

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M.G. Road, Secunderabad-500 003.

ORDER

No.1042/SEC-B1/2014-1

Date: 06.04.2014

Sub: Elections – 4th Ordinary Elections to MPTCs / ZPTCs – MPTC Kovur-I in Kovur MPP of SPSR Nellore District – Use of erroneous ballot paper of MPTC Kovur-I – Fresh poll ordered in all the Polling Stations of MPTC Kovur-I for MPTC election only – Reg.

Ref: Report of the Collector & DEA, SPSR Nellore in Rc.No.P3/1979/2014, dated 06.04.2014.

In the reference cited, it is reported that in all the Polling Stations of MPTC Kovur-I in Kovur MPP of SPSR Nellore District, the ballot paper of MPTC election used for conduct of poll on 06.04.2014 contained 'Hand Pump' as the symbol allotted to an independent candidate by name, Musali Vijaya Kumari instead of 'Water Tap' which was actually allotted to her as per the list of contesting candidates published in Form-IX. Even though the said independent candidate has expressed no objection to continue the poll with 'Hand Pump' symbol different from 'Water Tap' symbol that was allotted to her and used for canvassing, the poll process was vitiated for the following reasons.

- 1) The symbol allotted to the independent candidate as per the list of contesting candidates in Form-IX is not in conformity with the symbol printed against that independent candidate in the ballot paper of MPTC Kovur-I.
- 2) 'Hand Pump' symbol is reserved for Rashtriya Lok Dal Party which is a recognised political party. Under Rule 15 (5) of A.P.P.R. (Conduct of Elections) Rules, 2006, the Returning Officer shall allot symbol reserved for a recognised political party to the candidate set up by that party only in election to MPTCs / ZPTCs. Conducting election with a ballot paper showing symbol reserved for a recognised political party against an independent candidate is violative of the said rule.

The above mentioned error or irregularity falls within the scope of Section 225C of A.P.P.R. Act, 1994 causing vitiation of poll process of MPTC Kovur-I of Kovur MPP.

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After taking all material circumstances into account, the State Election Commission in exercise of the powers conferred under Section 225C of the A.P. Panchayat Raj Act, 1994, hereby, declare the poll conducted on 06.04.2014 in all the Polling Stations set up in connection with election to MPTC Kovur-I in Kovur MPP of SPSR Nellore District as void and also direct that a fresh poll shall be taken up in all the Polling Stations for election to MPTC Kovur-I only on 11.04.2014 from 7:00 AM to 5:00 PM duly following the procedure prescribed under A.P. Panchayat Raj (Conduct of Elections) Rules, 2006.

The Returning Officer shall take steps immediately to print MPTC Kovur-I ballot paper in correct manner in conformity with the list of contesting candidates in Form-IX showing the correct symbol against the independent candidate and use it in the fresh poll to be conducted on 11.04.2014. No fresh poll is required for election to ZPTC Kovur in the said polling stations where fresh poll is ordered.

The Collector and District Election Authority, SPSR Nellore and the Returning Officer concerned shall inform the contesting candidates in writing, give wide publicity in the polling areas concerned and also in the print and electronic media.

In the fresh poll to be conducted on 11.04.2014, indelible ink shall be applied on the left middle finger of the voters.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

Sd/- Navin Mittal
SECRETARY

To

The Collector & District Election Authority, SPSR Nellore.

The Chief Executive Officer, ZPP, SPSR Nellore District.

The Returning Officer, Kovur MPP, SPSR Nellore District.

Copy to the EA & Commissioner of Panchayat Raj & Rural Employment.

// Attested //


Joint Secretary