

POSTAL BALLOTS RULES AND REGULATIONS OF THE KINGDOM OF BHUTAN

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ELECTION COMMISSION OF BHUTAN

POSTAL BALLOTS RULES AND REGULATIONS OF THE KINGDOM OF BHUTAN

In keeping with the provisions of the Election Act of the Kingdom of Bhutan, 2008 to provide equal opportunity to voters who cannot be present at the polls to vote the Election Commission of Bhutan hereby adopts and promulgates the Postal Ballots Rules and Regulations of the Kingdom of Bhutan:

Short Title, Extent, Application and Commencement

1. These Rules shall:
 - (a) Be called the Postal Ballots Rules and Regulations of the Kingdom of Bhutan;
 - (b) Extend to the whole of the Kingdom of Bhutan;
 - (c) Apply to voters specified under section 3 of these Rules and Regulations; and
 - (d) Come into force with effect from

Definition

2. In these Rules, unless the context otherwise requires:
 - (a) “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;
 - (b) “Commission” means the Election Commission of Bhutan;
 - (c) “Identity Declaration Certificate” (IDC) means [Postal Ballot Form No. 1](#) issued by the Returning Officer soliciting details of the postal voter, attested by a known witness;

- (d) “Postal Ballot Paper” means a ballot paper in the prescribed **Postal Ballot Form No. 2** issued by the Returning Officer to a postal voter;
- (e) “Postal voter” means any person entitled to vote under section 3 of these Rules and Regulations;
- (f) “Representative” means the election representative and counting representative appointed by a political party or a candidate in accordance with the Election Act;
- (g) “Returning Officer” means an Official appointed by the Election Commission as per the Election Act, for conduct of elections or National Referendum;
- (h) “Competent Witness” means a Bhutanese citizen known to the postal voter and who is an eligible voter registered in the same constituency except in the case of postal voters outside the Kingdom it can be an eligible voter registered in any constituency;
- (i) Words importing the masculine gender shall include the feminine gender; and
- (j) Words importing the singular number shall include the plural number and vice-versa, unless the context otherwise requires.

Postal Voters

- 3. The following persons shall be entitled to vote as a postal voter at any election in accordance with these Rules:
 - (a) Diplomats working in the Embassies of the Kingdom of Bhutan;
 - (b) Persons working in the Embassies of the Kingdom of Bhutan;
 - (c) Persons residing outside Bhutan for the performance of a special government duty;

- (d) Members of the Armed Forces as defined in the Constitution of the Kingdom of Bhutan;
- (e) Civil servants;
- (f) Students and trainees;
- (g) Spouses or dependents of a person referred to in sub-section (a), (b) or (c), if the spouse or dependent is residing with him; and-
- (h) Voters of a group specified by the Election Commission in consultation with the Government.

Preparation of Postal Voters' List

- 4. The Dzongkhag Electoral Registration Officers shall, at the time of publishing the Electoral Roll, also prepare and publish a list of eligible Postal Voters constituency-wise.
- 5. The Postal Voters' List shall be handed over to the Returning Officer upon his appointment.

Notice of issue of Postal Ballot

- 6. The Returning Officer shall, upon receipt of notification from the Election Commission to issue Postal Ballot Paper, give political parties, candidates or their election representatives not less than forty-eight hours notice in writing of the time and place of verification of the eligibility for issue of Postal Ballot Papers.
- 7. The Returning Officer shall, where any subsequent issue of Postal Ballot Papers is to be made, notify political parties, candidates or their election representative of the time and place of issue.

Postal Ballots

- 8. The Postal Ballot Paper shall contain the symbol and name of the constituency of the candidates, political parties or specific issue in the case of National Referendum in the same order as provided in Ballot

Paper to be used for the Electronic Voting Machine (EVM) except for the provision of BOXES for marking their preferences.

9. The Postal Ballot Papers shall contain instructions to the voters to place a mark in the BOX indicating clearly their preference of the candidates, political parties or for or against the question in the case of National Referendum.
10. The Postal Ballot Paper issued shall be stamped on its reverse with the official seal and initialed by the Returning Officer specifying the date and place of issue.

