

STATUTES

APPENDIX-X

1. *Definitions--In an election to which these Rules apply-*

- (i) elector means any person entitled to vote at that election;
 - (ii) "continuing candidate" means any candidate not elected and not excluded from the poll at any given time;
 - (iii) "Count" means-
 - (a) all the operations involved in the counting of the first preferences recorded for candidates, or
 - (b) all the operations involved in the transfer of the surplus of an elected candidate; or
 - (c) all the operations involve in the transfer of the total value of votes of an excluded candidate;
 - (iv) "exhausted paper" means a ballot on which no further preference is recorded or a continuing candidate, provided that a paper shall also be deemed to have become exhausted whenever-
 - (a) the names of two or more candidates, whether continuing or not are marked with the same figure and are next in order of preference; or
 - (b) the name of the candidate next in order of preference, whether continuing or not is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures; or
 - (c) for any reason it cannot be determined for which of the continuing candidates the next available preference of the elector is recorded;
 - (v) "first preference" means the figure 1 set opposite the name of a candidate; "second preference" means the figure 2 set opposite the name of a candidate; "third preference" means the figure 3 set opposite the name of a candidate and so on;
 - (vi) "Original vote", in relation to any candidate means a vote derived from a ballot paper on which a first preference is recorded, for such candidate;
 - (vii) "Surplus", means the number by which the value of the vote, original and transferred, of any candidate exceeds the quota;
 - (viii) "transferred vote" in relation to any candidate means a vote the value or the part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate; and
 - (ix) "unexhausted paper" means a ballot paper in which a further preference is recorded for a continuing candidate,
2. Before the date of the poll, the Registrar shall notify the place where the counting of votes will be done, and the date and time at which the counting will commence:
- Provided that if for any reason the Registrar finds it necessary so to do, he may alter the date time and place so fixed or any of them and notify the same in such manner as he may deem fit.
3. The Registrar shall act as Returning Officer at the time of counting of votes. He may also appoint such other persons to assist him as he deems necessary. Votes will be counted by; or under supervision or direction of the Returning Officer.
4. The candidate or his agent duly authorised by him in writing in this behalf shall be entitled to be present at the time of counting. The agent so authorised must be an elector in the election.
- 5.

(1) The Returning Officer shall-

- (a) ensure that only authorised persons are present at the place of counting;
- (b) open the ballot boxes, take out from each box and count the ballot papers contained therein and record their number in a statement;
- (c) scrutinize the ballot papers taken out of the ballot boxes; and
- (d) separate the ballot papers which he deems valid from those which he rejects endorsing on each of the latter the word "Rejected".

STATUTES

(2) A ballot paper shall be invalid on which-

- (a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
- (c) the figure 1 and some other figures are set opposite the name of the same candidate; or
- (d) there is any mark or writing by which the elector can be identified.

Explanation: The figures referred to in the clauses (a), (b) and (c) this sub-rule- may be marked in the international form of Indian numerals or in the Roman form or in the form used in any Indian language, but shall not be indicated in words.

6. *Arrangement of valid ballot papers in parcels.*

After rejecting the ballot papers which are invalid, the Returning Officer shall-

- (a) arrange the remaining ballot papers in parcels according to the first preference recorded for each candidate;
- (b) count and record the number of papers in each parcel and the total number; and
- (c) credit to each candidate the value of the papers in his parcel.

7. *Counting of votes where only one seat is to be filled-*

(1) At any election where only one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 1 at each count, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:

- (a) add the values credited to all the candidates under Clause (c) of Rule (6) ;
- (b) divide the total by 2; and
- (c) add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.

(2) If, at the end of the first or any subsequent count, the total value of the ballot papers credited to any candidate is equal to, or greater than, the quota or there is only one continuing candidate, that candidate shall be declared elected.

