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News / Explained / 11 candidates apply to verify EVM burnt memory: what is this process?

Premium

11 candidates apply to verify EVM burnt memory: what is this process?

The Lok Sabha election results were declared on June 4. Some candidates are not happy. They can either file an Election Petition until July 19, or use a new window for remedy opened by the Supreme Court: demand a technical verification of a certain number of EVMs. Here's how.

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ECI staff distributing EVMs in Chandigarh in June 2024. (Express Photo by Kamleshwar Singh)

In a first, 11 candidates in the recently-concluded 2024 Lok Sabha and State Assembly elections have applied for verification of the burnt memory of the Ballot Units and Control Units of electronic voting machines (EVMs), and of Voter Verified Paper Audit Trail (VVPAT) units.

Eight of the applicants contested the Lok Sabha election, the other three were candidates in Assembly elections in [Andhra Pradesh](#) and [Odisha](#).

The remedy of verification was made available to losing candidates by the Supreme Court this April. The candidates would have to bear expenses of the verification process, but they would be refunded if any tampering was found.

What did the Supreme Court order?

While upholding the EVM-VVPAT system and rejecting the plea for a return to ballot papers and for 100% counting of VVPAT slips on April 26, the court directed the Election Commission of India (ECI) to allow second- and third-placed candidates to

<u>**seek verification of burnt memories**</u>   of EVMs and VVPATs of up to 5% of machines in an Assembly constituency or Assembly segment of a Lok Sabha constituency.

This is what the two-judge Bench of Justices Sanjiv Khanna and Dipankar Datta in its judgment (Association for Democratic Reforms vs Election Commission of India, April 26, 2024):

"The burnt memory/ microcontroller in 5% of the EVMs, that is, the control unit, ballot unit and the VVPAT, per assembly constituency/ assembly segment of a parliamentary constituency shall be checked and verified by the team of engineers from the manufacturers of the EVMs, post the announcement of the results, for any tampering or modification, on a written request made by candidates who are at SI. No. 2 or Sl. No. 3, behind the highest polled candidate."

The court said that candidates or their representatives "shall identify the EVMs [to be verified] by the polling station or serial number", and "shall have an option to remain present at the time of verification". Requests for verification have to be made within seven days of the declaration of the result, the court said.

"The actual cost or expenses for the said verification will be notified by the ECI, and the candidate making the said request will pay for such expenses. The expenses will be refunded, in case the EVM is found to be tampered," the court said.

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So what is the process to be followed for the verification?

The ECI is yet to finalise the technical standard operating procedure (SOP). The technical SOP, including the methodology, will be released in time for the first verifications that are in likely in August.

However on June 1, the ECI released the administrative SOP for checking and verification of the burnt memory of EVMs and VVPATs. The following points were laid down.

* The District Election Officer (DEO) will be responsible for the process, says the SOP.

* Both the second and third candidates will have the opportunity to request that up to 5% of the EVMs and VVPATs per Assembly constituency/ Assembly segment of a Lok Sabha constituency be checked. However, if both these candidates make the request, each of them would be allowed to have 2.5% of the EVMs verified.

* The candidates can choose the units to be verified either by giving the polling station number or the unique serial number of the Ballot Unit, Control Unit, and VVPAT that is made available to candidates before polling.

* The candidates have to make the request in writing to the respective DEOs and deposit Rs 40,000 (plus GST of 18%) per set of EVM (BU, CU, and VVPAT) to the manufacturer concerned.

* The DEOs will then be required to send a list of all such applications to the state Chief Electoral Officer, who will notify the manufacturers of the EVMs, public sector companies Bharat Electronics Ltd (BEL) and Electronics Corporation of India Ltd (ECIL), within 30 days of declaration of results.

* The checking will commence at the end of the 45-day period after declaration of results, during which Election Petitions against the outcome can be filed by any candidate or elector. Since the results were announced on June 4, Election Petitions can be filed until July 19.

* The checking will start only if no Election Petitions have been filed. In case a petition has been filed, the checking will start only after a court issues an order specifically allowing the checking to commence. The process is to be started 30 days of the manufacturers being told if any Election Petitions have been such a case, mid-August is the earliest that the results of the checks can be k

* The checking will be done at designated halls within the manufacturers' facilities, with the requisite strong rooms and CCTV cameras in place.

* Electronic devices, including cell phones and cameras, will not be allowed inside the halls. The hall will have a single entry and exit, with at least one section of armed police force deployed there.

Who are the candidates who have applied for checking?

The 11 applications together cover 118 polling stations or sets of EVMs and VVPATs. For Lok Sabha constituencies, three applications each have been received from BJP and Congress candidates, and one each from DMDK and YSRCP candidates.

Not all these candidates have lost by narrow margins — while the Congress candidate from Kanker in Chhattisgarh was defeated by just 1,884 votes, the Congress candidate in Karnal in Haryana was defeated by more than 2.32 lakh votes.

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