Applications for Postal Ballot

11. A postal voter shall, make an Application for a Postal Ballot in the prescribed [Postal Ballot Form No. 3](#) which will also be available on the website of the Election Commission of Bhutan.
12. The Application Form must be signed by the applicant in the presence of a competent witness.
13. The completed Application Form shall be delivered by hand, diplomatic pouches or by registered post so as to reach the Returning Officer of the concerned constituency not later than the seventh day after issue of notification of election.
14. A competent witness shall not witness and counter-sign an application for a Postal Ballot unless he:
 - (a) Has satisfied himself as to the identity of the applicant;
 - (b) Has seen the applicant sign the application; and
 - (c) Knows that the statements contained in the application are true or has satisfied himself by inquiry from the applicant or otherwise that such statements are true.
15. The Returning Officer shall reject an application if an applicant does not fall under the category prescribed under section 3.

Issuing of Ballot Papers and Documents

16. The Returning Officer shall number, in consecutive order, all applications for Postal Ballot received by him.
17. No person shall be present at the proceedings on the issue of Postal Ballot Papers other than:
 - (a) The Returning Officer;
 - (b) The candidates;
 - (c) An election representative of a candidate or a political party; and
 - (d) Any person so authorised by the Election Commission.
18. All applications for Postal Ballot shall be kept by the Returning Officer which will be open for public inspection, without fee, until the declaration of the result of the poll.
19. The Returning Officer shall issue a Postal Ballot Paper in the manner provided under these Rules and Regulations, if he is satisfied that an application is duly complete and the name of the applicant is on the Postal Voters' List for that constituency.
20. The Returning Officer shall ensure that the Packet to be sent to the postal voter at the address provided by the applicant contains:
 - (a) Envelope A, as in [Annexure-1](#), with the address of the Returning Officer of the concerned constituency for the return mail;
 - (b) Envelope B, as in [Annexure-2](#), for enclosing the Postal Ballot Paper upon completion which is to be placed in Envelope A;
 - (c) The Postal Ballot Paper referred to in sub-section (b); and
 - (d) The Identity Declaration Certificate (IDC) to be completed and enclosed in Envelope A;

21. The Returning Officer shall, after effectively closing the Packet, deliver it to the nearest Post Office for dispatch by registered mail or hand over to the applicant in person upon obtaining a receipt from him.
22. The Returning Officer shall enter and cause to be marked upon the Postal Voters' List the IDC and the Postal Ballot Paper number issued to the applicant.

Sealing up of Postal Voters' Lists & Counterfoils of Ballot Papers

23. The Returning Officer shall, as soon as practicable after the completion of the issue of the Postal Ballots and in the presence of the representatives make up into separate packets the Postal Voters' List and the counterfoils of those ballot papers and affix it with security tape.
24. The Returning Officer for the purposes of a subsequent issue, may open the packets prepared in section 23 and on completion of the subsequent issue, the List and the counterfoil of the ballot papers which have been issued shall be again made up into separate packets and affixed with security tape.

Ballot Box for Postal Ballots

25. The Returning Officer shall, for the receipt of Envelope B, provide a ballot box not later than three days after:
 - (a) Issue of notification of election in the case of Primary Round;
 - (b) Nomination day in the case of General Election; and
 - (c) Issue of Notification in the case of National Referendum.
26. The Returning Officer shall, at the time and place notified in the presence of candidates or the representatives of the candidates or political parties, demonstrate that the Postal Ballot Box is empty and sealed with the seal of the Commission and that of the candidates and representatives if they wish to do so.

27. The Returning Officer shall number and mark every Postal Voters' Ballot Box with the name of the constituency for which the poll is held.
28. The Returning Officer shall make arrangements for the safe custody and movement of every such Ballot Box.

