the identity documents notified by the State Election Commission.
- (iii) All polling agents shall display their identity document prominently on their person on the day of poll for easy and quick identification.

- (iv) The set up of polling stations should be made in such a way that the polling agents are seated inside the polling stations so that they may see the face of an elector as and when he/she enters the polling station so that they can challenge the identity of the elector, if needed. They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote. But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote which would compromise secrecy of voting.
- (v) As per Rule 19 of Conduct of Election Rules, 2006, the appointment of polling agent shall be made in Form-XII.

3. COUNTING AGENT:

Each candidate may appoint such number of counting agents at places fixed for counting as may be specified by the District Election Authority. Generally each candidate can appoint as many counting agents as there are counting tables. Every such appointment shall be made by the candidate or his election agent before the commencement of counting of votes by writing a letter in duplicate in Form-XIII (**Annexure-XIX**) and by forwarding it to the Returning Officer. One copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting and sign the declaration contained therein before the Returning Officer and Returning Officer shall retain it for custody. The counting agents so appointed by the candidate may perform such functions in connection with counting of votes as are authorized under the Conduct of Election Rules. Any revocation of an appointment of counting agent shall be signed by the candidate or his election agent and such revocation will be operative from the date on which it is lodged with the Returning Officer. In the event of revocation or death of any agent at any time before the counting of votes, the candidate or his election agent may appoint another person as counting agent in the manner prescribed above.

CHAPTER-XIII

POSTAL BALLOT PAPER

1. Rule 23 to 32 of Conduct of Election Rules deal with all matters relating to voting by postal ballot.

2. VOTERS ENTITLED TO POSTAL BALLOT:

As the Returning Officer for election of members of all wards and Sarpanch of Gram Panchayat, you will have to send postal ballot papers to those of the voters at each of the two elections who are entitled to vote by post. They are:

- (a) Service voters and their wives;
- (b) Voters subjected to preventive detention; and
- (c) Voters on election duty, who opt for postal ballot.

“Service voter” means any person who is required to give his vote by postal ballot under Rule 23 of Conduct of Election Rules, members of the Armed Forces of the Union and members of the Armed Police Force of the State serving outside the State.

“Voter subject to preventive detention” means any person subjected to preventive detention under any law for the time being in force, as specified in Rule 24 of the Conduct of Election Rules.

“A voter on election duty” means a polling agent, a polling officer, a presiding officer or other public servant, who is an elector in the ward/territorial constituency and is by reason of his being on election duty, unable to vote at the polling station where he is entitled to vote.

3. POSTAL BALLOT PAPER – FORM AND LANGUAGE:

The postal ballot paper of the elections to Member and Sarpanch, Gram Panchayat contain only symbols allotted to candidates. The names of candidates are not printed on ballot paper. The ballot papers for Sarpanch election in PINK in colour and the ballot paper for Ward Member election is WHITE in colour.

The postal ballot paper shall be issued from the first series of ballot paper allotted to the Gram Panchayat.

Since the names of candidates are not printed on ballot papers, names of contesting candidates and symbols allotted to them are indicated in Form-XX (Instructions for guidance of electors who cast their vote by postal ballot) sent along with the postal ballot paper.

4. POSTAL BALLOTS FOR SIMULTANEOUS ELECTIONS:

At a simultaneous election, all the forms viz., Form-XVII (Declaration by Elector) (**Annexure-XIX (D)**); Form-XVIII (Postal Ballot Paper Cover 'A') (**Annexure-XIX (E)**); Form-XIX (Postal Ballot Paper Cover 'B') (**Annexure-XIX (F)**); and Form-XX (Instructions for Guidance of Electors) (**Annexure- XIX (G)**) must be sent in two sets, one pertaining to the Sarpanch election and other to the Ward Member election. Each of these sets can be put in the respective covers, viz., Form-XIX with the address of Returning Officer specified thereon. While sending out to the record office, etc, the larger envelopes, each containing the two separate sets of forms, can be put in a single outer cover.

5. ENVELOPES:

The covers in Form-XVIII and XIX for Sarpanch election may be printed in 'PINK' colour and for Ward Member election in 'WHITE' colour.

6. DESPATCH OF POSTAL BALLOT PAPERS:

The postal ballot papers and other material shall be despatched to the voters entitled to vote by post within 24 hours after the last hour of withdrawal of candidature. The following acts should be done.

- i) Note down the electoral part number and serial number of the elector as entered in the marked copy of electoral roll on the counterfoil of the Postal Ballot Paper and detach the ballot paper from the counterfoil and then,
- ii) Write the letter "PB" against the entry of the elector in the marked copy of the electoral roll to indicate that a Postal Ballot Paper has been issued to him without recording therein the serial number of the ballot paper issued to the elector.
- iii) You will have to send to each voter a form of declaration (Form-XVII), a smaller cover containing the postal ballot paper in Form-XVIII, a larger cover addressed to yourself in Form-XIX (no postage to be affixed on this cover) and a copy of the printing instructions to voters in the Form-XX. Then those will be placed inside an outer cover and sent to each voter by ordinary post under certificate of posting. Before you send off these documents to any voter, remember to fill up in ink correctly in Forms-XVII and XVIII the serial number of the connected postal ballot paper. This is very important as at the time of counting of votes, you will have to compare these numbers on Forms-XVII and XVIII that they tally. If they do not tally in the case of any voter, the postal ballot paper will have to be rejected.
- iv) Also remember to fill up correctly hour and date in Form-XX.
- v) Note the letter "W" on the envelope in Form-XIX, i.e., the envelope addressed to the Returning Officer in case of women service elector. It will help to ascertain the statistics of men and women voters, who cast their votes by Postal Ballot Paper.
- vi) The Postal Ballot Paper for the wife of a service voter should be sent in a separate cover and not in the cover addressed to her husband.

7. VOTERS ON ELECTION DUTY:

- (i) Applications from voters on election duty for permission to vote by postal ballot are required by law to be made in Form-XIV (Application for Postal Ballot Paper) (**Annexure-XIX (A)**) at least seven days or such shorter period as you may allow before the day of poll or the first day of the poll in Gram Panchayat. This is to enable you to send the postal ballot papers in time and to make the necessary entries in the working copies of the electoral rolls for the respective polling stations. If you have appointed the officers and supplied them with the application forms in time, you need not relax this seven-day rule. A Presiding Officer, polling officer or policeman or other public servant may be appointed for duty at a polling station so late that though he is otherwise entitled to apply for a postal ballot paper, he cannot do so seven days before the first date fixed for the poll. You should, whenever practicable, exercise your discretion in favour of such officer or public servant and allow him the facility of postal ballot when he applies for such facility.

- (ii) A voter on election duty in the ward constituency in which he is registered as elector, will also have the option to vote in person at a polling station although the polling station is different from the one where he is entitled to vote, if he so desires. If he chooses to vote in person at the polling station where he is on duty on the polling day, he should send application(s) in Form-XV (Application for Election Duty Certificate) (**Annexure-XIX (B)**) to the Returning Officer concerned so as to reach you at least four days before the date of poll or such shorter period as you may allow, if you are satisfied that the applicant is such public servant and voter on election duty in the ward constituency, you will allow the request and issue an election duty certificate(s) in Form-XVI (Election Duty Certificate) (**Annexure-XIX (C)**).
- (iii) The above concession is admissible only for such public servants as are posted for election duty in the same ward constituency as the one in which they are registered as voters and not in other cases. A polling agent is not entitled to this facility.

8. ALL PERSONS ON ELECTION DUTY TO APPLY FOR POSTAL BALLOT PAPER RATHER THAN ELECTION DUTY CERTIFICATE (EDC):

UNDER THE PRESENT SYSTEM, DUTY TO POLLING PERSONS IS ASSIGNED BY THE METHOD OF RANDOM SELECTION AND NORMALLY THE PERSONS ARE ASSIGNED DUTY OUTSIDE THEIR GRAM PANCHAYAT, BUT WITHIN THE SAME DISTRICT. FURTHER, THE PERSONS ON POLLING DUTY COME TO KNOW ABOUT THE PLACE OF DUTY ONLY AT THE LAST MOMENT. HENCE, TO ENABLE ALL PERSONS ON POLLING DUTY TO EXERCISE THEIR FRANCHISE, THEY ALL MAY BE ASKED TO APPLY FOR AND OBTAIN POSTAL BALLOT PAPERS FOR VOTING. UNDER LAW, THERE IS NO BAR TO VOTE BY POST, EVEN IF THE PERSON IS PUT ON DUTY IN THE SAME GRAM PANCHAYAT WHERE HE IS REGISTERED AS AN ELECTOR.

9. RETURN OF BALLOT PAPER:

After an elector has recorded his vote and made his declaration UNDER Rule 28 or Rule 29 of A.P. Panchayat Raj (Conduct of Elections) Rules, 2006, he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Part-II of Form-XX so as to reach the Returning Officer before the hour fixed for the commencement of counting of votes.

If any cover containing a Postal Ballot Paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1) of Rule 31, he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

10. SAFE CUSTODY OF POSTAL BALLOT PAPERS:

The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing Postal Ballot Papers received by him.

CHAPTER-XIV

POLLING ARRANGEMENTS

I. GENERAL

1. Polling Stations:

The Mandal Parishad Development Officer concerned will finalise the list of Polling Stations for the Gram Panchayats under his jurisdiction and arrange for their draft and final publication after the approval of the District Election Authority as per the instructions issued by the State Election Commission (**Annexure-XX**). You shall obtain a list of Polling Stations located in the Gram Panchayat from the Mandal Parishad Development Officer concerned and inspect them.

You should note that if it comes to your notice, at any time, that the owner of a building in which a Polling Station is located is a candidate or a known sympathizer or worker of a candidate at the election, you should immediately bring it to the notice of the District Election Authority, who will take necessary further action in the matter.

2. APPOINTMENT OF PRESIDING OFFICERS AND CONSTITUTION OF POLLING PARTIES:

- (a) The District Election Authority or any other officer authorised by him will appoint the Presiding Officer and Polling Officers for each polling station.
- (b) Sufficient number of polling personnel will be allotted to the Gram Panchayat according to the number of polling stations. You have to utilise the services of the polling personnel and may take one or two reserve polling personnel along with you to press them into service in case of exigencies. Each polling station should be manned by one Presiding Officer and one, two or three Polling Officers depending upon the number of voters in the Polling Station.
- (c) Polling personnel shall not be drafted on election duty in their native Gram Panchayat or Gram Panchayat of their official duty.
- (d) If at a polling station there is considerable number of women voters, women assistants may be employed, wherever practicable.
- (e) You will be transported to the Gram Panchayat where elections are to be conducted along with the polling personnel and polling materials one day before the date of poll. Check the arrangements for the accommodation of the polling personnel.

3. POLLING REHEARSAL AND TRAINING OF STAFF:

Before you arrange election rehearsals for the training of polling personnel under you, it is essential that you should have yourself attended a polling rehearsal organised by the District Election Authority or Deputy District Election Authority so that you may have no doubts, whatsoever about the correct procedure to be followed as also the underlying significance of each step in the polling process.

Hold at least one polling rehearsal and see that the presiding officer and other polling personnel of every polling party attend the rehearsal. You may make them go through and understand thoroughly the instructions issued by the State Election Commission / District Election Authority for guidance of Polling Staff.

4. PREPARATION OF PROGRAMME FOR POLLING:

The important task that you have to perform is to plan for detailed arrangements for the poll, counting of votes, declaration of results, and election of Upa-Sarpanch. A good deal of forethought and advance planning is necessary to conduct the election efficiently. It would be advisable to maintain a forward diary of the various items that you have to attend to from time to time, and keep it up-to-date, by adding remarks to watch the progress made in respect of each item. If there are any problems, they may be brought to the notice of District Election Authority or Deputy District Election Authority sufficiently in advance.

5. FINALISATION OF POLLING ARRANGEMENTS:

As soon as the list of contesting candidates has been published, you should calculate exactly the number of ballot boxes and the other polling material (a list of which is set out in the **Annexure-II**) that you will require for conducting the poll. You should, at this stage, finalise your arrangements and check that everything is ready for taking the poll.

II. PREPARATION FOR POLL (ACTIVITIES ONE DAY PRIOR TO POLL):

1. RECEIVING AND DISTRIBUTION OF ELECTION MATERIALS:

A day before the poll, each polling team has to be supplied with necessary material, a list of which is set out in the **Annexure-II**.

As Returning Officer, estimate the total requirements of all items of election material needed for your Gram Panchayat. First, you have to receive the entire election material from the distribution centre and thereafter distribute to your Presiding Officers as per their requirement. Besides, you will also require some items of material for carrying out your own duties up to the process of counting. These should also be secured from the distribution centre.

2. DISTRIBUTION OF BALLOT BOXES:

Generally, only one ballot box would suffice for election to Member and Sarpanch, at a Polling Station. However, it is desirable to keep a reserve of two or three boxes for a Gram Panchayat with you. Please ensure that required number of ballot boxes in good condition is obtained from Distribution Centre.

3. WORKING COPIES OF ELECTORAL ROLLS:

Prepare four working copies of electoral roll for each polling station for distribution as follows:

1. First Polling Officer responsible for identification of voters (only one copy need to be maintained for both the offices of Sarpanch and Ward Member) : 1 Copy
2. Presiding Officer : 1 Copy
3. For circulation among polling agents / exhibition at polling station : 1 Copy
4. Reserve : 1 Copy

4. DISTRIBUTION OF BALLOT PAPERS TO DIFFERENT POLLING STATIONS:

The number of ballot papers supplied to each Polling Station should be equal to the number of electors rounded off to the next ten. The number required to be supplied to each polling station should be calculated on this formula. It is your responsibility to secure and provide required ballot papers for all the Polling Stations in your Gram Panchayat.

5. DISTINGUISHING MARK:

Under Rule 45 of the Conduct of Election Rules 2006, the distinguishing mark shall be stamped or written on the back of each ballot paper before it is issued to the elector. The distinguishing mark shall be a fraction within a circle whose numerator will indicate the serial number of the Gram Panchayat in the Mandal and the denominator will indicate the number of the polling station. This polling station number is same as ward number, if there is only one polling station in that ward. However, if there are more than one polling stations in the ward, the polling station number will be indicated in terms of ward number suffixed with 'A', 'B' or 'C'.

Thus, for example for a Gram Panchayat, which is assigned Serial No. 25 within a Mandal and for Ward No. 6 having one polling station, the distinguishing mark will be 25/6. In case 6th Ward is having 2 polling stations, then the distinguishing marks for each of the polling stations will be 25/6A & 25/6B.

The same distinguishing mark shall be stamped on the back side of the counter foil and ballot paper of Sarpanch and Ward Member, on the top left side so that the same will be visible when the ballot paper is folded.

Every ballot paper, before it is issued, shall be signed in full on its back by the Presiding Officer.

III. ON POLLING DAY:

1. POLL:

The poll has to be conducted on the date specified in the Election Notification between 7.00 AM and 1.00 PM.

Detailed instructions regarding poll, such as, preparation of ballot boxes, ballot papers, scaling of ballot box, preparation of ballot paper account, paper seal account, etc., are given in the "Presiding Officer's instruction booklet". You must go through the booklet and familiarise yourself with the contents of the booklet.

During poll hours, you may go round the polling stations in the Gram Panchayat to ensure smooth and peaceful poll.

2. ARRANGEMENTS AT POLLING STATIONS:

- 1) Outside each polling station there shall be displayed prominently –
 - a) a notice specifying the polling area, the serial number of electors in the electoral roll who are entitled to vote at the polling station.
 - b) A copy of the list of contesting candidates with serial numbers and symbols assigned to them.

- 2) The names of contesting candidates along with their symbols shall be displayed inside the polling station above the ballot boxes to enable the voter to exercise his franchise without delay.
- 3) There shall be only one ballot box at any time inside the polling station. The polled ballot papers of Sarpanch election (PINK colour) and Ward Member election (WHITE colour) have to be dropped in the common ballot box kept inside the polling station.

3. ELECTORAL OFFENCES:

The most important cause which tends to mar the smooth conduct of an election and disturbs the atmosphere is the violation of statutory provisions of the election law by some candidate or by his workers or by the authority conducting the election. You should, therefore, meet the candidates, make a special appeal to them to cooperate in this regard and take active steps to ensure that no one oversteps the limits laid down by law and renders himself liable to penalties prescribed by law. The authorities conducting the election should also, therefore, strictly adhere to the provisions of law and statute.

The common offences are the following:-

- i) Impersonation of voters;
- ii) Bribing of voters;
- iii) Intimidation of voters (and other persons);
- iv) Canvassing within 100 metres of a polling station;
- v) Transportation of voters to and from polling stations by a candidate or his workers or supporters.

Any of the above offences committed on behalf of a candidate cannot but create a feeling of bitterness and resentment in the minds of the other candidates and their supporters. You should secure the active co-operation of the candidates in restraining their over-enthusiastic but misguided supporters, if any, from over stepping the limits of law. You should seek the cooperation of the police in dealing with election offences.

4. COMPULSORY IDENTIFICATION OF VOTERS:

Rule 41(3) of A.P. Panchayat Raj (Conduct of Elections) Rules, 2006 stipulates that "every elector shall produce identity card issued to him/her under the provisions of the Registration of Electors Rules, 1960 made under Representation of the Peoples Act, 1950 or any such document as may be specified, by order, by the State Election Commission before the Presiding Officer or the polling officer authorized by him in this behalf, in order to establish his/her identity at the polling station."