(3) If at the end of any count, no candidate can be declared elected the Returning Officer shall-

- (a) exclude from the poll the candidate who up to that stage has been credited with the lowest value;
- (b) examine all the ballot papers in his parcels and sub-parcels, arrange the unexhausted papers in sub-parcels according to the next available preferences recorded thereon for the continuing candidates, count the number of papers in each such sub-parcel and credit it to the candidate for whom such preference is recorded, transfer the sub-parcel to that candidate; and make a separate sub-parcel of all the exhausted papers; and
- (c) see whether any of the continuing candidates has after such transfer and credit, secured the quota.

(4) If when a candidate has to be excluded under Clause (a) of Sub-Rule 3 two or more candidates have been credited with the same value and stand lowest on the poll the candidate for whom the lowest number of original votes are recorded shall be excluded, and if this number also is the same in the case of two or more candidates the Returning Officer shall decide by lot which of them shall be excluded.

8. *Counting of votes where more than one seat is to be filled.*

Ascertainment of quota- At any election where more than one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 100 and the quota sufficient to be secured the return of a candidate at the election shall be determined as follows:

- (a) add the values credited to all the candidates under Clause (c) of rule (6);
- (b) divide the total by a number which exceeds by 1 the number the vacancies to be filled; and

STATUTES

(c) add 1 to the quotient ignoring the remainder if any and the resulting number is the quota.

9. *General Instruction*

In carrying out the provisions of Rules (10) to (14) the Returning Officer shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

10. *Candidates with quota elected.*

If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of ballot papers credited to a candidate is equal to or greater than the quota that candidate shall be declared elected.

11. *Transfer of Surplus.*

- (1) If at the end of any count the value of the ballot papers credited to a candidate is greater than the quota the surplus shall be transferred in accordance with the provisions of this Rule to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the elector's preference.
- (2) If more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude. Provided that every surplus arising on the first count shall be dealt with before those arising on the second count and so on.
- (3) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate for whom most original votes are recorded shall have his surplus first distributed; and if the values of their original votes are equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed.

(4)

- (a) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon and make a separate sub-parcel of the exhausted papers.
 - (b) He shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.
 - (c) If the value of the unexhausted papers is equal to or less than surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.
 - (d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.
- (5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Returning Officer shall re-examine all the papers in sub-parcel last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels referred to in sub-rule (4).
 - (6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.
 - (7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this Rule shall be set apart as finally dealt with.

12. *Exclusion of candidates lowest on the poll.*

- (1) If after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the Returning Officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among

STATUTES

the continuing candidates according to the next preferences recorded thereon; and any exhausted papers shall be set apart as finally dealt with.

- (2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.
 - (3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which, he obtained them.
 - (4) Each of such transfers shall be deemed to be a separate transfer but not a separate count.
 - (5) If, as a result of the transfer of papers, the value of votes obtained by a candidate is equal or greater than the quota, the count then proceeding shall be completed but no further papers shall be transferred to him.
 - (6) The process directed by this Rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.
 - (7) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall be excluded; and if the values of their original votes are equal the candidate with the smallest value at the earliest count at which these candidates had unequal values shall be excluded.
 - (8) If two or more candidates are lowest on the poll and each has the same value of votes at all counts the Returning Officer shall decide by lot which candidate shall be excluded.
13. *Filling the last vacancies.*
- (1) When at the end of any count the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidate shall be declared elected.
 - (2) When at the end of any count only one vacancy remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.
 - (3) When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the Returning Officer shall decide by lot which of them shall be excluded; and after excluding him in the manner aforesaid, declare the other candidate to be elected.
14. *Provisions for re-counts.*
- (1) Any candidate or, in his absence, his agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Returning Officer to re-examine and re-count the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the Returning Officer shall forthwith re-examine and re-count the same accordingly.
 - (2) The Returning Officer may in his discretion re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count:
Provided that nothing in this sub-rule shall make it obligatory on the Returning Officer to re-count the same votes more than once.
15. *Illustration of the procedure as to the counting of votes under Rules 8 to 13.*
- An illustration of the procedure as to the counting of votes in accordance with the provisions of Rules 8 to 13 is given in the Schedule to these Rules.