Instructions to Postal Voters

29. Every person to whom a Postal Ballot has been issued shall observe the directions for voting by post as laid down under these Rules as in [Annexure -3](#).
30. A postal voter shall, before marking the Postal Ballot Paper, produce the ballot paper, the IDC and the Envelope B before a competent witness.
31. The postal voter shall first fill the IDC in the presence of the competent witness who shall, if satisfied, counter sign it.
32. The postal voter shall next mark the Postal Ballot Paper to cast his vote.
33. The competent witness shall be responsible to ensure that the voter marks the Postal Ballot Paper in total secrecy.
34. The postal voter shall, immediately upon completing the marking the Postal Ballot Paper in total secrecy, place the same in Envelope B and effectively close it with a seal.
35. The sealed Envelope B together with the IDC shall be placed in Envelope A.
36. The voter shall then dispatch Envelope A by registered post without delay, or hand it over to the Returning Officer who must issue a receipt for it.

Armed Forces

37. The Returning Officer shall, where the applicant is a member of the Armed Forces, send or deliver the Packet addressed to the applicant to the Headquarters of the Armed Forces.
38. The Headquarters shall in turn distribute the same through its channel of communications to the voters in the forces.
39. A postal voter from the Armed forces may transmit the Envelope A to the Returning Officer through the Headquarters.

A Physically Challenged Postal Voter

40. A physically challenged postal voter may engage a person of his choice who is eligible to vote under the Election Act of the Kingdom of Bhutan to assist him in marking the Postal Ballot Paper in the manner directed by him.
41. A person who has assisted a physically challenged postal voter shall ensure that a written statement specifying the nature of the inability or incapacity suffered by the voter is enclosed in Envelope A.

Handling of Postal Ballot

42. Postal Ballots shall be handled in a transparent and efficient manner as they make substantial difference in closely contested elections.
43. The Returning Officer shall prohibit handling of Postal Ballot envelopes by any Political Party representative, candidate or their representatives.
44. The personnel of the Bhutan Post shall be specifically trained to handle Postal Ballots packages to provide total confidence of the voters in the Postal Ballot System.
45. No mail package or envelope which is clearly labeled as BHUTAN POSTAL BALLOT shall be opened by any person other than one who is authorised under law.

Receipt of Postal Ballot

46. The Returning Officer shall endorse on Envelope A the words “Received by me” and sign thereon stating the date and time of receipt.
47. The Returning Officer shall be responsible for the safekeeping of the envelopes received under section 46.

Opening of Envelope A

48. No envelope containing or purporting to contain a Postal Ballot which has been received after the day of poll shall be opened or its contents taken for scrutiny. The Returning Officer must sign on such envelope stating the date and time of receipt.
49. The Returning Officer shall mark on the envelope “Empty” where Envelope A does not contain an Envelope B, or is not returned by the voter in the official envelope sent to him for this purpose.
50. The Returning Officer shall maintain a record of the names and addresses of the voters and the name of the constituency as shown in the IDC.
51. The Returning Officer shall give candidates or representatives of candidates or political parties at least twenty-four hours’ notice in writing of the time and place of opening the Envelope A.
52. The Returning Officer shall, on opening Envelope A, first satisfy himself that the IDC has been duly signed and authenticated and, if he is not so satisfied, he shall mark on the certificate “Declaration rejected”, attach it to Envelope B or, if there is no such envelope, place it in the receptacle for votes rejected.
53. The Returning Officer shall, before placing the Envelope B along with the rejected IDC in the receptacle for votes rejected, exhibit the same for scrutiny by the representatives and if any objection is made the words “Rejection objected to” to be written on the IDC.

54. The Returning Officer shall put into separate packets the envelopes marked "Empty" and the ballot papers marked "Rejected" by affixing security tape on the packets.
55. The ballot box and the seals of the Envelope B shall be opened only on the counting day and at the designated counting centre.

Sealing Up of Rejected Votes and Certificates

56. The Returning Officer shall, on the conclusion of the opening of Envelope A, put the contents of the receptacle for votes rejected and the contents of the receptacle for IDC, into two separate packets and affix security tape on the packets.
57. The Returning Officer shall endorse on Envelope B the words "Accepted" and sign thereon.
58. The Returning Officer shall then place the sealed Envelope B in the Postal Ballot Box.