In exercise of the powers conferred under the said rule, the State Election Commission issues orders from time to time directing production of **Electoral Photo Identity Card (EPIC)** or in its absence, any of the alternative photo identity documents notified by the Commission for establishing identity of voter at polling station. The Returning Officer should obtain a copy of the latest order issued by the Commission on compulsory identification of voters in the Gram Panchayat elections and strictly follow it to avoid impersonation and to ensure free and fair poll. Important alternative photo identity documents generally notified by the Commission for identification purpose are listed below.

- I) Aadhaar Card.
- II) Passport.
- III) Driving Licence.
- IV) PAN Card (Income Tax).
- V) Identity Cards with photographs issued to its employees by State/Central Governments, Public Sector Undertakings, Local bodies or Public Limited Companies.
- VI) Pension documents with photographs, such as Pension Payment Order, Ex-serviceman's Pension Book, Ex-serviceman's widow / dependent certificate, Old age Pension Order / Widow Pension Order with photograph (issued on or before the date of election notification for the local body concerned).
- VII) Property documents, such as Pattas/Pattadar Passbooks/Registered Deeds, etc., with photographs (documents registered on or before the date of election notification for the local body concerned).
- VIII) Passbooks with photographs issued by Public Sector Banks/Post Offices/APCOB/DCCBs/Kisan Passbooks (accounts opened on or before the date of election notification for the local body concerned).
- IX) ATM Cards with photographs issued by Banks (issued on or before the date of election notification for the local body concerned).
- X) Ration Cards with photographs (issued on or before the date of election notification for the local body concerned).
- XI) Smart Cards issued by the RGI under the scheme of National Population Register (NPR) (issued on or before the date of election notification for the local body concerned).
- XII) MGNRGA Job Card (issued on or before the date of election notification for the local body concerned).
- XIII) SC/ST/BC Certificates issued by the competent authority with photographs (issued on or before the date of election notification for the local body concerned).
- XIV) Freedom Fighter Identity Cards with photographs.
- XV) Arms Licences with photographs (issued on or before the date of election notification for the local body concerned).
- XVI) Certificate of Physical Handicap with photograph (issued by the competent authority on or before the date of election notification for the local body concerned).
- XVII) Membership Cards with photographs issued by Bar Councils (issued on or before the date of election notification for the local body concerned).
- XVIII) Health Insurance Scheme Smart Cards with photographs under the scheme of Ministry of Labour (issued on or before the date of election notification for the local body concerned).
- XIX) Identity Cards with photographs issued by the Secretariat of the Legislative Assembly/Legislative Council to MLAs / MLCs.
- XX) Identity Cards with photographs issued by the Secretariat of Lok Sabha / Rajya Sabha to Members of Parliament.

5. DEATH OF A CANDIDATE BEFORE POLL:

According to rule 17 (1) of Conduct of Elections Rules, 2006, if a contesting candidate for the Office of Sarpanch or a Ward Member of Gram Panchayat dies and a report of the death of the candidate is received before the commencement of poll, the Returning Officer shall, upon being satisfied of the fact of death of the candidate, countermand the poll for the office of the Sarpanch or Ward Member, as the case may be, and report the matter to the District Election Authority and State Election Commission. In such cases election proceedings shall be started afresh in all respects as if for a new election.

6. ADJOURNMENT OF POLL:

Under section 225 B of Andhra Pradesh Panchayat Raj Act, 1994, the Presiding Officer of a polling station is empowered to adjourn the poll on account of –

- (i) natural calamity like flood, cyclone and the like, or
- (ii) non-receipt or loss or damage to essential polling material like ballot boxes, ballot papers, authenticated copy of the electoral roll and the like, or
- (iii) disturbance of peace at polling station making it impossible to take the poll, or,
- (iv) non-availability of polling party at a polling station due to obstruction on the way or any other serious difficulty, or
- (v) any other sufficient cause.

The Presiding Officer for such polling station shall announce the adjournment of the poll to a date to be notified later. If a poll is adjourned at any polling station under Section 225 B, provisions of Rule 51 to 53 of Conduct of Elections Rules, 2006 shall apply, if the poll was closed at the hour fixed in that behalf.

Whenever the poll is adjourned at any polling station, the Presiding Officer is required to report the fact to the Returning Officer, who shall forthwith report the matter to the State Election Commission for further directions.

7. PROCEDURE FOR COMPLETING THE ADJOURNED POLL:

For completing the adjourned poll, you shall -

- (i) report the circumstances immediately to the District Election Authority, Election Authority and State Election Commission,
- (ii) seek the approval of the State Election Commission of the date, hours and place which you propose for holding the adjourned poll;
- (iii) formally fix the date, hours and polling station as approved by the State Election Commission;
- (iv) inform the contesting candidates or their election agents accordingly in writing, but only after the receipt of the Commission's formal approval;
- (v) affix a notice on your notice board notifying the date, hours and the polling station so fixed; and
- (vi) announce by beat of drum or otherwise in the polling area concerned the date, hours, and the polling station so fixed.

Under Rule 54 of Conduct of Elections Rules, where the poll has been adjourned at a polling station, the adjourned poll will recommence from the stage at which it was left immediately before the adjournment, i.e., the electors who have not already voted before the poll was adjourned will alone be permitted to vote at the adjourned poll. You should provide the Presiding Officer of the polling station, at which such adjourned poll is taken, with the sealed packets containing –

- (i) marked copy of the electoral roll,
- (ii) stitched bundles of ballot papers with their counterfoils
- (iii) counterfoils of used ballot papers received earlier from the presiding officer of the polling station concerned at which the poll was adjourned and also
- (iv) a new ballot box

Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and the stitched bundles of ballot papers should be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this very marked copy of the electoral roll and these very bundles of ballot papers should be used for adjourned poll. If a bundle is used only partially that bundle need not be opened for use and fresh unused bundles shall be taken.

The sealed cover containing counterfoils of the ballot papers which were used before the poll was adjourned should not be reopened unless it becomes unavoidable to do so in order to decide any case of an elector who is to be issued a tendered ballot paper.

The provisions of original poll will apply to the conduct of an adjourned poll as they apply to the poll before it was so adjourned.

The Returning Officer shall not count votes cast at such election until such adjourned poll has been completed.

8. PROCEDURE FOR HOLDING FRESH POLL IN CASE OF DESTRUCTION OF BALLOT BOXES, ETC.:

Under section 225 C of APPR Act 1994, the State Election Commission is competent to declare the poll at a polling station to be void, if at that polling station –

- (i) any ballot box has been unlawfully taken away by an unauthorised person, or
- (ii) any ballot box has been accidentally or intentionally destroyed or lost or damaged or tampered with and you are satisfied that the result of the poll at that polling station cannot be ascertained for that reason, or
- (iii) any error or irregularity in procedure as is likely to vitiate the poll has been committed.

You should report the facts forthwith to the State Election Commission through the District Election Authority.

After considering all the material circumstances, the Commission will, if necessary –

- (i) declare the poll at the polling station to be void; and
- (ii) formally fix the date and hours for a fresh poll.

On receiving intimation from the Commission, you should inform in writing the contesting candidates or their election agents of the date, time and place fixed for the fresh poll and affix a notice on your notice board, notifying the date and hours so fixed. Also, you should announce by beat of drum or otherwise in the polling area concerned the place, date and hours so fixed.

All electors entitled to vote at the polling station or stations in question will be entitled to vote at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the fresh poll. To distinguish the marks to be made at the fresh poll from those already made at the original poll, the Commission directs that the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

A new ballot box and a new marked copy of electoral roll shall be used at the fresh poll.

The provisions of A.P. Panchayat Raj Act, 1994 and Conduct of Elections Rules, and orders made thereunder will apply to the fresh poll in exactly the same way as they apply to the original poll. The ballot box or boxes used for the original poll at the polling station(s) where fresh poll has been directed by the Commission should be preserved carefully, unopened and with the seals intact.

9. PROCEDURE FOR HOLDING FRESH POLL IN CASE OF BOOTH CAPTURING

Under Section 231 of A.P. Panchayat Raj Act, if booth capturing has been taken place at a polling station in such a manner that the result of the poll of that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the State Election commission. On receipt of that report from the Returning Officer, the State Election Commission shall, after taking all material circumstances into account, either (i) declare the poll at that polling station to be void and direct a fresh poll to be taken on a date to be appointed by it, or (ii) countermand the election, if it is satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected.

If the Commission directs fresh poll to be taken at any polling station, you should proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.

If the election is countermanded by the Commission on account of booth capturing, all proceedings for that election will commence anew and a fresh notification calling for the election will be issued in due course.

10. ALLEGATIONS AGAINST POLLING STAFF:

Wherever specific allegations of serious nature are made in writing against the Presiding Officer or the polling staff about their conduct during polling at an election, the Returning Officer should enquire into the matter immediately and send the papers together with his report to the District Election Authority. Where, however, the complaint is trivial, the Returning Officer should exercise his discretion in deciding whether it deserves to be enquired into or not.

CHAPTER-XV

COUNTING OF VOTES

1. RECEIPT OF BALLOT BOXES, ETC., FROM PRESIDING OFFICERS:

Even while the polling is in progress you may make necessary arrangements for receipt of ballot boxes and other election material from the polling officers of the various wards in the Gram Panchayat and for their safe custody from the time of their receipt till the time of counting. Care should be taken to see that ballot boxes pertaining to different wards are stored separately and do not get mixed up. Ward number may be noted on them to avoid confusion. As the poll hours for Gram Panchayats are from 7.00 AM to 1.00 PM, it will be possible to collect the ballot boxes at a central place and commence counting at 2.00 PM on the same day.

2. DATE, PLACE AND TIME OF COUNTING:

The date of counting will be on the same day on which polling takes place. The date, place and time so fixed should invariably be those indicated in the Election Notices issued under Rule 6 of Conduct Election of Rules, 2006. You shall commence the counting at the appointed time, i.e., at 2.00 P.M.

3. ADJOURNMENT OF COUNTING FOR UNAVOIDABLE REASONS:

You should proceed with the counting non-stop. In case it is necessary to suspend or adjourn the counting before its completion for any unavoidable reason, seal up all the ballot papers in packets, as also all other papers relating to the election and allow every candidate or his agent, if he desires to do so, to place his seal on every packet etc., in which these papers are kept.

***N.B.-** It is preferable to keep all the sealed packets, etc., in a steel or strong almirah or in a separate room and have the almirah or the room sealed and secured with the seals of yourself and the candidates or their agents. Alternatively, the candidates may put their own locks in addition to yours on such almirah or room.*

4. COUNTING AFTER ADJOURNED POLL OR FRESH POLL:

If any adjourned poll or fresh poll has been held at a polling station, you should fix the date, time and place for counting the votes recorded in such election as directed by the District Election Authority and give notice of the same to every candidate or his election agent. You shall not count the votes cast at such election until such adjourned poll or fresh poll has been completed.

5. STATIONERY REQUIRED FOR COUNTING:

The following articles of stationery should be provided at the place of counting:

- (i) a pen-knife or a razor blade;
- (ii) pencils;
- (iii) two sheets of paper;
- (iv) a strong sharp needle;
- (v) a dampened sponge or water in small cup;
- (vi) twine;
- (vii) one or two paper weights (small pieces of stone will do) &
- (viii) rubber bands.

6. ASSISTANCE AT COUNTING:

You may require some persons to assist you in counting of the votes. You may yourself decide the number of assistants you require, in order to complete the counting in reasonable time. The polling staff can also be used for counting. In employing persons as counting assistants, you should ensure that none of them has been employed by or on behalf of any candidate in connection with the election. The selection of assistants may be on informal basis as no form for their appointment is prescribed. Counting personnel could be drawn from among the local officials besides the polling personnel. In addition to the counting assistants, you may employ sufficient number of class IV Government Servants also to carry the ballot boxes.

7. PERSONS ENTITLED TO BE PRESENT AT THE COUNTING:

The following persons are entitled to be present at the time of counting:

- (i) the candidate;
- (ii) the election agent of each candidate;
- (i) one counting agent of each candidate
- (ii) counting assistants including the Class-IV Government Servants drafted for duty by you; and
- (iii) persons authorized by the State Election Commission.

8. INSTRUCTIONS TO COUNTING ASSISTANTS:

Before the commencement of counting, read out and explain to the counting assistants, the rules and procedure to be followed in counting the votes. Also, impress upon them the need for being impartial in performing the duties assigned to them.

9. MAINTENANCE OF SECRECY:

Every person inside the counting hall is required by law to maintain, and 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 217 of the A.P. Panchayat Raj Act, 1994).

Before commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the above mentioned Section 217 for the information of all present and for compliance on their part.

10. COUNTING OF VOTES RECEIVED BY POST:

Under Rule 56 of Conduct of Election Rules, the postal ballot papers are to be counted first. You should first deal with the postal ballot papers.

Covers in Form XIX (**Annexure-XIX F**) containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed, noting thereon the appropriate particular.

The covers in Form XIX received in time should be opened one after another. As each cover is opened, you should take out the declaration in Form XVII and the cover in Form XVIII and scrutinize the declaration. If the declaration in Form XVII is not found in the

cover or the declaration has not been duly signed and or not attested by an officer 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 XVIII, the cover containing the postal ballot paper should not be opened, but the ballot paper should be rejected. Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed in the cover in Form XIX. All such covers in Form XIX should be kept together in a separate packet duly sealed and full particulars, such as the name of the constituency (Ward No. / Sarpanch), the date of counting and a brief description of contents should be noted thereon for easy identification. All the declarations in Form XVII, which have been found to be in order, should then be kept in separate packet in order to ensure that the secrecy of the postal ballot is kept inviolate. The packet should then be sealed noting thereon the particulars regarding the name and number of the Constituency (Ward No. / Sarpanch), the date of counting and brief description of the contents. This should be done before the covers in Form XVIII containing the ballot papers are opened.

Thereafter, the covers in Form XVIII should be opened one after another and the validity of the ballot papers scrutinized and decisions arrived at. A postal ballot paper should be rejected.

- i. if no vote is recorded thereon; or
- ii. if votes are given on it in favour of more candidates than one; or
- iii. if it is a spurious ballot papers; or
- iv. if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- v. if it is not returned in the cover sent along with it to the elector by you; or
- vi. if 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; or
- vii. if it bears any mark (other than the mark to record to vote) or writing by which the voter can be identified.

There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to that candidate should be taken as a valid vote in favour of the candidate concerned. Again a vote recorded on a postal ballot paper should not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote should be for a particular candidate clearly appears from the way the ballot paper is marked.

The valid votes should then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate should then be calculated, entered in the Result Sheet in Form XXVI as in **Annexure-XXI** in the appropriate place and announced for the information of the candidates.

Thereafter, all the valid ballot papers and all the rejected ballot papers should be separately bundled and kept together in a packed and sealed with your seal and the seals of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon. The particulars such as the name of the constituency (ward No./ Sarpanch), the date of counting and a brief description of the contents should be recorded on the sealed packet for identifying it. Postal Ballot Covers in Form XIX received late, should be sealed separately with endorsement on the top of the packet.

11. GETTING THE BALLOT BOXES ETC., TO THE COUNTING TABLES:

In counting of votes, you should proceed strictly according to the serial numbers of the wards, polling stations and ballot boxes. That is to say, you should begin with the ballot box No. 1 in ward No. 1, and follow that order in respect of all wards in a Gram Panchayat. You should not open more than one ballot box at a time. However, if facilities exist, the votes of different wards can be counted simultaneously at different tables. When the arrangements are complete for counting, get all the ballot boxes relating to a ward and place them on the counting table before you. Keep the ballot paper account in Form XXV **Annexure-XXII** relating to the ballot boxes handy and ready.

12. CHECKING OF SEALS OF BALLOT BOXES:

Before a ballot box is opened, allow the counting agents and the candidates present to check and satisfy themselves that the seals on the box are intact and have not been tampered with.

13. CANDIDATES AND AGENTS ENTITLED TO CHECK IDENTITY MARKS AND PAPER SEALS:

As each ballot box is opened, allow every candidate or his counting agent present to check the identity of the box with reference to –

- (i) the identity marks on the paper seal, and
- (ii) the serial number of the paper seal.

14. COMPARISON OF SERIAL NUMBER OF PAPER SEALS:

Where the paper seals are used and they are numbered, the serial number on the paper seal of each box should be compared with the number given in the paper seal account sent to you by the Presiding Officer. Allow the counting agents of the candidates to note these numbers. If you find that the number noted in the paper seal account and the number of the paper seal actually found on a box do not tally, there would be prima facie suspicion that the ballot box has been tampered with or that the paper seal account is incorrect. Decide the question after checking the serial number of the unused paper seals returned by the Presiding Officer and other relevant circumstances. If you find it to be a case of clerical error in writing paper seal account, ignore the discrepancy.

If the paper seals are found to have been tampered with in any box in such a way that the box is no longer secure and its contents are capable of being interfered with, and if you are further satisfied that the box has in fact been tampered with, you should not open the box or empty its contents. Re-seal the box without counting, wrap it up with tape or in cloth or gunny and keep it apart. Report the facts to the State Election Commission through the District Election Authority and on receipt of the orders of the State Election Commission for a re-poll, arrange for a re-poll in the polling station concerned. Do not declare the result of the election until such re-poll has been held and the votes cast at that polling station at such re-poll counted.

