

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/58/2022

Dated: 29th June, 2022

PRESS NOTE

Sub: Election to the Office of the Vice-President of India, 2022 (16th Vice-Presidential Election)

The term of office of Shri M. Venkaiah Naidu, Vice-President of India, is ending on 10th August, 2022. As per Article 68 of the Constitution of India, an election to fill the vacancy caused by the expiration of the term of office of the outgoing Vice-President is required to be completed before the expiration of the term. The Election Commission met today under the Chairmanship of Sh. Rajiv Kumar, Chief Election Commissioner of India, attended by Sh. Anup Chandra Pandey, Election Commissioner and finalised the schedule of election for the Office of the Vice-President of India.

2. Article 324 of the Constitution read with the Presidential and Vice-Presidential Elections Act, 1952 and the Presidential and Vice-Presidential Elections Rules, 1974, vests the superintendence, direction and control of the conduct of election to the office of the Vice-President of India in the Election Commission of India. The Election Commission is mandated to ensure that the election to the office of the Vice-President of India must be a free and fair election and the Commission is taking all necessary steps for discharging its constitutional responsibility. Election Commission of India is privileged and honoured to announce today the schedule of election for the 16th Vice-Presidential Election. Section 4(3) of the Presidential and Vice-Presidential Elections Act, 1952 provides that the notification for election shall be issued on or after the sixtieth day before the expiration of term of office of the outgoing Vice-President.

3. As per Article 66 of the Constitution of India, the Vice-President is elected by the members of the Electoral College consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote. For 2022, 16th Vice-Presidential Election, the Electoral College consists of:

- (i) 233 elected members of Rajya Sabha,
- (ii) 12 nominated members of Rajya Sabha, and
- (iii) 543 elected members of Lok Sabha.

Electoral College comprises of a total of 788 members of both Houses of Parliament. Since, all the electors are members of both Houses of Parliament, the value of vote of each Member of Parliament would be same i.e.1 (one).

4. Article 66 (1) of the Constitution provides that the election shall be held in accordance with the system of Proportional Representation by means of the single transferable vote and the voting at such election shall be by secret ballot. In this system, the elector has to mark preferences against the names of the candidates. Preference can be marked in the international form of Indian numerals, in Roman form, or in the form in any recognised Indian languages. Preference has to be marked in figures only and shall not be indicated in words. The elector can mark as many preferences as the number of candidates. While the marking of the first preference is compulsory for the ballot paper to be valid, other preferences are optional.

5. For marking the vote, the Commission will supply particular pens. The pen will be given to the electors in the polling station by the designated official when the ballot paper is handed over. Electors have to mark the ballot only with this particular pen and not with any other pen. Voting by using any other pen shall lead to invalidation of the vote at the time of counting.

6. The Election Commission, in consultation with the Central Government, appoints the Secretary General of Lok Sabha and Rajya Sabha, by rotation, as the Returning Officer. Accordingly, the Secretary General, Lok Sabha will be appointed as the Returning Officer for the present election to the Office of the Vice-President of India. The Commission has also decided to appoint Assistant Returning Officers in Parliament House (Lok Sabha) to assist Returning Officer.

7. As per Rule 8 of the Presidential and Vice-Presidential Elections Rules, 1974, poll for the election will be taken in the Parliament House. The polling, if required, shall take place at Room No.63, 1st Floor, Parliament House, New Delhi.

8. As per the Schedule of the election, the nomination paper of a candidate must be delivered to the Returning Officer at New Delhi in the place to be specified by him by a public notice that will be issued by him (in Form-1 appended to the Presidential and Vice- Presidential Elections Rules, 1974), and at no other place. Under the law, nomination (in prescribed Form 3) can be filed either by the candidate himself or by any of his proposers or seconders between 11.00 a.m. to 3.00 p.m. Nomination cannot be filed on public holidays. A nomination paper of a candidate has to be subscribed by at least twenty electors as proposers and by at least other twenty electors as seconders. An elector can subscribe to only one nomination paper of a candidate as either a proposer or a seconder and is governed by Section 5B (5) of the Presidential and Vice-Presidential Elections Act, 1952. A candidate can file maximum of four nomination

papers. The security deposit for the election is Rs.15,000/- (Rupees fifteen thousand only), which is required to be made along with the nomination paper, or should be deposited in Reserve Bank of India or a Govt. Treasury under the relevant Head of Accounts for the purpose, prior to filing of nomination.