Close of Postal Ballot Box

59. The Returning Officer shall seal the Postal Ballot Box at 5 p.m. of the day of the poll in presence of the candidates or the representatives of candidates or political party so that no further Postal Ballots can be inserted therein.
60. The Postal Ballot Box shall be taken to the designated counting center under direct supervision of the Returning Officer on the day fixed by him after obtaining prior approval of the Commission.

Opening of Postal Voters' Ballot Box

61. The Returning Officer shall give candidate or representative of candidates or political parties at least twenty-four hours' notice in writing of the time and place of the opening of the Postal Voters' Ballot Box and the envelopes contained in the ballot box.

Opening of Envelope B

62. The Counting Supervisors shall permit the counting representatives to examine the seal on the ballot box before it is opened.
63. The Counting Supervisors shall open Envelope B, under the superintendence and direction of the Returning Officer at a designated place.
64. The Counting Supervisor shall, when a Ballot Box has been opened, count and note the number of Envelope B, and shall then open each envelope separately.
65. The Counting Supervisor shall, mark as “Rejected” Envelope B if it does not contain a Postal Ballot Paper or the number on the Postal Ballot Paper and envelope is not the same.
66. The Counting Supervisor shall, place Envelope B marked “Rejected” together with its contents, if any, in a separate receptacle.
67. The Counting Supervisor shall, before placing the Postal Ballot Paper in the receptacle for votes rejected, exhibit the Postal Ballot Paper to the representatives and if any objection is made, write the words “Rejection Objected to” on the Postal Ballot Paper.

Counting

68. The counting of Postal Ballot Papers will precede counting of votes on the EVMs.
69. The Counting Supervisor shall:
 - (a) In the presence of the counting representative, open each ballot box and count and record the number of ballot papers in it;
 - (b) In the presence of the representative, verify ballot paper account against the Postal Voters’ List maintained by the Returning Officer; and

- (c) Count such Postal Ballot Papers as have been duly verified by the Returning Officer.
- 70. The Counting Supervisor shall, while counting and recording the number of ballot papers and counting the votes, keep the ballot papers facing up and take all proper precautions to prevent any person from seeing the numbers printed on the back of the papers.
 - 71. The Counting Supervisor shall verify ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and draw up a statement as to the result of the verification, which any representative may copy.
 - 72. The Counting Supervisor shall, if the Envelope B is not duly verified as per section 57 of these Rules, not open it and instead mark as “Rejected”.
 - 73. The Counting Supervisor shall keep all rejected Envelope B, separate from all other documents.
 - 74. The Counting Supervisor shall treat a Postal Ballot Paper as invalid if it:
 - (a) Is a fake ballot paper;
 - (b) Is blank;
 - (c) Is not duly authenticated by the Returning Officer;
 - (d) Does not contain the mark “Accepted” as endorsed by the Returning Officer on the Envelope B;
 - (e) Cannot be definitely determined for which candidate, political party or issue the vote is cast;
 - (f) Has been cast for more than one candidate, political party or issue;

- (g) Bears a mark of identification different from the one officially provided; or
 - (h) Has been tampered with or is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.
75. The Counting Supervisor shall, before rejecting any Postal Ballot as invalid, allow the counting representatives present a reasonable opportunity to inspect the Postal Ballot but without allowing them to handle it or any other postal ballot.
76. The Counting Supervisor shall, if a counting representative objects to a Postal Ballot being invalid, decide by judicious application of mind whether the Postal Ballot is invalid or not.

Provided that nothing in this section shall prevent the Counting Supervisor from rejecting any Postal Ballot as being invalid although it is not objected to by any counting representative.

77. Every Postal Ballot which is not rejected as invalid shall be counted as one valid vote for the candidate, political party or the issue.