15. OPENING OF BALLOT BOXES:

- (a) The counting of ballot papers of Ward Members shall be done polling station-wise and the counting of ballot papers of Sarpanch shall be done by mixing after completion of counting of ballot papers of Members of all wards in the Gram Panchayat.

- (b) After the identity of the ballot boxes from a polling station has been checked in the manner detailed above and found to be in order, the contents of the ballot boxes should be taken out for counting. Covers containing the tendered ballot papers should not be opened.
- (c) Allow the counting agents to satisfy themselves that all the ballot papers have been taken out from the boxes and that they are empty before the boxes are taken away from the counting tables.
- (d) The counting assistants should be careful to see that no ballot paper goes astray while being handled by them.

16. COUNTING PROCEDURE:

All the ballot papers of Sarpanch (Pink colour) and Ward Members (White colour) contained in the ballot box or boxes used at a polling station are taken out and sorted. The total number of ballot papers of Sarpanch and Ward Member in the box at the polling station is ascertained separately. This number shall tally with the ballot paper account of Sarpanch and Ward Member of the polling station as recorded by the Presiding Officer. Thereafter, the ballot papers of Ward Member shall be sorted out candidate-wise and then counted. The ballot paper pertaining to each candidate should be scrutinised for validity. All valid ballot papers should be made out into candidate-wise bundles of 25 each. All apparently invalid and doubtful ballot papers should be made out into another bundle and kept separately for further scrutiny.

While sorting, the ballot papers of Sarpanch, Gram Panchayat with their vertical fold intact are made into bundle of 25 each for convenience of counting and each bundle is kept together by a rubber band tied at both ends. These bundles of ballot papers shall be handed over to Returning Officer who shall arrange for their safe custody till scrutiny for validity and counting is taken up. Counting of ballot papers of all wards shall be taken up in a serial order and the ballot papers of Sarpanch in each Ward shall be made into bundles and handed over to the Returning Officer. After completion of counting of ballot papers of Ward Members of all wards in the Gram Panchayat, the Returning Officer shall take the bundles of ballot papers of Sarpanch, Gram Panchayat and arrange for their mixing in a big drum or other receptacle. After mixing they will be taken up for detailed counting. They shall be counted after sorting them candidate-wise. The ballot paper pertaining to each candidate should be scrutinised for validity. All valid ballot papers should be made out into candidate-wise bundles of 25 each. All apparently invalid and doubtful ballot papers should be made out into another bundle and kept separately for further scrutiny by the Returning Officer personally.

17. GROUNDS FOR REJECTION OF BALLOT PAPERS:

You have to scrutinise all doubtful and apparently invalid votes and decide in each case whether a particular vote is valid, if so in favour of which candidate or it is invalid and if so to be rejected as such.

- a) Reject a ballot paper, if
 - i) if it bears any mark or writing by which the elector can be identified, or
 - ii) if it bears no mark at all to indicate the vote, it bears a mark elsewhere than on or near the symbols of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose, or
 - iii) if votes are given on it in favour of more than one candidate, or
 - iv) if the mark indicating the vote thereon is placed in such manner as to make it doubtful as to which candidate the vote has been given, or

- v) if it is a spurious ballot paper, or
- vi) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- vii) if it bears a serial number, or is of a design different from the serial numbers or, as the case may be, design of the ballot papers authorized for use at the particular polling station, or
- viii) if it does not bear both the distinguishing mark and the signature which it should have borne under the provisions of Rule 45.

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (vii) or clause (viii) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect:

b) You should endorse on each ballot paper which is rejected the word "REJECTED" and the grounds of rejection in abbreviated form enter in your own hand or by means of a rubber stamp and initial such endorsement. Before finally rejecting any ballot paper, give a reasonable opportunity to the candidate or his agent, who desires to do so, to inspect the ballot paper. Do not, however, allow them to handle any ballot paper physically.

c) Do not reject any ballot paper simply because –

- (i) more than one mark has been made in the column of one candidate; or
- (ii) besides a clear mark in the column of not more than one candidate, there are marks on the back or in shaded area; or
- (iii) the mark is only partially within the column of one candidate and the rest of mark is in the blank area or outside the ballot paper; or
- (iv) the original mark is patently in the column of one candidate but an impression due to wrong folding appears in the column of another candidate; or
- (v) there is a mark in the column of one candidate, but a smudge appears against that of another candidate; or
- (vi) the mark indicating the vote is indistinct or made more than once, if the intention of the voter to vote for a particular candidate appears clearly from the way the paper is marked.

18. RECOUNTING OF VOTES - PROCEDURE TO BE FOLLOWED:

As soon as the counting is completed, the Returning Officer will record in the result sheet in Form-XXVI (**Annexure-XXI**), the total number of votes polled by each candidate including NOTA and announce the same. He will then pause for a minute or two, and if during this period, any candidate or, in his absence, his election agent asks for a recount, the Returning Officer will obtain an application in writing giving a reasonable time of 15 minutes. The Returning Officer will not complete and sign the result sheet in Form-XXVI at this stage. When an application for recount is made, he will consider the grounds urged and decide the matter. He may allow the application in whole or in part if it is reasonable or he may reject it in toto if it appears to him to be frivolous or unreasonable. His decision will be final, but in every case he should record a brief statement of his reasons for his decision. If in any case, he allows an application for recount, either wholly or in part, he will have the ballot papers counted again in accordance with his decision. After the recount has been completed, he will amend the result sheet to the extent necessary and announce the amendments so made by him. After the total number of votes polled by each candidate has been announced by him, he will complete and sign the result sheet.

No candidate has a right to demand a recount after the Returning Officer has completed and signed the result sheet in Form-XXVI.

19. 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 decided by lot.

For example, if A, B, C and D are the contesting candidates and the total number of votes they have secured is as follows:

A	:	650
B	:	525
C	:	650
D	:	400

A lot will be drawn between A and C who have secured 650 votes each and the candidate on whom the lot falls will be declared as elected as if the candidate on whom lot falls had received the additional vote.

While drawing lots among the names of the candidates who polled equal number of votes, the Returning Officer should write each candidate's name on 5 slips of the same colour and size of the paper and all those slips should be folded tightly twice and then jumbled to make them mix beyond recognition. After such mixing, the Returning Officer should draw the slip. The candidate, whose name is first drawn shall be declared to have been elected.

20. DECLARATION OF RESULT:

(1) You shall complete and sign the result sheet in Form-XXVI (**Annexure-XXI**) and send signed copies thereof to the District Election Authority and the State Election Commission.

(2) You shall also declare in Form-XXVII (**Annexure-XXIII**), the candidate to whom the largest number of valid votes have been polled to be duly elected, for the seat and send signed copies thereof to the District Election Authority, Election Authority and the State Election Commission.

21. RETURN OF ELECTION:

You should complete and certify the Return of Election in Form-XXVIII (**Annexure-XXIV**) and send copies thereof to the State Election Commission, Election Authority and District Election Authority.

Any candidate or his agent shall, on application, be permitted to take a copy of an extract of election in Form-XXVIII.

22. CERTIFICATE OF ELECTION:

As soon as, after a candidate has been declared elected, the Returning Officer should grant to such candidate a Certificate of Election in Form-XXIX (**Annexure-XXV**) under Rule 63 and obtain from the candidate an acknowledgement of its receipt duly signed by the candidate immediately. Thereafter, immediately send this acknowledgement by registered post to the District Election Authority.

23. PUBLICATION OF RESULT:

The Returning Officer shall publish on the notice board of the Gram Panchayat concerned, a notification signed by him, specifying the names of the candidates duly elected.

24. SEALING OF COUNTED BALLOT PAPERS:

After counting is over, make up into separate bundles the valid ballot papers and rejected or invalid ballot papers in respect of each candidate for all wards and Sarpanch of the Gram Panchayat separately. Then make these bundles into another larger packet and seal it with your seal. Then other packets, which have been opened by you, should also be closed and sealed and a description of the contents should be recorded on such packet.

The packets of election papers 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 to be taken for the safe custody of these papers.

These papers are -

- (1) the packets of unused ballot papers with counterfoils attached thereto;
- (2) the packets of used ballot papers whether valid, tendered, or rejected; (this also includes the packets in which covers containing postal ballot papers received later are kept.)
- (3) the packets of the counterfoils of used ballot papers;
- (4) the packets of the marked copy of the electoral roll; and

In view of the important nature of these election papers, these papers should be sealed with the seal of the Returning Officer.

After sealing the above packets at the counting place, after the counting, the Returning Officer should draw up proceedings mentioning therein -

- (1) the full particulars of the candidates / agents present in the counting hall;
- (2) the fact that they were asked to affix their signatures and seals on the packets of used ballot papers, etc., if they so desire; and
- (3) the particulars of persons who had signed and sealed the packets and the particulars of those persons who had refused to do so.

Then, the Returning Officer should sign the proceedings and obtain on it the signatures of such of the candidates / agents who are present and willing to sign. The proceedings should be put inside an envelope which should be sealed and the sealed envelope should be kept along with the packets of used ballot papers. These election records shall be kept in steel trunks, locked and sealed.

As far as possible, the election records shall be preserved in the Sub-Treasury or any other place specified by the District Election Authority.

CHAPTER-XVI

ELECTION OF UPA-SARPANCH

1. DATE, TIME AND PLACE:

You should convene a special meeting for the election of Upa-Sarpanch on the same day of declaration of results of Members and Sarpanch at the time and place indicated in the Election Notice. The place should be the office of the Gram Panchayat, unless some other place has been fixed by the District Panchayat Officer. The notice of the meeting for the election of Upa-Sarpanch shall be given to the Members and Sarpanch by affixture of the same on the notice board of the Gram Panchayat immediately after the publication of the results.

If, for any reason, the election of the Upa-Sarpanch is not held on the date aforesaid, the special meeting for the election of the Upa-Sarpanch shall be held on the next day, whether or not it is a public holiday.

The meeting specially convened for the election of Upa-Sarpanch, shall not be held, unless there shall be present at the meeting not less than one-half of the total number of Members of the Gram Panchayat within one hour from the time appointed for the meeting.

2. WHO SHOULD PRESIDE:

You will preside over the meeting for election of Upa-Sarpanch and conduct the election in the manner prescribed in the Andhra Pradesh Panchayat Raj (Election of Upa-Sarpanch of a Gram Panchayat) Rules, 2006.

3. RECORD OF THE PROCEEDINGS AT THE MEETING:

You should prepare a record of the proceeding of the meeting and sign it and also permit any Member present at the meeting to affix his signature on it, if he so desires. Every correction in the record should be attested by you.

4. PUBLICATION OF RESULT:

After declaration of the results, publish a notice signed by you stating the name of the person elected as Upa-Sarpanch on the notice board of the Gram Panchayat and send a copy of the notice to the District Election Authority and the Deputy District Election Authority. A copy of such notice shall also be given to the candidate declared elected as Upa-Sarpanch.

CHAPTER-XVII

ACCOUNT OF ELECTION EXPENSES

1. STATUTORY PROVISIONS:

Section 230, 230 A and 230 B of A.P. Panchayat Raj Act, 1994 deal with matters relating to maintenance, scrutiny, fixing ceiling limits and filing of accounts of elections expenses by candidates contesting in Gram Panchayat elections. There is a penal provision in Section 19 B for failure to lodge election expenditure accounts within the stipulated time and in the manner required by or under the said Act. The above provisions are reproduced below for ready reference.

2. APPLICATION OF CHAPTER (SECTION 230):

This Chapter shall apply to candidates of any election held under this Act.

3. ACCOUNT OF ELECTION EXPENSES (SECTION 230 A):

(1) Every candidate, at any election held under this Act shall, either by himself, or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated, and the date of declaration of the result of the election, both dates inclusive (hereinafter in this chapter referred to as 'election expenses').

Explanation-I: Election Expenses, for the purpose of this Act, shall mean all expenses in connection with the election –

- a) incurred, or authorised by the contesting candidate, or by his election agent;
- b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent), aimed at promoting or procuring the election of the candidate concerned; and
- c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:

Provided that any expenses incurred by any political party as part of its general propaganda (which is distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken, or by signs or visible representations, or by audiovisual devices, or through print or electronic media or otherwise, shall not constitute 'election expenses' for the purpose of this Act.

Explanation-II: (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of Section 211 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

(2) The account of election expenses shall contain such particulars, as may by order, be specified by the State Election Commission

(3) The total of the said expenses shall not exceed such amount, as may be order, be specified by the State Election Commission.

4. LODGING OF ACCOUNT WITH THE DISTRICT ELECTION AUTHORITY (SEC. 230B):

Every contesting candidate at an election shall, within forty five days from the date of declaration of the result of the election, lodge with the District Election Authority, an account of his election expenses, which shall be a true copy of the account kept by him, or by his election agent, under section 230 A.

5. DISQUALIFICATION FOR FAILURE TO LODGE ACCOUNT OF ELECTION (SEC. 19B):

If the State Election Commission is satisfied that a person -

- (a) has failed to lodge an account of election expenses within the time limit prescribed and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Andhra Pradesh Gazette, declare him,-
 - (i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act, and
 - (ii) to have ceased to hold office, in case he is elected.

6. INSTRUCTIONS ISSUED BY THE STATE ELECTION COMMISSION:

The State Election Commission issued detailed instructions on maintenance and scrutiny of day to day election expenditure maintained by the candidates in its Order No.145/SEC-B2/2018, dated 25.10.2018 (**Annexure-V**).

7. SCRUTINY OF ELECTION EXPENDITURE ACCOUNTS BY RETURNING OFFICER:

The expenditure accounts maintained by the contesting candidates for the office of Sarpanch and Ward Members in the proformas prescribed shall be submitted for scrutiny by the contesting candidates to the Returning Officers concerned or officers authorized by them once in three days from the date of publication of list of contesting candidates. As per the provision of section 232 A of the APPR Act, 1994, the State Election Commission also appoints Observers during ordinary elections who are also authorized to inspect the election expenditure accounts maintained by candidates contesting for said offices.

8. MAKING ELECTION EXPENDITURE A PUBLIC DOCUMENT:

The State Election Commission also issued orders in the Order No. 145/SEC-B2/2018, dated 25.10.2018 (**Annexure-V**) that the daily returns and periodical returns of the expenditure should be made transparent by making them available to the public and other contesting candidates. The Returning Officer shall make available photo copies of the returns to other candidates, any member of the public or Non-Gazetted Organizations on demand and on payment of Xeroxing charges or a certified copy as per section 76 of Indian Evidence Act, 1872 and to the media, free of cost, so as to enable them to assist the State Election Commission in effectively implementing the ceiling imposed on election expenditure to be incurred by the contesting candidates.

9. CEILING LIMITS ON ELECTION EXPENDITURE:

The State Election Commission by notification specifies the ceiling limits on election expenditure that can be incurred by contesting candidates for the offices of Sarpanch and Ward Member in Gram Panchayat elections. You shall obtain a copy of the notification from the election authority and circulate among all contesting candidates after obtaining due acknowledgement.

10. FURNISHING COPIES OF THE NOTIFICATIONS, ORDERS ISSUED BY THE STATE ELECTION COMMISSION TO THE CANDIDATES:

The Returning Officer shall furnish a copy of the following documents to all the contesting candidates.

1. Notification issued by the State Election Commission fixing ceiling on election expenditure for the offices of Sarpanch and Member, Gram Panchayat.
2. Orders issued by the State Election Commission on maintenance and scrutiny of election expenditure accounts maintained by candidates in the prescribed proforma.

11. FINAL RETURN OF ELECTION EXPENSES:

As per the provision of section 230 B of APPR Act, 1994 the final return of election expenses shall be lodged with the District Election Authority through Mandal Parishad Development Officer concern within 45 days from the date of publication of results. Such return of election expenses shall be signed by the candidate and his election agent, if any, appointed.

Failure to lodge election expenditure accounts will make the contesting candidate liable for penal action contemplated in Section 19B.

The Returning Officer shall scrupulously follow the provisions of the Act and rules issued there under and instructions issued by the State Election Commission on matters relating to accounts of election expenditure incurred by candidates to curb the role of money power and to ensure free and fair elections.

ANNEXURE-I

ANDHRA PRADESH STATE ELECTION COMMISSION

NOTIFICATION

No.207/SEC-B2/2017

Date: 27.11.2017

In exercise of the powers conferred by Article 243K of the Constitution of India and in pursuance of Rule 3 of Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules and in supersession of all previous orders issued on this subject, the State Election Commission, hereby, appoints the administrative machinery for conduct of elections to various offices and seats in Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in the State of Andhra Pradesh, as follows:-

1. In this notification, unless the context otherwise requires, -
 - (i) '**Act**' means, '**The Andhra Pradesh Panchayat Raj Act, 1994**'.
 - (ii) '**Rules**' means, '**The Andhra Pradesh Panchayat Raj Act (Conduct of Elections) Rules, 2006**'.
2. The **Commissioner of Panchayat Raj** shall be the '**Election Authority**'. Subject to the superintendence, direction and control of the State Election Commission, he shall be responsible for coordination and supervision of the preparation, publication and printing of electoral rolls for and the conduct of elections to Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in the entire State of Andhra Pradesh. He shall also perform such other functions as may be entrusted to him by the State Election Commission from time to time in connection with conduct of elections to Panchayats.
3. The **District Collectors** shall be the '**District Election Authorities**' in their respective districts. Subject to the superintendence, direction and control of the State Election Commission, they shall be responsible for conduct, coordination and supervision of all items of work connected with elections to Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in their respective jurisdictions. They shall also perform such functions as may be specified under the Act and Rules and also such other functions entrusted to them by the State Election Commission from time to time in connection with conduct of elections to Panchayats.
4. The **Joint Collectors**, the **Chief Executive Officers of Zilla Praja Parishads** and the **District Panchayat Officers** shall be '**Additional District Election Authorities**' in their respective districts. They shall perform such functions as may be assigned to them by the District Election Authorities concerned. The District Election Authorities may authorise in writing the Additional District Election Authorities to exercise any powers and functions vested on them in any local area of the district in regard to any Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad in that area.

