

NOTIFICATION

Urban Development and Urban Housing Department
Sachivalaya, Gandhinagar.
Dated the 9th April, 2012.

**Gujarat
Municipalities
Act, 1963.**

NO.KV-41 of 2012-NPL-4510-5503-M:- WHEREAS, certain draft rules further to amend the Gujarat Municipalities (Conduct of Election) (Amendment) Rules, 1994 were published as required by sub-section (3) of section 277 of the Gujarat Municipalities Act, 1963 (Guj.34 of 1964) at pages 165-1 to 165-2 in the Gujarat Government Gazette, Extraordinary, Part I-A, dated the 25th October, 2011 under the Government Notification, Urban Development and Urban Housing Department No.KV-176 of 2011-NPL-4510-5503-M, dated the 25th October, 2011 inviting any objection or suggestion from all persons likely to be affected thereby within a period of thirty days from the date of publication of the said notification in the *Official Gazette*;

AND WHEREAS, no objection or suggestion has been received by the Government;

NOW, THEREFORE, In exercise of the powers conferred by sub-section (1) of section 277 read with sub-section (2A) of section 9 of the Gujarat Municipalities Act, 1963 (Guj.34 of 1964), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Municipalities (Conduct of Election) Rules, 1994, namely:-

1. These rules may be called the Gujarat Municipalities (Conduct of Election) (Second Amendment) Rules, 2012.
2. In the Gujarat Municipalities (Conduct of Election) Rules, 1994, (hereinafter referred to as "the said rules"), in Part IV, after rule 52, the following rule shall be inserted, namely :-

"52 A. E-voting or online voting:-

(1) Online voting (hereinafter referred to as "e-voting") means using system in which a voter can cast his vote by using the electronic device through internet medium.

(2) For e-voting, for identification of the voter, thumb impression or finger print or Iris Retinal Scan, DNA or any Biometric as may be decided by the State Election Commission from time to time, shall be obtained before the Mamlatdar or Executive Magistrate for issuance of the Biometric Photo Voter ID Card.

(3) The designated officer appointed by the State Election Commission shall obtain such information from the e-voter for issuing the Biometric Photo Voter ID Card. The information obtained by the designated officer shall be kept secret and shall not be disclosed.

(4) The State Election Commission shall declare the e-polling stations for e-voting.

(5) The names of contesting candidates and the symbols allotted to them with ballot paper shall be displayed on the electronic equipment or on the website and the same shall be made available to the electronic equipment (server) of e-voting system set up by the State Election Commission or by such other Officer designated by the State Election Commission in this regard.

(6) A voter (hereinafter referred to as an "e-voter") who have given option for e-voting shall be permitted by the State Election Commission and he shall cast his vote only once in each election.

(7) (a) The e-voting shall be made either by,-

- (i) Online using internet;
- (ii) by Short Message Service, through his/her own mobile;
- (iii) by calling call centre IVR system;
- (iv) by mobile booths;
- (v) by any other electronic internet medium as may be decided by the State Election Commission from time to time.

(b) The State Election Commission shall decide any one or more than one of the above options referred to in clause(a) above for e-voting, depending upon the availability of appropriate technology to be used in the conduct of elections. The State Election Commission shall have such powers to prescribe such norms and manners for effective implementation of e-voting.

(8) The State Election Commission shall decide and declare the period and time limit within which an e-voter shall cast his e-vote.

- (9) The State Election Commission shall make technical arrangements to maintain the secrecy of e-voting.
- (10) An e-voter shall cast his vote himself and not by proxy.
- (11) No vote shall be received from any person whose name is not enrolled in the ward roll as an e-voter of the ward to which the election is being held.
- (12) In case of failure of system for e-voting, the State Election Commission shall allow voting at such election through Electronic Voting Machine or ballot paper, as the case may be.
- (13) The electronic equipment (server) in which the details of e-voting are stored shall remain under the control of the State Election Commission or the authorized officers of the State Election Commission in this behalf. The State Election Commission shall make adequate technical arrangements so as to ensure e-votes cast are properly stored in the said equipments till they are counted.
- (14) The technical arrangements shall have to be made with regard to the counting of the votes, cast through e-voting on the day of counting of the votes, by the Returning Officer.
- (15) The Returning Officer shall count the cast votes through e-voting, recorded in electronic equipment (server) and shall include them in the votes of the ward cast by other system."

By order and in the name of the Governor of Gujarat,


(M.R. Parmar)

Under Secretary to Government.

To,

- The Manager, Government Central Press, Gandhinagar... with a request to publish the aforesaid Notification in the Extra-ordinary issue of Government Gazette Part-IA Central Section, dated 9th April, 2012 and is further requested to furnish 100 copies thereof to this department positively.
- The State Election Commissioner, Gujarat State, Gandhinagar (by letter).
- All Collectors.
- Director of Municipalities, Gujarat State, Gandhinagar, request to circulate this to Chief Officer of All Municipalities.
- Regional Director of Municipalities, Gujarat State, Rajkot.
- The Personal Secretary to Hon.Min. (UD), Sachivalaya, Gandhinagar.
- The Assistant Draftsman, Legislative and Parliamentary Affairs Department, Sachivalaya, Gandhinagar...with a request to translate and publish Gujarati Version of this Notification in Part IX and send 50 copies to this department...
- Branch S.F. / Dy.SO S.F.