

COVID Guidelines for General Election/ Bye Elections to Legislative Assemblies

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COVID GUIDELINES, 2022

Article 172(1) of the Constitution of India states that the term of the legislative assembly shall be for five years from the date of its first meeting. The term of State Assemblies of Himachal Pradesh and Gujarat are due to expire on 8th January, 2023 and 18th February, 2023 respectively. Election Commission of India (hereinafter ECI) is committed to conduct free, fair, participative, accessible, inclusive and safe election to the Legislative Assemblies of Gujarat and Himachal Pradesh before the cessation of its term, in exercise of the authority and powers conferred upon under Article 324 read with Article 172 (1) of the Constitution of India and Section 15 of the Representation of the People Act, 1951.

2. The Commission is also duty bound to fulfil its constitutional mandate as per legal and institutional framework to steer elections for putting elected government in place within due time and also ensure safety of vote and voters.

3. During COVID period, Commission issued "Broad guidelines for conduct of General Elections/Bye-elections during COVID-19" on 21st August, 2020 to Conduct General Elections to legislative assemblies of Bihar, Tamil Nadu, Kerala, Assam, West Bengal and Puducherry. Thereafter, during general elections to legislative assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh, the Commission had reviewed the prevailing situation and issued "Revised Broad Guidelines, 2022" on 8th January, 2022, wherein the Commission imposed restriction on Campaign, rallies etc. which was further relaxed vide Press Notes dated 15th January, 2022, 22nd January, 2022, 31st January, 2022, 6th February, 2022, 12th February, 2022, 22nd February, 2022 and 10th March, 2022, in a phased manner.

4. The Commission held meetings with Secretary, Ministry of Health and Family Welfare, Government of India on 7th September, 2022 and with Chief Secretary, Pr. Secretary (Home), Health Secretary and Chief Electoral Officer of Gujarat and Himachal Pradesh on 13th September, 2022 to review COVID situation, Vaccination Status, exiting guidelines/directions of SDMA, arrangement for COVID during upcoming festive season etc. The Commission was briefed about the improved situation of COVID countrywide, preparedness to deal any possible spike in number of cases and also decision of NDMA not to invoke the provisions of DM Act for COVID containment measures.

5. The Commission directed the Chief Secretaries and other Officers of Gujarat and Himachal Pradesh to maintain and continue strict compliance of the advisories issued by MoHFW especially the adherence of 5-fold strategy of Test, Track, Treat, Vaccination and COVID appropriate behaviour. The Commission also instructed to vaccinate all the eligible polling personnel and officials. Furthermore, the Commission directed both the States to maintain strict vigil as per the parameters indicated by MoHFW and/or respective SDMAs and take appropriate graded action in case of any unwarranted deviation in such prescribed parameters related to COVID situation during upcoming festive seasons & elections.

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6. During electoral process Chief Secretary at State level and District Magistrate at District level, shall be primarily responsible for monitoring, supervision and enforcement of these COVID guidelines issued by the Commission.

7. All stakeholders namely political parties, candidates, campaigners, voters and authorities engaged in the election process shall always be conscious of their prime duty towards public health / safety and shall observe COVID appropriate behaviour.

8. Details of the guidelines are as follows:

I. General Guidelines to be followed during entire election processes for all persons

i) All person involved are advised to follow COVID appropriate behaviour during election related activities.

ii) All eligible Polling Personnel/Security Personnel/Counting Staff shall be fully and preferably with booster dose vaccinated before deploying/engaging in election related activities.

iii) Create awareness among the public for COVID appropriate behaviour including self- monitoring.

II. Campaign by the political parties/contesting candidates/others

i) During Outdoor meeting/indoor meetings/ Rallies/Road Shows/Pad-Yatras/Processions, the organisers and concerned political parties shall abide by the guidelines, if any issued by competent authorities, and ensure prescribed COVID appropriate behaviour by persons participating. Organisers will be responsible for any breach of the COVID related protocols and guidelines.

ii) Political Parties/candidates may hold their meetings and rallies, Road show, Pad-yatra and procession, Door to Door campaign etc. subject prior permission of the all concerned authorities and instant instruction of the Commission in the matter.

iii) Allocation of public spaces must be done using Suvidha app in the manner already prescribed by Commission.

III.)Polling Station Arrangements-

(i) Commission has issued detailed instructions for assured minimum facilities at each polling station. Now, in view of COVID, following additional facilities/steps may be taken, as required:

(a) Help Desk for distribution of token to the voters on first come first basis so that they do not wait in the queue.

(b) Marker to demonstrate social distancing for queue.

(c)Distance for voters standing in the queue would be maintained as per COVID norms, if any, prescribed by the competent authority and depending on the availability of space. There shall be three queues each, for male, female, and PwD/ Senior citizen voters.

(d) The services of BLOs, volunteers etc may be engaged to monitor and regulate social distancing norms, as prescribed by competent authority.

(e) One shaded waiting areas with chairs, dari etc. will be provided, for male and female separately, within the polling station premises so that voters can participate in voting without safety concerns.

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(f) Wherever possible, Booth App may be used at the polling station.

(g) Awareness posters on COVID should be displayed at visible locations as per norms prescribed by the competent authority.

(ii) COVID patients and all other who may be under quarantine will be allowed to cast their vote at the last hour of the poll day at their respective Polling Stations, under the supervision of health authorities, strictly following COVID-19 related preventive measures. Sector Magistrates shall coordinate this activity in their allocated polling stations.

IV) Postal Ballot Option of Postal Ballot facility has also been extended to the Electors who are COVID positive/suspect and in quarantine(home/institutional).

V.)Counting of votes

(i)There shall be maximum 15 Counting Tables (including RO's Table) for counting of votes of a constituency as per Commission's existing instructions dated 30th April, 2014.

(ii) No public gathering outside the counting venue during process of counting shall be permitted.

(iii) Candidate may appoint/replace counting agents in case COVID report is positive.

9.As and when required and as per the evolving/ contextual needs, the Chief Secretary of the State, shall at once bring to the notice of the Commission any new trend, development /situation that is not covered by these COVID Guidelines and warrants Commission's intervention during the electoral process in the State. The Commission may then issue further appropriate instructions with respect to electoral process and thereby complementing the mandate/ efforts of the State in containing/ managing the spread of COVID.