5. The **Revenue Divisional Officers** or the **Sub-Collectors**, as the case may be, shall be '**Deputy District Election Authorities**' in their respective jurisdictions. They shall perform such functions as may be assigned to them by the District Election Authorities concerned. The District Election Authorities may authorise in writing the Deputy District Election Authorities to exercise any powers and functions vested on them in any local area of the district in regard to any Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad in that area.
6. The **Tahsildars** and the **Mandal Parishad Development Officers** shall be '**Assistant District Election Authorities**' in their respective jurisdictions. They shall perform such functions as may be assigned to them by the District Election Authorities concerned.
7. (a) For every election to fill the seats of Members of Mandal Praja Parishad and Members of Zilla Praja Parishad, the District Election Authority shall appoint a **Returning Officer** for every Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, who shall, as far as possible, be a Gazetted Officer not below the rank of Mandal Parishad Development Officer.

(b) For every election to fill the seats of Members and Sarpanch of Gram Panchayat, the District Election Authority shall appoint a **Returning Officer** for one or more Gram Panchayats, who shall be an officer of the State Government or a local authority.
8. (a) The District Election Authority may appoint one or more persons as **Assistant Returning Officers** to assist any Returning Officer:

 Provided that every such person shall be an Officer of the State Government or of a local authority.

(b) Every **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:

 Provided that no **Assistant Returning Officer** shall perform any functions of the Returning Officer, which relate to the Scrutiny of nominations, unless the Returning Officer is unavoidably prevented from performing such function.
9. It shall be the general duty of the Returning Officer, at any election, to do all such acts and things as may be necessary, for conducting the election in the manner provided under the Act and Rules or orders made thereunder.
10. (a) The District Election Authority shall, subject to such directions as may be issued by the State Election Commission, provide as many polling stations as are necessary, for the conduct of election and shall publish in such manner, as the State Election Commission may direct, a list showing the polling stations and the areas or groups of voters, for which they have respectively been provided.

(b) The District Election Authority, or any other officer authorised by him, shall appoint a **Presiding Officer** for each polling station, and such other **Polling personnel** as he thinks necessary, subject to the condition that he shall not appoint any person, who has been employed by or on behalf of, or has been otherwise working, for a candidate in connection with the election;

Provided that if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person, who has been employed by or on behalf of, or has been otherwise working for a candidate in connection with the election, to be the polling officer and inform the Returning Officer about such appointment.

(c) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these Rules.

(d) If a Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer, as has been authorised by the Returning Officer, to perform such functions during any such absence.

(e) It shall be the general duty of the Presiding Officer at the polling station to keep and maintain public order there at, and to see that the poll is taken in a fair manner.

**Sd/- Dr. N. Ramesh Kumar
State Election Commissioner**

To

The Election Authority & Commissioner of Panchayat Raj, Andhra Pradesh.

The Collectors and District Election Authorities.

The Joint Collectors and Additional District Election Authorities.

The Chief Executive Officers of Zilla Praja Parishads and Additional District Election Authorities.

The District Panchayat Officers and Additional District Election Authorities.

The Revenue Divisional Officers and Deputy District Election Authorities.

The Tahsildars and Mandal Parishad Development Officers and Assistant District Election Authorities.

Copy to: The Principal Secretary to Government, P.R. & R.D. Department, Andhra Pradesh.

ANNEXURE-II

POLLING MATERIAL

LIST OF STATUTORY & NON-STATUTORY FORMS REQUIRED FOR STAGE-I ELECTION PROCESS

1.	Notice for the Election of Member/Sarpanch, Gram Panchayat (Form-I)	5 per GP
2.	Nomination Paper (Form-III)	100 per GP
3.	Checklist for Nomination Paper	100 per GP
4.	Declaration regarding Criminal Antecedents, Assets and Liabilities and Educational Qualifications to be submitted along with Nomination Paper	100 per GP
5.	Declaration to be filed by the candidate filing Nomination on Accounts of Election Expenditure to be submitted along with Nomination Paper	100 per GP
6.	List of Nominations received (Form-V)	20 per GP
7.	List of Validly Nominated Candidates (Form-VI)	20 per GP
8.	Notice of Withdrawal of Candidature (Form-VII)	40 per GP
9.	Publication of Notice of Withdrawal of Candidature (Form-VIII)	20 per GP
10.	List of Contesting Candidates (Form-IX) (RO shall supply filled Form-IX @ 2 per PS)	30 per GP
11.	Appointment of Election Agent (Form-XI)	40 per GP
12.	Photo Identity Card to Contesting Candidates	100 per GP
13.	Declaration of the Result of Uncontested Election (Form-X)	5 per GP
14.	Register for Maintenance of Election Expenditure by Contesting Candidates (Proformas-I to IV) (to be supplied to Contesting Candidates)	100 per GP

LIST OF STATUTORY, NON-STATUTORY FORMS & COVERS AND OTHER POLLING MATERIALS REQUIRED FOR STAGE – II ELECTION PROCESS

I	BEFORE POLL PROCESS:	
1.	Application for Postal Ballot Paper (Form-XIV)	20 per GP
2.	Application for Election Duty Certificate (Form-XV)	5 per GP
3.	Election Duty Certificate (Form-XVI)	5 per GP
4.	Declaration by Elector (Postal Ballot) (Form-XVII)	20 per GP
5.	Cover for Postal Ballot (Form-XVIII) (Small size) (Pink colour for Sarpanch & White colour for Ward Member)	20 per GP
6.	Cover for Postal Ballot (Form-XIX) (Medium size) (Pink colour for Sarpanch & White colour for Ward Member)	20 per GP
7.	Outer Cover for Postal Ballot Paper (Big Size)	20 per GP
8.	Instructions for Guidance of Elector (Postal Ballot) (Form-XX)	20 per GP
9.	Photo Identity Card for Polling Personnel/Counting Personnel (Same proforma)	60 per GP
10.	Model Code of Conduct (to be supplied to the Contesting Candidates)	70 per GP

REQUIREMENT OF POLLING MATERIALS USED AT POLLING STATION
PART-I

LIST OF POLLING MATERIALS:		
1.	Ballot Box (Note: One or two ballot boxes may also be kept as reserve for each Gram Panchayat depending upon the number of voters allotted to the polling station, number of contesting candidates and size of the ballot boxes)	1
2.	Ballot Papers	As per requirement
3.	Marked Copies of Electoral Rolls	4
4.	Indelible Ink Phials (10 CC for 500 voters)	1
5.	Paper Seals for Ballot Box(s)	4
6.	Address Tags for Ballot Box(es)	4
7.	Label for Ballot Box(es)	4
8.	Arrow Cross Mark Rubber Stamp	3
9.	Distinguishing Mark Rubber Stamp	1
10.	Stamp Pad (Purple)	2
11.	Purple Ink Bottle	1
12.	Pusher	1
13.	Metal Seal for Presiding Officer	1
14.	Match Box	1
15.	Material for making Voting Compartment (Card Board)	2
16.	Poster Notice specifying Polling Area	1
17.	Poster showing the list of Contesting Candidates and Symbols allotted to them	1 for Sarpanch & 1 for Ward Member

STATUTORY FORMS AND OTHER ELECTION PAPERS:		
1.	Final List of Contesting Candidates (Form-IX) (Sarpanch & Ward Member)	2
2.	Appointment of Polling Agent (Form-XII)	20
3.	List of Challenged Votes (Form-XXI)	2
4.	List of Blind and Infirm Voters (Form-XXIII)	2
5.	List of Tendered Votes (Form-XXIV)	2
6.	Ballot Paper Account (Form-XXV)	10
7.	Paper Seal Account	2
8.	Receipt Book for deposit of Challenged Book Votes Fee	1
9.	Letter to S.H.O.	2
10.	Declaration by the presiding Officer before the commencement of Poll and at the end of Poll (Part-I to III)	2
11.	Form of Declaration by Elector about age	2
12.	Declaration by Presiding Officer and List of Electors who voted after giving declaration / refused to give declaration	2
13.	Declaration by the companion of blind and infirm voter (Form-XXII)	2
14.	Presiding Officer's Diary	2
15.	Entry Passes / ID Cards for Polling Agents	10
16.	Visit Sheet	2
17.	Format containing specimen signature of Contesting Candidates and Election Agents	2

SIGN BOARDS:		
1.	Presiding Officer	1 per PS
2.	Polling Officer	2 per PS
3.	Entry	1 per PS
4.	Exit	1 per PS
5.	Polling Agents	1 per PS

STATIONERY:		
1.	Ordinary Pencil	1
2.	Ballpoint Pen	1 Blue & 1 Red
3.	Plain Foolscap Paper	2 Sheets
4.	Pins	10 pieces
5.	Drawing Pins	20 pieces
6.	Sealing wax	2 sticks
7.	Gum Bottle (small)	1
8.	Blade	1
9.	Candle sticks	2
10.	Thin Twine Thread	20 metres
11.	Sutli (Country twine)	20 metres
12.	Flexible wire	5 pieces
13.	Sewing thread	20 metres
14.	Needle	1
15.	Flat Metal Rule	1
16.	Carbon Paper	2
17.	Cloth or Rag for removing oil, etc.,	1
18.	Cup/empty Tin/plastic for holding indelible ink bottle	1
19.	Rubber bands	10
20.	Cello Tape	1
21.	Canvas Bag	1
22.	Ribbon or Tape for tying sealed Ballot Boxes	6 metres
23.	Gunny Bag	1
24.	Checklist for Polling Material	2

PART-II

LIST OF COVERS REQUIRED FOR SEALING TO BE MADE BY THE PRESIDING OFFICER (STATUTORY & NON-STATUTORY)

S.No.	Cover Name	Requirement per PS	
A.	Self printed BROWN coloured covers:		
1.	Cover for Ballot Paper Account	Small size	2 per PS
2.	Cover for Declarations by Presiding Officer before and after Poll	Medium size	2 per PS
3.	Cover for Paper Seal Account	Small size	2 per PS
4.	Cover for the Diary of the Presiding Officer	Small size	2 per PS
5.	Cover for Visit Sheet	Small size	1 per PS
B.	Statutory Covers (GREEN coloured) containing the following sealed covers which shall also in the same colour, i.e. GREEN:	Big size	1 per PS
1.	Cover containing the Marked Copy of Electoral Roll	Medium size	2 per PS
2.	(a) Cover containing the signed but unused Ballot Papers with counterfoils (Sarpanch-Letters to be printed in Red colour)	Medium size	1 per PS
	(b) Cover containing the signed but unused Ballot Papers with counterfoils (Ward Member- Letters to be printed in Black colour)	Medium size	1 per PS
3.	(a) Cover containing other unused Ballot Papers with counterfoils (Sarpanch-Letters to be printed in Red colour)	Medium size	1 per PS
	(b) Cover containing other unused Ballot Papers with counterfoils (Ward Member- Letters to be printed in Black colour)	Medium size	1 per PS
4.	(a) Cover containing the Tendered Ballot Papers and the List in Form-XXIV (Sarpanch-Letters to be printed in Red colour)	Small size	1 per PS
	(b) Cover containing the Tendered Ballot Papers and the List in Form-XXIV (Ward Member -Letters to be printed in Black colour)	Small size	1 per PS
5.	(a) Cover containing the Ballot Papers cancelled for violation of voting procedure (Sarpanch-Letters to be printed in Red colour)	Small size	1 per PS
	(a) Cover containing the Ballot Papers cancelled for violation of voting procedure (Ward Member - Letters to be printed in Black colour)	Small size	1 per PS
6.	(a) Cover(s) containing other cancelled Ballot Papers (Sarpanch-Letters to be printed in Red colour)	Medium size	1 per PS
	(b) Cover(s) containing other cancelled Ballot Papers (Ward Member - Letters to be printed in Black colour)	Medium size	1 per PS
7.	(a) Cover containing Counterfoils of used Ballot Papers including Tendered Ballot papers (Sarpanch-Letters to be printed in Red colour)	Medium size	1 per PS
	(b) Cover containing Counterfoils of used Ballot Papers including Tendered Ballot papers (Ward Member - Letters to be printed in Black colour)	Medium size	1 per PS

C.	Non-Statutory Covers (YELLOW coloured) containing the following sealed covers which shall also in the same colour, i.e. YELLOW:	Big size	1 per PS
1.	Cover containing the copy or copies of Electoral Roll (other than the Marked copy)	Medium size	2 per PS
2.	Cover for Appointment Letters of Polling Agents	Medium size	2 per PS
3.	Cover for Election Duty Certificate	Small size	2 per PS
4.	Cover for Challenged Votes	Small size	2 per PS
5.	Cover for List of Blind and Infirm electors	Small size	2 per PS
6.	Cover for Declarations obtained from electors as to their age and the list of such electors	Small size	2 per PS
7.	Cover for Receipt Book and Cash, if any, in respect of Challenged voters	Small size	2 per PS
8.	Cover for Unused and Damaged Paper Seals	Small size	2 per PS
9.	For any other paper that the Presiding Officer has decided to keep in the sealed cover	Medium size	2 per PS
10.	Plain covers	Medium size	5 per PS
D.	Cover (BLUE coloured) for following items:	Big size	1 per PS
1.	Handbook for Presiding Officer		
2.	Self-inking Pads		
3.	Metal Seal of the Presiding Officer		
4.	Arrow Cross Mark Rubber Stamp		
5.	Distinguishing Rubber Stamp		
E.	Empty Cover (WHITE coloured):	Big size	1 per PS
<p>(Whether the covers/envelopes are smaller in size the packing paper may be used and where the relevant printed cover/envelope is not available plain envelope can be used and purpose may be indicated with Red ink).</p> <p>Note: The packets containing (i) Ballot Paper Account (in Form-XXV), (ii) Paper Seal Account, (iii) Declarations by the Presiding Officer before the commencement of Poll-during the poll and after close of poll, (iv) Presiding Officer's Diary, and (v) Visit Sheet, should be put in separate covers.</p>			

PART-III

LIST OF POLLING MATERIALS REQUIRED FOR COUNTING OF VOTES TO THE OFFICES OF SARPANCH AND WARD MEMBERS OF GRAM PANCHAYATS TO BE HELD BY THE RETURNING OFFICER (STAGE-II)

A.	STATUTORY FORMS AND OTHER MATERIALS REQUIRED FOR COUNTING AND DECLARATION OF RESULTS:	
1.	Appointment of Counting Agent (Form-XIII)	100 per GP
2.	Received Covers-B (Form-XIX) contains Postal Ballot Paper and Declaration of Elector (to be opened before counting of votes)	
3.	Sealed Ballot Box(es) along with Ballot Paper Account (Form-XXV) and Paper Seal Account	
4.	Final Result Sheet (Form-XXVI)	20 per GP
5.	Declaration of Result of Election (Form-XXVII)	20 per GP
6.	Return of Election (Form-XXVIII)	30 per GP
7.	Certificate of Election (Form-XXIX)	20 per GP
B.	STATIONERY REQUIRED FOR COUNTING:	
1.	A pen-knife or a razor blade	10 per GP
2.	Pencils	1 per GP
3.	Ballpoint Pen of Blue ink	1 per GP
4.	Two sheets of paper	25 per GP
5.	A dampener sponge or water in small cup	30 per GP
6.	Paper weights (small pieces of stone will also do)	1 or 2 per GP
7.	Rubber bands (Big size and Small size)	100+50 per GP
8.	Plastic trays	10 per GP
9.	Gum Bottle	1 per GP
10.	Covers required for packing of bundles of Counted Ballot Papers (Ward-wise and Candidate-wise)	70 per GP
11.	Trunk Box for storage purpose	1 per GP
12.	Sealing wax	50 per GP

PART-IV

LIST OF ELECTION MATERIAL REQUIRED FOR CONDUCT OF UPA-SARPANCH ELECTION TO BE HELD BY THE RETURNING OFFICER (STAGE-II)

1.	Notice in Form-I for conduct of election of Upa-Sarpanch of Gram Panchayat to be served to all elected Ward Members and Sarpanch of Gram Panchayat concerned.	15 per GP
2.	Register for recording Minutes of Meeting	

ANNEXURE-III

FORM-I
[See Rule 6]

NOTICE FOR THE ELECTION OF MEMBER / SARPANCH

- (i) Name of the Gram Panchayat
- (ii) Name of the Mandal Parishad
- (iii) Number of Members inclusive of Sarpanch
- (iv) Number of the wards for which the Members are to be elected.
- (v) Reservation particulars where the office of Sarpanch is reserved:
- (vi) Reservation particulars of Ward Members

Category	Ward Nos.
ST(W)	
ST(G)	
SC (W)	
SC (G)	
BC (W)	
BC(G)	
Women	

- (vii) Nomination papers shall be presented
 - (a) On (dates)
 - (b) Time (hours) from to
 - (c) Place
 - (d) To (Whom)
- (viii) Scrutiny of nomination papers
 - (a) Place
 - (b) Date
 - (c) Time
- (ix) Withdrawal of candidature
 - (a) Place
 - (b) Last Date
 - (c) Time
- (x) Polling shall be held
 - (a) Place
 - (b) Date
 - (c) Time
- (xi) Counting of votes
 - (a) Place
 - (b) Date
 - (c) Time
- (xii) Declaration and publication of results
 - (a) Place
 - (b) Date
 - (c) Time
- (xiii) Meeting for the election of Upa-Sarpanch
 - (a) Place
 - (b) Date
 - (c) Time

RETURNING OFFICER

ANNEXURE-IV

FORM-III

[See Rule 8 (1)]

GRAM PANCHAYAT
(Scheduled Area / Non-Scheduled Area)

NOMINATION PAPER

Part-I

1. Name of the Office : Member / Sarpanch
2. Name or number of the ward :
3. Whether the ward is reserved for : (a) SCs
(b) STs
(c) BCs
(d) Women
4. Full name of the candidate :
5. Father's /Mother's/Husband's name :
6. Serial Number of candidate in the electoral Roll :
7. Age :
8. Sex :
9. Occupation and Address :
10. Full name of the proposer :
11. Serial Number of proposer in the electoral roll :
12. Signature of the proposer :

Part-II

(CANDIDATE'S DECLARATION)

I, the candidate mentioned in Part-I assent to this nomination and hereby declare.