Procedure on Discovery of More than One Ballot Paper

78. The Counting Supervisor shall, while opening an envelope if he discovers more than one ballot paper, check the number on the ballot paper with the number on the envelope and retain the correct one for the purposes of counting.
79. The Counting Supervisor shall retain all other ballot paper or papers discovered under section 78 and then make a statement of facts as discovered and witnessed by the candidates or representatives present.

Recording of Results

80. The Counting Supervisor shall, after the counting of all Postal Ballots, record in a prescribed Result Sheet (**Form No: Electronic Voting Machine-3**), the total number of Postal Ballots cast in the constituency, the number of Postal Ballots rejected as invalid and valid votes secured by each of the candidates or political parties or the

number of “Yes” and “No” votes cast in the case of National Referendum.

81. The Counting Supervisor shall, after the completion of counting, seal and secure the Postal Ballot Papers in the manner directed by the Election Commission.

Provided that candidates and their representatives present at the place of counting shall be permitted to affix their seals thereon, if they wish to do so.

82. The Counting Supervisor shall transmit to the Returning Officer all the Postal Ballot Papers sealed and secured along with the result sheet prepared in respect of the counting, for consolidation and declaration of result.

Representatives

83. The Counting Supervisor shall admit only one election representative or counting representative of each candidate or political party at the closing, sealing, or counting of Postal Ballots at any point of time.
84. The candidate or the registered political party shall be liable for all acts of commission and omission of their election representative and incur civil or criminal liability in respect of any act done by the election representative in connection with the election.
85. Any appointment, resignation, death, revocation of representatives of the candidates or political parties shall be governed by the Election Act.

Functions of Representatives

86. The main duty of the election representative is to observe the process of verifying postal ballots by the Returning Officer and to detect and prevent voters not entitled to vote as postal voters from casting postal ballot.
87. The main duty of the counting representative is to observe the process of counting carried out by the Counting Supervisor.

Contesting Candidate or his Election Representative

88. A contesting candidate or his election representative or the election representative of the registered political party shall have a right to be present at any place fixed for the counting of votes at every election where a poll is conducted.
89. A contesting candidate, registered political party or their election representative may perform any act which their counting representative would have been authorized under the Election Act or may assist the counting representative in the performance of their functions.

Offences in Relation to Postal Votes

90. A person who attempts to induce any other person to obtain a Postal Ballot Paper with the intention of influencing him by bribery or intimidation to record his vote in favour of particular candidate shall be guilty of an offence punishable under the Election Act.
91. Any person who makes or induces any other person to make a false statement in an application for a Postal Ballot Paper or fails to deliver or post forthwith an envelope containing or purporting to contain a ballot paper entrusted to him by a voter for the purpose of delivering or posting it to the Returning Officer shall be guilty of an offence punishable under the Election Act.
92. Any person guilty of violation of any provision of these Rules and Regulation shall be dealt in accordance with the Election Act and other laws.

Power of the Commission to Issue Instructions and Directions

93. The Commission may issue instructions and directions:
 - (a) For the clarification of any of the provisions of these Rules and Regulations;
 - (b) For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

- (c) In relation to any matter with respect to Postal Ballot, for which these Rules make insufficient provision, and clarification is necessary in the opinion of the Commission.

Authority of Interpretation and Amendment

- 94. The Election Commission shall, in case of differences in meaning, be the final authority on interpretation of these Rules.
- 95. The Election Commission shall have the power to amend by way of addition, variation, or repeal the provisions of these Rules.

Done under our hands and seal of the Election Commission of the Kingdom of Bhutan (ECB) on this...Day of the ...Month of the Year... corresponding to the...Day of the... Month of the...Year in the Bhutanese calendar.

Election Commissioner

Election Commissioner

Chief Election Commissioner

ENVELOPE “A”



ENVELOPE “A”

POSTAL BALLOT

To,

**The Returning Officer
Lungtenphu Constituency
Dzongkhag Electoral Office
Thimphu Dzongkhag**



Sl.No:.....

ENVELOPE “B”