9. As per Rule 40 of the Presidential and Vice-Presidential Elections Rules, 1974, the Commission shall maintain a list of members of the Electoral College referred to in Article 66 with their addresses correct up to date, for the purpose of Vice-Presidential election. The list of members of the Electoral College maintained by the Commission for the Vice-Presidential Election, 2022, would be available for sale @ Rs.50/- per copy from the counter opened in the premises of Election Commission of India. A copy of the Electoral College is also being uploaded on the Commission's website. However, the said list is required to be updated after date of issue of notification of name of 51 elected members of the Council of States, 07 nominated members of the Council of States (if filled up during election). Therefore, Supplementary list(s) to the Electoral College will be published, as and when required.

10. Each contesting candidate can authorize a representative to be present at the place of polling and at the place fixed for counting (counting hall). Authorization of representatives for this purpose shall be made by the candidate, in writing.

11. The Constitution has expressly provided that election to the office of Vice-President shall be by secret ballot. Therefore, the electors are expected to scrupulously maintain secrecy of vote. There is no concept of open voting in this election and showing the ballot to anyone under any circumstances in the case of Presidential and Vice-Presidential elections is totally prohibited. Voting procedure laid down in the 1974 Rules provides that after marking the vote in the Voting Compartment, the elector is required to fold the ballot paper and insert it in the Ballot Box. Any violation of the voting procedure will entail cancellation of the ballot paper by the Presiding Officer. As already mentioned in paragraph 5, marking of vote can be done only with the particular pen provided by the Presiding Officer to the electors at the place of polling.

12. It is also clarified that political parties cannot issue any whip to their MPs in the matter of voting in the Vice-Presidential election. It is further clarified that as per Section 18 of the Presidential and Vice-Presidential Elections Act, 1952, the offence of 'bribery' or 'undue influence' as defined in Sections 171B and 171C of IPC, by the returned candidate or any person with the consent of the returned candidate are among the grounds on which the election can be declared void by the Hon'ble Supreme Court in an election petition.

13. The Assistant Returning Officers will assist the Returning Officer for the conduct of poll and transportation of the ballot boxes and other important election materials from the Election Commission to the Parliament House and back to Election Commission, after the poll.
14. To ensure a free and fair election, the Commission also appoints senior Officers of the Government of India as its Observers at the place of polling.
15. All related Covid-19 safeguards and protocols will be enforced in all the steps of the electoral process and, on the day of polling and counting.
16. It has always been the Commission's endeavour to make elections eco-friendly. The election to the office of Vice-President of India, being an indirect election, does not involve election campaigning in the conventional way of displaying banners, posters, etc. Still, the Commission, in view of importance of this election, has directed the Returning Officer concerned to ensure use of eco-friendly and biodegradable material and eliminate the use of prohibited plastic/materials as per extant instructions of Government of India.
17. Counting of votes will be held in New Delhi under the supervision of the Returning Officer. On completion of counting, Return of Election (in Form 7 appended to the Presidential and Vice-Presidential Elections Rules, 1974) will be signed and issued by the Returning Officer.
18. In pursuance of sub-section (1) of section (4) of the Presidential and Vice-Presidential Elections Act, 1952, the Election Commission of India has fixed the programme for the election to fill the office of the Vice-President of India as per Annexure-I.
19. The information booklet covering all aspects of current election to the office of the Vice-President of India and past fifteen Vice-Presidential Elections and the list of FAQs are available at the Election Commission's official website at the link: <https://eci.gov.in/vice-presidential-election2022/index/> . A copy of the said information booklet can also be obtained @ Rs. 25/- per copy from the Commission's sale counter.



(Sumit Mukharjee)
Sr. Principal Secretary

ANNEXURE-I

Election to the Office of the Vice-President of India, 2022 (16th Vice-Presidential Election)

(i)	Issue of Election Commission's notification calling the election	5.07.2022 (Tuesday)
(ii)	Last date of making nominations	19.07.22 (Tuesday)
(iii)	Date for the Scrutiny of nominations	20.07.2022 (Wednesday)
(iv)	Last date for the withdrawal of candidatures	22.07.2022 (Friday)
(v)	Date on which a poll shall, if necessary, be taken	06.08.2022 (Saturday)
(vi)	Hours of poll	10am to 05pm
(vii)	Date on which counting, if required, shall be taken	06.08.2022 (Saturday)