- (a) that I have completed _____ years of age
- (b) that the code of conduct prescribed by the State Election Commission has been read by me/ read over to me and I will abide by it.
- (c) that my name and my father's /mother's /husband's name have been correctly spelt out above in Telugu language.
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat.

Signature of the candidate

Part-III

(Declaration in case of SC/ST/BC candidate)

I hereby declare that I am a member of the
.....Caste / Tribe which is a Scheduled Caste / Scheduled Tribe / Backward Class in
the State of Andhra Pradesh in relation to District or area in the State.

Signature of Candidate

The above declaration is solemnly affirmed before me (name of the officer in block letters) by
.....who is personally known to me / who has been identified to my satisfaction
by.....of.....

Signature of the Gazetted Officer or any other
officer of the Revenue Department
not below the rank of a MRO (Tahsildar).

(Seal of office)

Full designation
Date

Part-IV

(To be filled by the Returning Officer)

Serial No. of Nomination Paper -----

This nomination paper was delivered to me at my office at ----- (hour) on -----
----- (date) by the candidate / proposer.

**Signature of the Returning Officer or
other authorised person**

Part-V

(Decision of Returning Officer accepting or rejecting the nomination paper)

I have examined this nomination in accordance with rule 12 of APPR (Conduct of elections)
Rules, 2006 and decide as follow:

Accepted / Rejected

Dat:

Returning Officer

----- (Perforation) -----

Part-VI

RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY

(To be handed over to the person presenting the nomination paper)

Serial No. of Nomination Paper.....

The Nomination paper of.....a candidate for election of Sarpanch / Member of ward no.----- of----- Gram Panchayat was delivered to me at(hour) on.....(date) by thecandidate / proposer.

All nomination papers will be taken up for scrutiny at..... (hour)..... on..... (date) at.....(place).

Date:

Returning Officer

ANNEXURE-V

A.P. STATE ELECTION COMMISSION

1st Floor, New HODs Building, M.G. Road, Vijayawada-520010.

ORDER

No. 145/SEC-B2/2018

Date: 25.10.2018

Sub: Elections – Elections to Sarpanch and Ward Members of Gram Panchayats, Member MPTC and Member ZPTC – Maintenance and Scrutiny of Election Expenditure Accounts – Formats and instructions – Issued.

PROVISIONS OF LAW:

Sub-section (1) of Section 230-A of Andhra Pradesh Panchayat Raj Act, 1994 stipulates that every contesting candidates at any election held under Andhra Pradesh Panchayat Raj Act shall, either by himself or by his election agent, keep a separate and correct account of all expenditure incurred in connection with election between the date on which the candidate concerned has been nominated and the date of declaration of results of the election both days inclusive.

Sub-section (2) of section 230-A stipulates that the account of election expenditure shall contain such particulars as may, by order, be specified by the State Election Commission.

Sub-section (3) of section 230-A empowers the State Election Commission to specify the ceiling limits on election expenditure to be incurred by the candidates for various seats in elections to Panchayat Raj Bodies. The maximum ceiling limits which can be incurred by the candidate contesting elections to ZPPTC & MPPTC and Gram Panchayats shall be as specified by the State Election Commission by notification.

Section 230-B of A.P.P.R. Act, 1994 stipulates that every contesting candidate at an election shall, within 45 days from the date of declaration of result of election, lodge with the District Election Authority an account of his election expenses, which shall be a true copy of the account kept by him or by his election agent under section 230-A. The final return under the sections shall be submitted by the contesting candidates within 45 days from the date of declaration of result to the District Election Authority through MPDOs.

Under Section 19-B of the A.P.P.R. Act, 1994, the State Election Commission is empowered to disqualify a candidate from contesting election for a period of 3 years for failure to lodge an account of election expenses within the time and in the manner required under the said Act and in case the candidate is elected, he is liable for cessation of office for such failure.

For the purpose of clarity, the explanations given under Section 230-A of A.P.P.R. Act, 1994 for the election expenses are reproduced below.

Explanation-I. ' Election expenses' for purpose of this Act shall mean all expenses in connection with the election,-

- (a) incurred, or authorized by the contesting candidate, or by his election agent;*
- (b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent) aimed at promoting or procuring the election of the candidate concerned; and*
- (c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:*

Provided that any expenses incurred by any political party as part of its general propaganda, (which is distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken, or by signs or visible representations, or by audio-visual devises, or through print or electronic media or otherwise shall not constitute 'election expenses' for purposes of this Act.

Explanation-II:- (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 211 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

FORMATS FOR MAINTENANCE OF ACCOUNTS OF ELECTION EXPENSES BY CANDIDATES:

In exercise of the powers conferred under subsection (2) of section 230-A of the APPR Act, 1994, in supersession of all earlier instructions issued in this subject, the State Election Commission, hereby, specifies the formats and guidelines for maintenance of accounts of election expenses by candidates in elections to Panchayat Raj Bodies.

A) FORMATS:

- 1) The accounts of election expenditure shall be maintained in a separate register consisting of the following particulars.
- 2) The Cover Page of the register shall be in Proforma-I depicting the details of election, name of the contesting candidate and total expenditure incurred etc. (Proforma-I is appended to this order).
- 3) The Index Page of the register shall be in Proforma-II showing the day-wise election expenditure abstract. (Proforma-II is appended to this order).
- 4) Main Pages of the register shall be in Proforma-III containing the day-to-day account of election expenditure of the contesting candidates. (Proforma-III is appended to this order).
- 5) An Acknowledgment shall be given as in Proforma-IV as a proof of submission of the accounts of election expenses by the candidate. A copy of the same shall be retained with the office of the Authorized Officer for record to eliminate scope for any complaints. (Proforma-IV is appended to this order).

B) GUIDELINES:

- 1) The 'day-to-day' true account of election expenditure incurred by contesting candidate or his Election Agent and also by his supporters, any political party, or body or association or other individuals supporting the candidature or for furthering chances of the candidate in the election shall be recorded in the main pages as in Proforma-III.
- 2) The day to day expenditure account so maintained in Proforma-III shall be supported by proper vouchers failing which it will not be treated as true account of election expenditure as required under the law, save in cases where it is not possible to obtain vouchers.
- 3) Each of the supporting vouchers, enclosed with the account of election expenditure, shall bear the signature in full of the contesting candidate or his election agent.
- 4) The candidate or his authorized agent shall prepare an index / contents of the expenditure periodically during the campaign period in the Proforma-II enclosed to this Order and the same shall be duly signed by the candidate or his election agent certifying its correctness and shall be submitted to the designated authorities for inspection and scrutiny.
- 5) The original acknowledgment should be issued to the candidate on submission of the accounts. A copy of it shall be retained in the office of the receiving officer for the record purpose.
- 6) The State Election Commission directs that for concurrent monitoring, the "day-to-day basis" true account of expenditure in Proforma-III should be submitted to the Returning Officer or a person authorized by him, once in every three days from the date of publication of list of contesting candidates, by the candidate / election agent or a messenger authorised by the candidate. The Returning Officer shall see that

- these day-to-day accounts of expenditure submitted are published and to make them available to anybody who intends to verify them.
- 7) The final of return of election expenditure in the Proformae-I, II, III & IV attached to this order shall be submitted by the contesting candidates through the MPDO within 45 days from the date of declaration of the results of the office for which they had contested.

REQUIREMENT UNDER SECTION 171H OF INDIAN PENAL CODE 1860:

The attention of all political parties and contesting candidates is, hereby, drawn to the provisions of section 171H of the Indian Penal Code, 1860, which reads as follows:

“171-H. Illegal payments, in connection with an election:- Whoever without the general or special, authority in writing of a candidate, incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority, obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate”.

Thus, from the above provision of law, it may be noted that the expenditure incurred by the supporters in connection with election of a candidate, without the knowledge or consent of the contesting candidate, is a criminal offence under the above law and persons, supporters, political parties, body or associations are liable for prosecution. And if such expenditure has been incurred, with the knowledge or with the consent of the candidate, then the same should be included in the account of election expenses of the candidate.

DIRECTIONS TO BE FOLLOWED:

In order to put effective curbs on the incurring or authorising of expenditure, in violation of the statutory provisions of the above-referred section 171 H of the Indian Penal Code and in the interests of free and fair electors, the State Election Commission, in exercise of its powers under Article 243K of the Constitution and Section 230-A of APPR Act, hereby, directs as follows:

- (i) No political party or any other association, body or individual, shall put up any cut-outs, hoardings, wall paintings, flags, banners, buntings, advertisements in newspapers, electronic media etc., without the general or special authority (in writing) of the candidate whose election is sought to be promoted by such cut-outs, hoardings, etc., as is statutorily and mandatorily required under Section 171 H of the Indian Penal Code. Strict penal action against those offending the above provisions of law will be taken and prosecutions launched against them.
- (ii) Since elections to Gram Panchayats are conducted on non-party basis, the contesting candidates or their supporters shall not put up any cut-outs, hoardings, wall paintings, banners etc., of the political parties in support of any candidate contesting in Gram Panchayat elections.
- (iii) Subject to clause (iv) below, a political party or association or body may put up any cut-outs, hoarding, etc., referred in para 6 (i) above as part of its general propaganda, which is a distinguishable from its election campaign for the promotion the election of a particular candidate. For example if the poster, banner etc. appeals to the voter to vote for a party in words or picture or photo of party office bearers only then it is a case of general publicity. But if a poster, banner etc. also appeals to vote for a particular candidate in words or picture or photo then the cost thereof should be counted towards the expenditure of that candidate.

- (iv) No political party, contesting candidate, association, body or individual shall put up any cut-outs, hoarding etc., either under clause (i) or under clause (iii) above, unless prior written permission of the concerned Government authorities or local authorities like Zilla Parishad, Mandal Parishad and Gram Panchayat has been obtained under the relevant local laws before putting up such cut-outs, hoarding etc.
- (v) Before granting any permission as envisaged in clause (iv) above, the concerned Government authorities or the local authorities mentioned above shall thoroughly examine the applications of the parties, association, bodies or individuals with a view to satisfying themselves that the putting up of such cut-outs, hoardings etc., on the proposed site does not compromise the safety and security of the general public and does not result in traffic and other hazards in any manner whatsoever. Such authorities shall also examine whether any authorisation from a particular candidate is required by the applicant in terms of clause (i)&(ii) above and, if so, whether such authorisation has been obtained by the applicant.
- (vi) It shall be the responsibility of the Government authorities and local authorities mentioned above to ensure that no cut-outs, hoardings etc., are put up by any political party, association, body or individual on any highways, road-sides, traffic intersection and crossings, government buildings and property, like electricity and telephone poles, etc., without prior written permission of the concerned department or local body and the written authorisation of the candidate, where required, as mentioned above. Any cut-out, hoardings, etc. which have been put up without the required permission and authorisation should be got removed/demolished forthwith at the cost of the party, association, body or individual responsible for the unauthorised putting up of the same.
- (vii) Penal action shall also be initiated forthwith against such defaulting parties, associations, bodies or individuals by the aforementioned authorities under section 171 H, IPC and section 4 and 5 of "A.P. Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable posters and Advertisements Act, 1997 (Act 28 of 1997)" the provisions whereof have been violated by the putting up of such unauthorised cut-outs, hoardings etc.
- (viii) If any such instances either come, or are brought, to the notice of the election expenditure observer, District Election Authorities, Returning Officers or other authorities concerned with the conduct of elections, including the Police authorities, they shall take up forthwith the matter with the aforementioned authorities for prompt action as directed in clauses (vi) and (vii) above.

The Commission, hereby, warns all concerned that any violation of the above directions will be viewed by the Commission with the utmost gravity and most stringent action possible under the law will be taken against the parties, associations, bodies or individuals responsible for such violations.

If any Officers is found to have failed to take prompt and expeditious action as envisaged above, he will render himself liable to strict disciplinary action for failure to discharge the official duty.

SCRUTINY OF ACCOUNTS DURING ELECTION PERIOD (CONCURRENT MONITORING):

The State Election Commission directs that the day-to-day basis true account of expenditure in the Proforma-III should be submitted by the contesting candidate / election agent or a messenger authorised by the candidate to the Returning Officer or an officer authorised by him once in every three days from the date of publication of list of contesting candidates. The Returning Officer may determine and inform the place and time at which the candidates can submit the accounts of election expenses for inspection and scrutiny.

The Observers appointed by the State Election Commission under Section 232-A of A.P.P.R. Act, 1994 may also undertake inspection / scrutiny of accounts of election expenses of candidates.

With a view to minimize the possibility of contesting candidates, their supporters, political parties, bodies or associations incurring expenditure in excess of the ceilings prescribed by the State Election Commission, it is felt necessary that the daily returns and the periodical returns of expenditure should be made transparent by making them available to the public and the other contesting candidates, who, can help the Election Commission to effectively check the veracity of the returns with actual expenditure being incurred by the contesting candidates and their supporters. It is, therefore, decided that the designated officers should make photo copies of these returns available to other contesting candidates, any member of the public or Non-Governmental Organization, on demand and on payment of xeroxing charges or a certified copy as per Section 76 of the Indian Evidence Act, 1872 and to the media, free of cost, so as to enable them to assist the Election Commission in effectively implementing the ceilings imposed on the expenditure to be incurred by the contesting candidates for various offices. The Commission is of the considered opinion that this exercise in bringing transparency in election expenditure will enhance the purity of elections and help in conduct of free and fair elections.

SUBMISSION OF FINAL ACCOUNT OF ELECTION EXPENSES:

The final of account of election expenses maintained by the candidate in the Proformae prescribed by the State Election Commission shall be submitted by the candidate to the District Election Authority through MPDO concerned within 45 days from the date of declaration of result of the office for which he/she had contested. The date of submitting the return / final account in the office of the MPDO shall be deemed to be the date of filing the return / final account under Section 230-B of A.P.P.R. Act, 1994. The MPDO shall forward all returns / final accounts received by him to the District Election Authority immediately on expiry of 45 days from the date of declaration of results. The District Election Authority shall make these returns public and further action shall be taken as per the procedure prescribed in Rule 101, 102 and 103 of A.P.P.R. (Conduct of Elections) Rules, 2000.

The District Election Authority shall also take follow up action in respect of candidates, who failed to lodge election expenditure accounts within the time and in the manner required by or under the APPR Act, 1994, as per the procedure envisaged in sub rules (2) and (7) of Rule 103 of A.P.P.R. (Conduct of Elections) Rules, 2000.

The return / final account of election expenses rendered by the candidate would be considered as having been filed in the manner required by or under A.P.P.R. Act, 1994 only when it fulfills the following conditions.

- (i) The expenditure account should be complete and true. An expenditure report which does not contain all the expenditure incurred will be considered incomplete and untrue and would be acted upon as per the provisions of the Act and Rules.
- (ii) An expenditure account that is in the format and proformae prescribed by the State Election Commission will only be treated as being in the manner required by or under the A.P.P.R. Act, 1994. Any deviation from the format and proformae will be treated as non-submission.

The Returning Officers are directed to furnish a copy of this order to the contesting candidates under acknowledgement for strict compliance.

**Sd/- Dr. N. Ramesh Kumar
State Election Commissioner**

To
All Collectors & District Election Authorities.
All the District Panchayat Officers.
All Returning Officers (Through C & DEAs).

PROFORMA-I: COVER PAGE

**ELECTIONS TO SARPANCH AND WARD MEMBERS OF GRAM PANCHAYATS /
MEMBER MPTC / MEMBER ZPTC, 20**

**REGISTER FOR MAINTAINANCE OF ACCOUNT OF ELECTION EXPENSES BY
CONTESTING CANDIDATES**

- (a) Name of the Election (Ordinary election / :
Casual election) and Year of election
- (b) Name of the Contesting Candidate :
- (c) Serial number in the List of Contesting :
Candidates
- (d) Office contested for * : Sarpanch / Ward Member of Ward No.....
of Gram
Panchayat.
- Member, MPTC of
..... Mandal Praja
Parishad.
- Member, ZPTC of
..... Zilla Praja
Parishad.
- (e) Date of Nomination :
- (f) Date of Result :
- (g) Total amount of expenditure incurred : Rs.

* Strike out which is not applicable.

(Original / Office Copy)

PROFORMA-IV: ACKNOWLEDGEMENT

(Original to be issued to the Candidate and the Office copy to be retained)

The Account of Election Expenses of Sri/Smt/Kum..... contested for election to the office of (Ward Member / Sarpanch / Member MPTC / Member ZPTC) in Gram Panchayat / Mandal Praja Parishad / Zilla Praja Parishad held in the (month/year) as filed by Sri/Smt./Kum..... is received by me today, i.e., (dd/mm/yyyy).

Date:

Signature of the Authorised Officer / Employee
Mandal Parishad Development Office
..... Mandal Praja Parishad
..... District

Office Seal

ANNEXURE-VI

FORM-V
[See rule 11]

LIST OF NOMINATIONS RECEIVED

Election to Sarpanch / Member of Ward No. of Gram Panchayat of
..... Mandal Parishad.

Sl.No. of Nomination Paper	Name of Candidate	Father's or Husband's Name	Age of the candidate	Occupation & Address	Particulars of Caste or Tribes for candidates belonging to SC or ST or BC	Electoral Roll number of Candidate	Name of the Proposer	Electoral Roll No. of Proposer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

The nomination papers will be taken up for scrutiny atA.M./ P.M. on
(date) at(place).

Place :
Date :

Signature of the Returning Officer or
other authorised person

ANNEXURE-VII

A.P. STATE ELECTION COMMISSION

1st Floor, New HODs Building, M.G. Road, Vijayawada-520010.

ORDER

No. 12/SEC-B2/2019

Date: 25.01.2019

Sub:- Ordinary elections to Gram Panchayats – Disclosure of information relating to Criminal Antecedents, Assets and Liabilities and Educational Qualifications along with Nomination Paper by the candidates contesting in Gram Panchayat elections – Format for filing self-declaration – Orders – Issued – Reg.

Sub-rule (3) of Rule 9 of Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006 stipulates that every candidate shall, along with the nomination paper, also file a declaration with regard to his criminal antecedents, assets and liabilities and education qualifications as required by the State Election Commission and in the prescribed format attested by two witnesses.

The State Election Commission decided to prescribe a separate format of declaration to be filed by candidates contesting in Gram Panchayat elections in pursuance of the said rule as these elections are held on non-party basis.

Now, therefore, in exercise of the powers conferred under Article 243K of the Constitution of India and in pursuance of sub-rule (3) of Rule 9 of Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006 and all other powers hereunto enabling it in this behalf and in supersession of all orders issued earlier on this subject, the State Election Commission, hereby, prescribes the format for disclosure of information by the candidates contesting in elections to Gram Panchayats as follows.

1. Every candidate contesting in elections to the office of Member or Sarpanch of Gram Panchayat shall, along with the nomination paper, also file a self-declaration in the format prescribed in Annexure to this order and attested by two witnesses. Full and complete information shall be furnished with regard to all the matters specified in the format.
2. Failure on the part of the candidate to file declaration or filing incomplete declaration, makes the nomination of the candidate liable for rejection by the Returning Officer as per relevant rules. While filling the declaration, all columns should be filled up and no column should be left blank. If there is no information in respect of any column, either 'Nil' or 'Not applicable', as the case may be, shall be mentioned.
3. When the prescribed self-declaration has been filed in complete form, then the nomination should not be rejected by the Returning Officer on the sole ground that the information furnished in the declaration is false or defective.
4. The information so furnished by each candidate in the aforesaid declaration shall be disseminated by the concerned Returning Officer by displaying a copy of the declaration on the notice board of his office and also by making copies thereof available to all other candidates on demand and to the representatives of the print and electronic media.

5. If any rival candidate furnishes information to the contrary, by means of a declaration attested by two witnesses, then such declaration of the rival candidate shall also be disseminated along with the declaration of the candidate concerned in the manner directed above.

The Returning Officers shall be directed to ensure that the copy of this order along with Annexure is delivered to every contesting candidate along with the nomination paper.

Sd/- Dr. N. Ramesh Kumar
State Election Commissioner

To
All Collectors & District Election Authorities.
All District Panchayat Officers.
All Returning Officers (through C & DEAs concerned).

Copy to:
The Election Authority & Director of Panchayat Raj & Rural Development.
The Principal Secretary to Government, P.R. & R.D. Department.

ANNEXURE

(to APSEC Order No.12/SEC-B2/2019, Dt:25.01.2019)

(Self-declaration, attested by two witnesses, to be furnished to the Returning Officer along with Nomination Paper by the candidate contesting in elections to Gram Panchayats)

For election to the office of Sarpanch / Member of Ward of Gram Panchayat in Mandal Praja Parishad.

I,, son / daughter / wife of, aged years, resident of (mentioned full postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under:-

(1) Details of PAN (Permanent Account Number) and status of filing of Income Tax Return:

S.No.	Names	Permanent Account Number (PAN)	Financial Year for which the last Income Tax Return has been filed	Total income shown in Income Tax Return (in Rupees)
1.	Self			
2.	Spouse			
3.	Dependent – 1			
4.	Dependent – 2			
5.	Dependent – 3			

(2) The following case(s) is/are pending against me in which cognizance has been taken by the court:-

S.No.	Details of cases where the court has taken cognizance, Sections of the Act and Description of the offence for which cognizance taken	Name of the Court, Case No. and Date of Order taking cognizance	Details of Appeal (s) / Application (s) for revision (if any) filed against the above order (s)
(1)	(2)	(3)	(4)
1.			
2.			
3.			

(3) Cases in which I have been convicted by a Court of Law:-

S.No.	Details of Cases, Sections of the Act and Description of the offence for which cognizance taken	Name of the Court (s), Case No. and Date (s) of Order (s)	Punishment (s) imposed
(1)	(2)	(3)	(4)
1.			
2.			
3.			

(4) Details of Assets (movable and immovable) of self, spouse and all dependents (including the assets in foreign countries):-

A. Details of Movable Assets:-

Note:-

1. Assets in joint name indicating the extent of joint ownership will also have to be given.
2. In case of deposit / investment, the details including Serial No., Amount, Date of Deposit, Scheme, Name of Bank / Institution and Branch, etc., are to be given.
3. Value of Bonds/Shares/Debentures, etc., as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non-listed companies, should be given.
4. 'Dependent' means, a person substantially dependent on the income of the candidate.
5. Details including amount is to be given separately in respect of each investment.

S.No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand					
(ii)	Details of Deposits in Bank accounts (FDRs, Term Deposits and all other types of Deposits including Savings Accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit					
(iii)	Details of investments in Bonds, Debentures / Shares and Units in companies / Mutual Funds and others and the amount.					
(iv)	Details of investment in NSS, Postal Savings, Insurance Policies and investment in any Financial Instrument in Post Office or Insurance Company and the amount.					
(v)	Personal loans / advances given to any person or entity including firm, company, trust, etc., and other receivables from debtors and the amount.					
(vi)	Motor Vehicles / Aircrafts / Yachts / Ships (details of make, registration number, etc., year of purchase and amount).					
(vii)	Jewelry, bullion and valuable things (give details of weight and value).					
(viii)	Any other assets such as value of claims / interest.					
(ix)	Value of Total Movable Assets: (i) to (viii) above.					

B. Details of Immovable Assets:-

Note:-

1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.
2. Each land or building or apartment should be mentioned separately in this format.

S.No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(I)	Agricultural Land: Location(s), Survey No.(s).					
	Area (Total measurement in areas)					
(a)	Inherited property, Extent					
(b)	Self-acquired Property					
(i)	Extent					
(ii)	Date(s) of Purchase					
(iii)	Cost of Land (in case of acquired land) at the time of purchase.					
(c)	Any investment on the land by way of development, construction, etc.					
(d)	Approximate Current Market Value (a)+(b)					
(II)	Non-Agricultural Land: Location(s), Survey No.(s).					
	Area (Total measurement in areas)					
(a)	Inherited property, Extent					
(b)	Self-acquired Property					
(i)	Extent					
(ii)	Date(s) of Purchase					
(iii)	Cost of Land (in case of acquired land) at the time of purchase.					
(c)	Approximate Current Market Value (a)+(b)					
(III)	Commercial Buildings: (including apartments) Location(s) Survey No.(s).					
	Area (Total measurement in Sq. ft.)					
	Built up area (Total measurement in Sq. ft.)					
(a)	Inherited Property details					
(b)	Self-acquired Property					
(i)	Extent					
(ii)	Date(s) of Purchase					
(iii)	Cost of Property at the time of purchase.					
(c)	Approximate Current Market Value (a)+(b)					
(IV)	Residential Buildings: (including apartments) Location(s) Survey No.(s).					
	Area (Total measurement					

	in Sq. ft.)					
	Built up area (Total measurement in Sq. ft.)					
(a)	Inherited Property details					
(b)	Self-acquired Property					
(i)	Extent					
(ii)	Date(s) of Purchase					
(iii)	Cost of Property at the time of purchase.					
(c)	Approximate Current Market Value (a)+(b)					
(V)	Others: (such as interest in property)					
(VI)	Total of Current Market Value of (I) to (V) above					

(5) I give herein below the details of liabilities / dues to public financial institutions and government:-

(Note: Give separate details of name and Bank, Institution, Entity or individual and amount for each item).

S.No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(I)	Loan or dues to Bank / Financial Institution (s) Name of Bank or Financial Institution(s), Amount outstanding and Nature of Loan					
	Loan or dues to any individuals / entity other than mentioned in (i) above.					
(a)	Name(s)					
(b)	Amount outstanding					
(c)	Nature of Loan					
	Any other liability					
	Grand Total of Liabilities					
(II)	Government Dues:					
	Dues to departments dealing with government accommodation					
	Dues to departments dealing with supply of water					
	Dues to departments dealing with supply of electricity					
	Dues to departments dealing with supply of telephones / mobiles					
	Dues to departments dealing with government transport (including aircrafts and helicopters)					

	Income Tax Dues					
	Service Tax Dues					
	Municipal / Property Tax Dues					
	Sales Tax Dues					
	Any other dues					
	Grand Total of all Government dues					

(6) Details of Profession or Occupation:-

- (a) Self
- (b) Spouse

(7) My educational qualifications are as under:-

(Give details of highest School / University education with full form of the certificate / diploma / degree course. Name of the School / College / University and the year in which the course was completed)

S.No.	Certificate / Diploma / Degree course passed	School / College / University studied	Year in which the course completed	Remarks
1.				
2.				
3.				

DECLARATION

I do, hereby, declare that the contents of this self-declaration are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

This declaration is made on the day of (date to be mentioned).

DECLARANT

Signature of the Witnesses (with Names and Addresses):

- 1)
- 2)

Note:

1. Self-declaration with two witnesses should be filed along with nomination paper. If any candidate fails to file self-declaration along with nomination, he / she should file it latest by 5.00 PM on the last date of making nomination.
2. All the columns should be filled up and no column should be left blank. If there is no information to furnish in respect of any item, either 'Nil' or 'Not Applicable', as the case may be, should be mentioned.
3. The self-declaration should be either typed or written legibly and neatly.
4. For the measurements in various items in the part relating to assets, the locally used and accepted units of measurements should alone be given.

ANNEXURE-VIII

**DECLARATION TO BE FILED BY THE CANDIDATE FILING NOMINATION ON ACCOUNTS OF
ELECTION EXPENDITURE**

I....., S/o....., Resident of..... having filed the nomination for the office of Sarpanch / Member of Ward No. Gram Panchayat of Mandal Praja Parishad, hereby, acknowledge that I have been supplied with a copy of the State Election Commission's Order No. 145/SEC-B2/2018, dated 25.10.2018 relating to maintenance of accounts of election expenditure by the contesting candidates and also the Notification prescribing maximum limit on expenditure which can be incurred by the contesting candidates for the said offices.

I hereby declare and undertake to keep my election expenditure within the limit prescribed and also to maintain true and day to day accounts of the expenditure in the manner prescribed.

I, further, declare that I am fully conversant with the legal provisions contained in APPR Act, 1994 and rules issued thereunder dealing with election expenses and I hereby undertake to act in accordance with these provisions of Law and the rules made thereunder and in the true spirit of democracy while contesting the election for the above mentioned office.

Signature of the Contesting Candidate

The above declaration is signed before me.

Returning Officer

ANNEXURE-IX

EXTRACTS OF STATUTORY PROVISIONS RELATING TO QUALIFICATIONS AND DISQUALIFICATIONS

Extracts of Sections 17, 18, 19, 19A, 19B, 20A & 20B of A.P. Panchayat Raj Act, 1994 and extract of Section 8 of Representation of Peoples Act, 1951.

Section 17: Qualification of candidates: No person shall be eligible for election as a Member/Sarpanch of a Gram Panchayat, unless his name appears in the electoral roll of that Gram Panchayat and **he / she is not less than 21 years of age.**

Section 18: Disqualification of certain office holders etc. : No village servant and no officer or servant of the Government of India or any State Government or of local authority or an employee of any institution receiving aid from the funds of the Government and no office bearer of any body constituted under a law made by the Legislature of the State or of Parliament shall be qualified for being chosen as or for being a Member / Sarpanch of a Gram Panchayat.

Explanation: For the purpose of this Section the expression 'VILLAGE SERVANT' means in relation to –

(i) the Andhra Area, any person who holds any of the village offices of nearaganti, neeradi, vetti, kawalkar toti, talayar, tandalagar, sathsindhi or any such village office by whatever designation it may be locally known :

(ii) the Telangana Area, any person who holds any of the village offices of neeradi, kawalkar, sathsindhi or any such village office by whatever designation it may be locally known:

(2) A person who having held an office under the Government of India or under the Government of any State or under any local authority has been dismissed for corruption or for disloyalty to the State or to the local authority shall be disqualified for a period of five years from the date of such dismissal.

(3) For the purpose of sub-section (2), a certificate issued by the State Election Commissioner to the effect that a person having held office under the Government of India or under the Government of State or under any local authority has or has not been dismissed for corruption or for disloyalty to the State or to the local authority shall be conclusive proof of that fact;

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the state or to the local authority shall be issued unless an opportunity of being heard has been given to the said person.

(4) Omitted by Act 37 of 2001.

(5) Apart from the disqualifications specified in sub-sections (1) and (2) of this section and Sections 19 and 20, a person shall be disqualified for being chosen as and for being, a member of a Gram Panchayat, if he is otherwise disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State:

Provided that no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years;

Provided further that where a person is convicted for an offence specified under sub-section (1) or sub-section (2) of Section 8 of the Representation of People Act, 1951 (Act 43 of 1951) or under Section 19 of this Act, while he is a Member / Sarpanch of a Gram Panchayat, the disqualification arising out of such conviction shall not take effect until the expiry of the time for filing an appeal against such conviction and where an appeal is filed until the disposal of the appeal;

Provided also that a person convicted for an offence under sub-section (1) of section 8 of the Representation of People Act, 1951 (Act 43 of 1951) shall be disqualified for being chosen as or for continuing as a Member /Sarpanch of a Gram Panchayat, for a period of six years from the date of conviction and a person convicted under sub-section (2) thereof shall be disqualified for a period of six years from the date of conviction and for a further period of five years from the date of release.

Section 19: The following persons are disqualified from contesting the post of Member/Sarpanch of a Gram Panchayat;

(1) A person who has been convicted by a Criminal Court –

- a) for an offence under the Protection of Civil Rights Act, 1955 (22 of 1955); or
- b) for an offence involving moral delinquency; shall be disqualified for election as a Member for a period of five years from the date of conviction or where he is sentenced to imprisonment while undergoing sentence and after a period of five years from the date of expiration thereof.

(2) A person shall be disqualified for being chosen as a member if on the date fixed for scrutiny of nominations for election, or on the date of nomination under sub-section (2) of Section 16 he is –

- a) of unsound mind and stands so declared by a competent court;
- b) a deaf-mute or suffering from leprosy;
- c) an applicant to be adjudicated an insolvent or an undischarged insolvent;
- d) interested in a subsisting contract made with, or any work being done for, the Gram Panchayat, Mandal Parishad, Zilla Parishad or any State or Central Government:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in –

- i) a company as a mere share-holder but not as a director;
- ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- iii) any agreement for the loan of money or any security for the payment of money only; or
- iv) any newspaper in which any advertisement relating to the affairs of the Mandal Parishad or Zilla Parishad is inserted.

Explanation:- For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Gram Panchayat, Mandal Parishad, Zilla Parishad, the State or Central Government has not performed its part of the contractual obligations;

- e) employed as paid legal practitioner on behalf of the Mandal Parishad or Zilla Parishad or as legal practitioner against the Mandal Parishad or Zilla Parishad;
- f) employed as a Manager or Secretary of any Company or Corporation (other than a Co-operative Society) in which not less than twenty-five per cent of the paid up share capital is held by the State Government;
- g) an honorary Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974) jurisdiction over any part of the village;
- h) already a Member of Mandal Parishad or Zilla Parishad whose term of office will not expire before his fresh election can take effect or has already been elected as a Member of Mandal Parishad or Zilla Parishad whose term of office has not yet commenced;
- i) in arrears of any dues including the sums surcharged otherwise than in a fiduciary capacity, to the Gram Panchayat upto 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:

Provided that where any person has paid such dues into the Government treasury or into a bank approved by the Government to the credit of the Gram Panchayat fund and obtained a challan

or receipt therefor in token of such payment, he shall not be disqualified to become a Member / Sarpanch of a Gram Panchayat on and from the date of such payment.

(3) A person having more than two children shall be disqualified for election or for continuing as member/Sarpanch of a Gram Panchayat:

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Panchayat Raj Act, 1994 hereinafter in this section referred to as the date of such commencement, of an additional child shall not be taken into consideration for the purposes of this section:

Provided further that a person having more than two children (excluding the child if any born within one year from the date of such commencement) shall not be disqualified under this section for so long as the number of such commencement does not increase;

Provided also that the Government may direct that the disqualification in this section shall not apply in respect of a person for reasons to be recorded in writing.

Section 19A: Any person who is convicted of any offence punishable under Chapter XI A of the Indian Penal Code, 1860, and any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed in accordance with section 233, or any person convicted of an offence punishable under Chapter II of Part V of this Act, shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

Section 19B: If the State Election Commission is satisfied that a person, -

(a) has failed to lodge an account of election expenses within the time, in the manner required by or under this Act; and

(b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Andhra Pradesh Gazetted, declare him;

(i) to have ceased to hold office; and

(ii) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act”.

Section 20 A: Disqualification of Sarpanch or Upa-Sarpanch for failure to convene the meetings of Gram Sabha: (1) Subject to the provisions of Section 22, a Sarpanch or as the case may be, Upa-Sarpanch shall cease to hold office as such, if he fails to convene the meetings of the Gram Sabha as required under sub-section (5) of Section 6 and further even on or before a date specified in show cause notice issued on him after the expiry of ten days, requiring him to convene the meeting of the Gram Sabha and cease to exercise the powers and perform the functions of the Sarpanch or Upa-Sarpanch as the case may be, unless such cessation has otherwise occurred before that date and for a period of one year from such date, he shall not be eligible to be elected as Sarpanch or Upa-Sarpanch as the case may be.

(2) Every such cessation as is referred to in sub-section (1) shall be intimated by the Divisional Panchayat Officer in writing to the Sarpanch or the Upa-Sarpanch as the case may be.

Section 20 B: Disqualification of Sarpanch or Upa-Sarpanch for failure to close and audit of the accounts: (1) A Sarpanch or, as the case may be, a Upa-Sarpanch shall cease to hold office as such if he fails to get the accounts of the Gram Panchayat audited within the period as required under the proviso to sub-section (3) of Section 266.

EXTRACT OF SECTION 8 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951
DISQUALIFICATION ON CONVICTION FOR CERTAIN OFFENCES:-

Section 8: Disqualification on conviction for certain offences: (1) A person convicted of an offence punishable under —

(a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or

(b) the Protection of Civil Rights Act, 1955 (22 of 1955) which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) of clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; or

(j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991; or

(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971); or

(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

(n) the Prevention of Terrorism Act, 2002 (15 of 2002), shall be disqualified, where the convicted person is sentenced to—

- (i) only fine, for a period of six years from the date of such conviction;
- (ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(2) A person convicted for the contravention of —

- (a) any law providing for the prevention of hoarding or profiteering; or
- (b) any law relating to the adulteration of food or drugs; or
- (c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961); and not sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

Explanation— In this section, (a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for—

- (i) the regulation of production or manufacture of any essential commodity;
 - (ii) the control of price at which any essential commodity may be bought or sold;
 - (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
 - (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;
- (b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);
 - (c) "essential commodity" has the meaning assigned to it in the Essential Commodity Act, 1955 (10 of 1955);
 - (d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

ANNEXURE-X

FORM-VI
[See Rule 12(4)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to Sarpanch / Member of Ward No. of Gram Panchayat of
..... Mandal Praja Parishad.

S.No.	Name of the Candidate	Father's / mother's / husband's name	Address of Candidate
(1)	(2)	(3)	(4)
1			
2			
3			
4			
5			

Place :

Date :

Returning Officer

ANNEXURE-XI

FORM-VII
[See Rules 14 (1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to Sarpanch / Member of Ward No. of Gram Panchayat of
..... Mandal Parishad.

To
The Returning Officer,

.....

I, a candidate validly nominated at the above election do
hereby give notice that I withdraw my candidature.

Place :
Date :

Signature of Candidate

This notice was delivered to me at my office at (hour) on (date) by
..... (name) *the candidate / candidate's proposer / candidate's election
agent who has been authorised in writing by the candidate to deliver it.

Date :

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ----- a validly nominated candidate at the
election to the office of the Sarpanch / Member of Ward No. of Gram Panchayat
of Mandal Parishad was delivered to me by the *candidate/ candidates proposer /
candidate's election agent who has been authorised in writing by the candidate to deliver it at my
office at ----- (hour) on ----- (date).

Returning Officer

* Strike off the inappropriate alternatives.

ANNEXURE-XII

FORM-VIII
[See Rules 14 (2)]

PUBLICATION OF NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to Sarpanch / Member of Ward No. of Gram Panchayat of
..... Mandal Parishad.

Notice is hereby given that the following validly nominated candidate / candidates at the
above election withdraws / withdraw his candidature / their candidature today.

S.No.	Name of Validly Nominated Candidate	Address of Validly Nominated Candidate	Remarks
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
Etc.			

Date:

Returning Officer.

ANNEXURE-XIII

FORM-IX
[See Rule 15]

LIST OF CONTESTING CANDIDATES

Election to Sarpanch / Member of Ward No. of Gram Panchayat
of Mandal Parishad.

S.No.	Name of Candidate	Address of the Candidate	Symbol Allotted
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
Etc.			

Place :
Date :

Returning Officer

ANNEXURE-XIV

**Model Ballot Paper and also Model Postal Ballot Paper for Sarpanch, Gram Panchayat
Election conducted with Ballot Boxes
(Postal Ballot Paper to be issued along with Form-XX)**



గ్రా.పం.సా.ఎ. 2018

గ్రా.పం.పేరు వార్డ్ నెం పోలింగ్ స్టేషను నెం

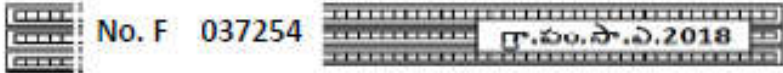
ఓటరు లిస్టు నంబరు ఓటరు క్రమ సంఖ్య

No. F 037254

ఓటరు సంతకం/వేలిముద్ర



1



2



3



4



(వైనది ఏదీ కాదు)




ANNEXURE-XV

**Model Ballot Paper and also Model Postal Ballot Paper for Ward Member, Gram Panchayat
Election conducted with Ballot Boxes
(Postal Ballot Paper to be issued along with Form-XX)**


గ్రా.పం.సా.ఎ. 2018


గ్రా.పం.సా.ఎ. నామ్ వార్డ్ నెం పోలింగ్ స్టేషను నెం
కటారు లిస్టు నంబరు కటారు క్రమ సంఖ్య


No. F 037254 కటారు సంరక్షకం/సేలిముద్ర

1 

No. F 037254 గ్రా.పం.సా.ఎ.2018

2 

3 

4 
(పైనది ఏదీ కాదు)

ANNEXURE-XVI

FORM-X
[See Rule 16]

DECLARATION OF THE RESULT OF UNCONTESTED ELECTION

In accordance with Rule 16 of the Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules 2006, I declare that the following candidate has been duly elected for the office of Sarpanch / Member of Ward No..... of Gram Panchayat of Mandal Praja Parishad.

Name:

Address:

Place:

Date:

Signature of the Returning Officer

ANNEXURE-XVII

FORM-XI
[See Rule 18]

APPOINTMENT OF ELECTION AGENT

Election to Sarpanch / Member of Ward No. of Gram Panchayat of
..... Mandal Parishad.

To

The Returning Officer,

.....

I, of a candidate at the
above election do hereby appoint of as
my election agent from this day at the above election.

Place :

Date :

Signature of Candidate.

I accept the above appointment.

Place :

Date :

Signature of Election Agent.

Approved

**Signature and seal of the
Returning Officer**

ANNEXURE-XVIII

FORM-XII
[See Rule 19]

APPOINTMENT OF POLLING AGENT

Election to Sarpanch / Member of Ward No. of Gram Panchayat of Mandal Parishad.

I, a candidate/the election agent of who is a candidate at the above election, do hereby appoint (name and address) as a polling agent to attend polling station No. fixed for the poll at

Place :

Date :

Signature of Candidate / Election Agent

I agree to act as such polling agent.

Signature of Polling Agent

Declaration of polling agent to be signed before Presiding Officer

I hereby declare that at above election I will not do anything forbidden by section 217 of the Andhra Pradesh Panchayat Raj Act, 1994, which I have read / has been read over to me.

Date:

Signature of Polling Agent.

Signed before me

Date:

Presiding Officer

ANNEXURE-XIX

FORM-XIII
[See Rule 20]

APPOINTMENT OF COUNTING AGENT

Election to Sarpanch / Member of Ward No. of Gram Panchayat of
..... Mandal Parishad.

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.

Signature of Candidate / Election Agent

I/We agree to act as such counting agents.

- 1.
- 2.
- 3.

Place :

Date :

Signature of the Counting Agents

Declaration of counting agents

We hereby declare that at the above election we will not do anything for bidden by section
217 of the Andhra Pradesh Panchayat Raj Act, 1994 which we have read/ has been read over to us.

- 1
- 2
- 3

Signature of counting agent

Signed before me

Date:

Returning Officer

ANNEXURE-XIX (A)

FORM-XIV
[See Rule 25 (1)]

APPLICATION FOR POSTAL BALLOT PAPER

To
The Returning Officer,

..... Gram Panchayat / Mandal Parishad / Zilla Parishad.

I intend to cast my vote by post at the ensuing election to the office of the Sarpanch / Member of Ward No..... of Gram Panchayat of Mandal Parishad.

My name is entered at S.No..... in Section No..... of the electoral roll for Ward No..... of Gram Panchayat of Mandal Parishad.

The Ballot paper may be sent to me at the following address :

.....
.....
.....
.....

Yours faithfully

Place :

Date :

ANNEXURE-XIX (B)

FORM - XV
[See Rule 25 (2)]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To
The Returning Officer,
..... Gram Panchayat.

Sir,

I intend to cast my vote in person at the ensuing election to the office of the Sarpanch/Member of Ward No..... of Gram Panchayat of Mandal Parishad.

I have been posted on election duty elsewhere than the polling station at which I am entitled to vote.

My name is entered at S.No..... in Section No..... of the electoral roll for Ward No..... comprised in the..... Gram Panchayat..... Mandal Parishad.

I request that an Election Duty Certificate in Form XVI may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address.

.....
.....
.....
.....

Yours faithfully,

Place :
Date :

ANNEXURE-XIX (C)

FORM-XVI

[See Rule 25 (2)(a)]

ELECTION DUTY CERTIFICATE

Certified that is an elector in the
Gram Panchayat Mandal Parishad his electoral roll number being
..... of Gram Panchayat that by reason of his being on election
duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore
hereby authorised to vote at any polling station (in the Ward No..... of
..... Gram Panchayat of Mandal Parishad as the case may be) he may be
on duty on the date of poll.

Place :

Date :

**Signature -----
Returning Officer
(Seal)**

ANNEXURE-XIX (D)

FORM-XVII

[See rules 27 (1) (a), 28 (2), 29 (2) & 57]

DECLARATION BY ELECTOR

Election to the Sarpanch/ Member of Ward no. ofGram Panchayat
of Mandal Parishad

(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number
..... has been issued at the above election.

Date.....

Signature of Elector.

Address.....

Attestation of Signature

The above has been signed in my presence by (elector) who is
personally known to me/has been identified to my satisfaction by (identifier)
who is personally known to me.

Signature of identifier, if any

Signature of Attesting Officer,

Designation

Address

Address

Date

(This side is to be used when the elector cannot sign himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number
..... has been issued at the above election.

Signature of Attesting Officer on behalf of elector.

Date

Address of Elector

CERTIFICATE

I hereby certify that –

1. the above named elector in Ward No..... of Gram Panchayat of Mandal Praja Parishad is personally known to me/has been identified to my satisfaction by (identifier) who is personally known to me;
2. I am satisfied that the elector in Ward No. of Gram Panchayat of Mandal Praja Parishad is illiterate/ suffers from (infirmity) and is unable to record his vote himself or sign his declaration:
3. I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and
4. the ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of Attesting Officer

Signature of identifier, if any.....

Designation.....

Address

Address

Date

ANNEXURE-XIX (E)

FORM-XVIII

[See Rules 27 (1) (b), 28 (1) & 57]

POSTAL BALLOT PAPER COVER 'A'

COVER

NOT TO BE OPENED BEFORE COUNTING

'A'

Election to the Sarpanch / Member of Ward No. ofGram Panchayat
of Mandal Praja Parishad.

POSTAL BALLOT PAPER

Serial number of the ballot paper:

ANNEXURE-XIX (F)

FORM-XIX

[See rules 27(1)(c) & 57]

POSTAL BALLOT PAPER COVER 'B'

COVER

[Service unpaid]

'B'

ELECTION – IMMEDIATE

POSTAL BALLOT PAPER

For election to the Sarpanch / Member of Ward No. ofGram Panchayat of
..... Mandal Parishad.

(NOT TO BE OPENED BEFORE COUNTING)

To

The Returning Officer

.....

Signature of sender

ANNEXURE-XIX (G)

FORM XX

[See rules 27 (1) (d), 28(1) & 31(1)]

INSTRUCTIONS FOR GUIDANCE OF ELECTORS

Election to the Sarpanch / Member of Ward No. of
Gram Panchayat of Mandal Parishad.

Part-I

The postal ballot paper for election to Sarpanch / Ward Member of Gram Panchayat contain only symbols. For the information of elector, the names of the contesting candidates and the symbols allotted to them in the election to the said office are listed below.

Sl.No.	Name of the candidate	Symbol allotted

Record your vote in the postal ballot paper by placing clearly a mark on the symbol allotted to candidate you wish to vote

The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid.

The number of members to be elected is one. Please remember that you have only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do, not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise..

(1) You may then sign the declaration in Form-XVII also sent herewith in the presence of a stipendiary magistrate and obtain the attestation of your signature by such stipendiary magistrate.

(2) If you are a member of the armed forces of the Union or of an armed police force of a State but is serving outside that State, the attestation may be obtained by such officer as may be appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which you or your husband, as the case may be, are employed.

(3) If you are employed under the Government of India in a post outside India the attestation may be obtained by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which you are resident:

(4) If you hold an office like the office of the (i) President, (ii) Vice-President (iii)Governors of State, (iv) Cabinet Ministers of the Union or of any State, (v) The Deputy Chairman and Members of the Planning Commission, (vi) The Ministers of State of the Union or of any State, (vii) Deputy Minister of the Union of any State, (viii) The Speaker of the House of the People or of any State Legislative Assembly, (ix) The Chairman of any State Legislative Council (x) Lieutenant Government of Union territories, (xi) The Deputy Speaker of the House of the People or of any State Legislative Assembly, (xii) The Deputy Chairman of the Council of States or of any State Legislative council, (xiii) Parliamentary Secretaries of the union or of any State, the attestation may be obtained by an officer not below the rank of a Deputy Secretary to the Government of the Union or the State, as the case may be.

(5) If you are on an election duty, attestation may be obtained by any gazetted officer or by the Presiding Officer of the polling station in which you are on election duty.

(6) If you are under preventive detention, the attestation may be obtained by the Superintendent of the jail or the Commandant of the detention camp in which you are under detention.

In all the above cases you may take the declaration to the authorised officer and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and declaration signed on your behalf by any of the authorised officer mentioned above. Such an officer will, at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

Part-II

After your declaration has been signed and your signature has been attested, place the declaration in Form XVII as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the Returning Officer by post or by messenger. You have to give full signature in the space provided on the cover marked 'B'.

No postage stamp need to affixed by you, if the cover is posted in India. If, however, you are an elector employed under the Government of India in a post outside India, you should return the cover to the Returning Officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon by the office in which you are serving except where it is sent by diplomatic bag.

You must ensure that the cover reaches the Returning Officer before on

Please note that:-

(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the Returning Officer after on, your vote will not be counted.

ANNEXURE-XX

ANDHRA PRADESH STATE ELECTION COMMISSION

CIRCULAR

No.210/SEC-B2/2017

Date: 27.11.2017

Sub:- Elections – Ordinary elections to Gram Panchayats - Setting up of Polling Stations for Election to Sarpanch & Ward Member of Gram Panchayats - Guidelines - Issued.

Ordinary elections to Gram Panchayats are to be held before the expiry of term of the existing elected bodies on 01.08.2018. The Collector and District Election Authority is responsible for providing sufficient number of Polling Stations and for the publication of the list of Polling Stations for the conduct of elections to Gram Panchayats. The preliminary arrangements for the setting up of Polling stations should be initiated well in advance. The Mandal Parishad Development Officer and Tahsildars concerned should be entrusted with the work of identification of Polling Stations, preparation of list of Polling Stations, publication of draft and final list of polling stations. The District Collectors should obtain the lists from the concerned Mandal Parishad Development Officers, scrutinise and approve them before their final publication. The Mandal Parishad Development Officer and Tahsildars concerned should be instructed to physically check up the buildings proposed for Polling Stations in all the Gram Panchayats in their respective Mandals.

The following detailed instructions are, hereby issued for setting up of Polling Stations.

1. DETERMINATION OF NUMBER OF POLLING STATIONS:

- (1) Each ward in a Gram Panchayat should be provided with at least one polling station. However, more than one polling station can be set up in a ward based on following guidelines. Ordinarily separate polling station should be set up for about 600 voters.
- (2) If the number of voters in a ward exceeds 600 only marginally say up to 50, second polling station is not required. But if it exceeds 650, set up 2 polling stations in that ward and allot approximately equal number of voters to each.
- (3) If the number of voters is more than 1300 in a ward, set up three polling stations and distribute the voters equally among all the polling stations.

The polling station number will be same as ward number. If there is more than one polling station in a ward suffix the polling station number with A, B or C.

2. LOCATION OF POLLING STATIONS:

- a) All polling stations relating to a Gram Panchayat (having no hamlets) should, as far as possible, be located in one building provided there is sufficient accommodation. The construction of temporary structure should be avoided, as far as possible.
- b) In respect of Gram Panchayat having hamlets, the Polling Stations relating to the ward covering the hamlets of the main village should as far as possible be located in the hamlet. The polling stations relating to the remaining wards shall be located in one public building in the main village. As far as possible, each polling station should be located in a separate room in the same building. If sufficient rooms are not available in the building more than one polling station can be accommodated in one hall by making partitions.
- c) If the population of the SC, ST communities in a ward exceed 1/3rd of the total number of voters in the ward, the polling stations should invariably be located in the SC/ST locality to enable the weaker sections of the society to exercise their franchise freely.

- d) The actual site of each Polling Station should be chosen carefully in advance and arrangements have to be made in order to make the polling station satisfy the requirements of practical convenience. Provision of all requirements should be completed at least one day before the day of Poll.
- e) To the extent practicable, Polling Stations should be located at the same place where it was located in the last ordinary elections, so that the voters could go and cast their votes at the place already familiar to them.
- f) Polling Stations should be set up in such a manner that ordinarily no voter is required to travel more than two kilometers for casting vote. However, in scarcely populated hilly or forest areas, this norm may have to be relaxed. In order to avoid voters having to walk unduly long distances, polling stations, in such cases, may have to be set up for a smaller number of voters.
- g) As far as possible, polling stations should be located in schools (Government or aided) and other Government or semi-Government institutions, such as, Gram Panchayat Offices and Community Halls, as the furniture and equipment required would be available there and could be made use of without any extra cost. The location of polling stations in private buildings or premises should be avoided. But where this becomes unavoidable the buildings should be properly obtained with the written consent of the owner. The private building so obtained should be at the disposal of the Returning Officer for the period required for the poll. No watch and ward or other personnel connected with the owner, whether armed or unarmed, should be allowed to remain either at the polling station or within a radius of hundred metres around it. The security arrangement at the polling station and within the above area will be the responsibility of the State Police under the control of the Presiding Officer. It should be ensured that the owner of the private building, in which polling station is located, is not a contesting candidate or a known sympathizer or worker of any of the candidates at the election.
- h) No polling station should be located in Police Stations, Hospitals and places having religious significance.
- i) In case no suitable buildings of the Government or private are available, the polling station can be located in temporary structures but, as far as possible, this should be avoided as it involves considerable expenditure.

The draft list of polling stations should be drawn up in the Form given in **Annexure-I**. The demarcation of polling area or part of the electoral roll should be clearly indicated.

The serial number of polling station should be used in conjunction with the serial number of Ward within which it is situated. If there is more than one polling station in a Ward, it should be numbered suffixing "A, B" etc. For example, if there are two polling stations in ward number 6, the serial numbers of polling stations will be 6 A and 6 B.

3. PUBLICATION OF THE LIST OF POLLING STATIONS IN DRAFT:

The Mandal Parishad Development Officer is responsible for preparation of draft list of polling stations. He should prepare at least 6 copies of the draft list of polling stations, for each Gram Panchayat in the Mandal and publish the draft list by exhibiting at following places.

- (1) At the Office of the Mandal Parishad Development Officer.
- (2) At the Office of the Gram Panchayat.
- (3) 2 other prominent places/public buildings in the Gram Panchayat, eg: School Building, Village chavadi etc.

The Mandal Parishad Development Officer should thereafter examine suggestions received from the public and amend the draft list, wherever found necessary and submit proposals to the

District Election Authority for final approval of the list. The proposal should be accompanied by Checklist given in **Annexure-II**.

4. FINAL PUBLICATION OF THE LIST OF POLLING STATIONS AND PUBLICITY:

After approval by the District Election Authority, the final list of polling stations in **Annexure-I** shall be published again at the same places indicated in para 3 above.

5. MODIFICATIONS IN THE LIST:

- (a) Changes in the location of polling stations originally chosen may become necessary if the owner of the building originally proposed for a polling station has since become a contesting candidate or a strong sympathiser for a candidate or on account of any natural calamity. All such cases warranting change in polling station should be reported to District Collector.
- (b) Once the lists of polling stations are finally approved, request for shifting of the polling stations from one site to another should be considered only if there are overriding considerations of public convenience. The District Collector, may in such cases, consult the contesting candidates and make modifications only where he is satisfied that it is absolutely necessary;
- (c) Where changes become inevitable, such changes should be re-published and all contesting candidates be informed in writing.

6. SUPPLY OF COPIES OF THE LISTS:

Each contesting candidate should be supplied, free of cost, one copy of the list of polling stations for that Gram Panchayat, immediately after the last date for withdrawal of candidature. Copies should also be made available for sale at the cost price.

7. COPIES OF LIST OF POLLING STATIONS TO BE PRINTED:

Sufficient copies of the final list of Polling Stations to be made available for the following purposes –

- (1) For final publication (At various locations)
- (2) For supply to contesting candidates
- (3) For Police
- (4) For election staff
- (5) For sale
- (6) Reserve

8. BASIC MINIMUM FACILITIES (BMF) AT POLLING STATIONS:

Availability of basic facilities at polling station encourages citizens to participate in poll actively. Hence, the following Basic Minimum Facilities (BMF) have to be provided at each polling station –

- a) Proper signage and Reception / Help Desk
- b) Proper shades for electors in queues for protection from sun and rain.
- c) Provision for drinking water
- d) Toilet
- e) Proper lighting & Power supply
- f) Adequate furniture
- g) Ramp for the benefits of old and infirm

9. ARRANGE HELP DESK:

Where more than two polling stations have been set up in the same building / premises, in order to ensure orderly polling at polling stations, the State Election Commission issues the following instructions to ensure smooth conduct of poll at such polling stations –

- a) Where more than two polling stations are set up in the same building/ premises, a help desk shall be arranged at the entrance of the building to guide the electors to their respective polling stations and also to locate the serial number of the voter in the electoral roll of the concerned polling station. The help desk should be manned by one or two persons.
- b) Additional police personnel shall be deployed at such buildings depending on the number of polling stations set up in the building for traffic management as well as to ensure that voters are lined up properly in queues at their respective polling stations.

The District Collectors and District Election Authorities are requested to take action accordingly. The State Election Commission will communicate schedule for publication of list of polling stations separately.

Sd/- Dr. N. Ramesh Kumar
State Election Commissioner

To
The Collectors and District Election Authorities.
The District Panchayat Officers and Additional Election Authorities.
The MPDOs and Assistant District Election Authorities (through DPOs).

Copy to:
The Principal Secretary to Government, P.R. & R.D. Department, A.P.
The Election Authority and Commissioner of Panchayat Raj, A.P.

ANNEXURE-I

(See Para 3)

ORDINARY ELECTIONS TO GRAM PANCHAYATS, 20

LIST OF POLLING STATIONS

Name of Gram Panchayat: _____

Ward No.	Polling Station No.	Locality	Name of the Building in which it is located	Area of the Polling Station in Sq. meters	Whether separate entrance and exit. If not re	*Polling area in detail	Whether for All voters or for Men / Women	Total No. of voters assigned From____ to____ Total:____	Maximum distance that a voter will have to travel to reach Polling Station	Remarks
1	2	3	4	5	6	7	8	9	10	11

I. Total Number of Voters:

II. Total Number of Polling Stations proposed:

III. Average Number of voters per Polling Station:

* Here, give the details of streets, localities and house numbers assigned to polling station.

Date:_____

Collector & District Election Authority

ANNEXURE-II

(See Para 3)

**SCRUTINY SHEET FOR CHECKING THE LIST OF POLLING STATIONS FOR ELECTIONS TO
THE POST OF GRAM PANACHAYAT MEMBER, SARPANCH**

Name of the Gram Panchayat:

Name of the Mandal :

Name of the District :

PART –I: GENERAL

1. Has the heading of the list been properly given?
2. Has the list been prepared in the prescribed Form?
3. Have two copies of the lists in English (Including scrutiny sheet and certificate) been sent to the District Collector?
4. Have copies of the Map been sent to the District Collector?
5. Has Mandal Parishad Development Officer made cent-percent inspection of the location of the Polling Stations?
6. (a) Have all the wards in all the Gram Panchayats been covered by the list of Polling Station?
(b) Do the Serial Nos of voters given in the list of Polling Stations tally with those in the printed electoral rolls?
7. What is the total number of voters of Gram Panchayat as per final rolls?
8. Has the information regarding the total number of voters and the average number of voters per Polling Station been specified at the end of the list?
9. Names and designation of the Officers who prepared lists.

PART-II

1. Has the Ward No been specified correctly in column (1) against each Station?
2. Has the Polling Station number been correctly specified in column (2) against each Polling?
3. Has the exact location of the Polling Station specified in column (4) against each station?
4. Have the total number of voters assigned to each Polling Station has been indicated in column (9)?
5. Have the Serial No. of voters assigned to each Polling Station have been indicated in column (9)?
6. MAP:
 - (a) Have the boundaries of the various local units, namely hamlet, Village, Gram Panchayat, ward been marked distinctly in different colours?
 - (b) Have the areas served by the Polling Stations been Marked distinctly in red colour?
 - (c) Have the serial numbers of Polling Stations been entered correctly in red circles?
 - (d) Have the number of voters in the ward been indicated in black ink?
 - (e) Have the numbers of voters been assigned to polling stations indicated near the stations in red ink?

PART-III

FOR LIST OF POLLING STATIONS

.....Gram Panchayat
..... Mandal
..... District

1. Date of Poll.
2. Number of Voters in the Gram Panchayat.
 - (a) Men
 - (b) Women
 - (c) Others
 - (d) Total
3. Number of Polling Stations required on the basis of one Polling Station for each ward subject to a maximum of 650 voters per Polling Station.
4. Total number of polling stations actually provided.
5. Average number of voters per polling station.
6. Number of polling stations where more than 650 voters have been assigned, indicate the highest number of voters assigned to a polling station.
7. Number of polling stations where less than 650 voters have been assigned, indicate the lowest number of voters assigned to a Polling Station and indicate the reasons also.
8. Whether the number of voters in respect of each ward has been shown in the map.
9. No. of polling stations for which the maximum distance that a voter will have to travel is more than one kilometre.
10. Whether all the polling areas have been clearly demarcated.
11. Whether serial number of polling stations has been done in a systematic manner.
12. Whether any polling station has been proposed to be located in any:
 - (a) Private building:
 - (b) Temporary structure, and if so whether the exact site chosen for the location of the polling station has been clearly indicated in the list.
13. Whether it has been certified that the private buildings do not belong to active person in politics his workers or known sympathizers.
14. Whether it has been certified that all the polling areas within the Gram Panchayat are covered by the proposed polling stations and that every ward in the Gram Panchayat has been provided with at least one polling station.
15. Any other remarks.

PART-IV

CERTIFICATE TO BE FURNISHED ALONG WITH LIST OF POLLING STATIONS

1. That the draft list was duly published objections and suggestions were invited and discussed with Mandal level recognized political party's representative.
2. (a) that all the polling areas within the Gram Panchayat have been covered in the list.
(b) that every ward in the Gram Panchayat has been provided with atleast One Polling station.
3. That no building, public or private, (such as a Temple, church, mosque, Gurdwara or has religious significance) in respect of which any section of the public may have legitimate objection to enter has been proposed as a polling station;
4. That no police station, hospital or dispensary is proposed as a polling station;
5. where the usual limit of 650 voters per polling station or the limit of one kilometre beyond which a voter should not ordinarily be required to walk has not been maintained, no better arrangement is practicable;
6. In cases where private buildings have been selected as polling stations, the written consent of the owner for the purpose has been obtained.

Place:

Date:

MPDO / Asst. DEA

ANNEXURE-XXI

FORM-XXVI

[See Rules 57(11), 59, 60 & 92]

FINAL RESULT SHEET

(to be used for recording the result where counting is done polling station wise)

Election to the Sarpanch / Member of Ward No. of Gram Panchayat /
Member, Territorial Constituency of Mandal Praja Parishad /
Zilla Praja Parishad.

Serial No. of Polling Station	No. of valid votes cast in favour of			Total of valid votes	No. of rejected votes	Votes for 'None of the Above' (NOTA) option	No. of tendered votes
	A	B	C				
1							
2							
3							
4							
5							
Total No. of votes recorded at polling stations							
Total No. of votes recorded on Postal Ballot Papers							
Total votes polled							

Place.....

Date

Returning Officer

FORM-XXVI
[See Rules 57(11), 59 & 92]

FINAL RESULT SHEET
(to be used when the counting of votes is done by mixing)

Election to the Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

Polling Station No.	Total votes found in the Ballot Box (es)	No. of Tendered Votes
1		
2		
3		
4		
5		
Total		

1	Total No. of votes recorded at polling stations	Candidate's valid votes			Valid votes total	Number of rejected ballot papers	Valid and rejected votes total	Votes for 'None of the Above' (NOTA) option
		A	B	C				
	1 st Round							
	2 nd Round							
	3 rd Round							
	4 th Round							
	5 th Round							
	Total							
2	Total No. of votes recorded on Postal Ballot Papers							
	Grand Total							

Place.....
Date

Returning Officer

ANNEXURE-XXII

FORM-XXV

[See Rules 52 & 56]

Part-I

BALLOT PAPER ACCOUNT

Election to the Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

Ward No:

Gram Panchayat:

No. and Name of the Polling Station:

		Serial No(s).		Total
		From	To	
1	Ballot Papers received	.....	.....	.....
2	Ballot Papers unused (i.e. not issued to Voters):			
	(a) With the signature of Presiding Officer	.....	.....
	(b) Without the signature of Presiding Officer	.....	.....
	Total (a) + (b)			.....
3*	Ballot Papers used at the Polling Station (1 minus 2 = 3)			.....
4	Ballot Papers used at the Polling Station, but NOT INSERTED INTO THE BALLOT BOX			
	(a) Ballot Papers cancelled for violation of voting procedure under Rule 47 (6)	.....	
	(b) Ballot Papers cancelled for other reasons	.....	
	(c) Ballot Papers used as Tendered Ballot Papers	.....		.....
	* Total (a) + (b) + (c)			
5*	Ballot Papers to be found in the Ballot Box (3 minus 4 = 5)			.....

* Serial numbers need not be given

Date :

Signature of the Presiding Officer

Part-II (of Form XXV)

RESULT OF INITIAL COUNTING

(to be used when the counting of votes is done by mixing)

1. Total number of ballot papers found in the ballot box(es) used at the polling station
.....

2. Discrepancy, if any, between the total number as shown against Item 1 in this Part and the
total number of ballot papers to be found in the ballot box(es) shown in Item 5 of Part-I
.....
.....

Date.....

Signature of Counting Supervisor

Signature of the Returning Officer

ANNEXURE-XXIII

FORM-XXVII

[See Rule 62 (1)(a)]
(for use in election when the seat is contested)

DECLARATION OF RESULT OF ELECTION

In accordance with rule 62 (1) (a) of Andhra Pradesh Panchayat Raj (Conduct of Election) Rules, 2006, I, declare that the following candidate has been elected to the office of Sarpanch / Member of Ward No. of Gram Panchayat of Mandal Praja Parishad.

Name:

Address:

Place :

Date:

Signature of Returning Officer

ANNEXURE-XXIV

FORM-XXVIII
[See Rule 62(1)(b)]

RETURN OF ELECTION

Election to the Sarpanch / Member of Ward No. of Gram Panchayat / Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

Serial No.	Name of the Candidate	*Party affiliation, if any	No. of votes polled
1			
2			
3			
4			
5			

Total No. of electors : _____

Total No. of valid votes polled : _____

Total No. of votes polled for 'None of the Above' (NOTA) option : _____

Total No. of rejected votes : _____

Total No. of tendered votes : _____

I declare that –

..... (Name) of

..... (Address) has

been duly elected to fill the seat.

Place.....

Date

Returning Officer

* Applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.

ANNEXURE-XXV

FORM-XXIX
[See Rule 63]

CERTIFICATE OF ELECTION

I, Returning Officer for the election to the Sarpanch / Member of Ward No. of
..... Gram Panchayat of Mandal
Parishad, hereby, certify that I have on the day of 20.....
declared Sri/Smt./Kum. to have been duly elected to the
said office in the ordinary / casual election and that in token thereof I have granted to him/her this
Certificate of Election.

Place.....

Date.....

Returning Officer

Seal