

ELECTION COMMISSION OF BHUTAN



Guidelines for Extending Postal Ballot Facility to the Bhutanese Citizens Residing, Studying or Working in the United States of America, 2012

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Guidelines for Extending Postal Ballot Facility to the Bhutanese Citizens Residing, Studying or Working in the United States of America, 2012

1. Background

The Prime Minister of the Kingdom of Bhutan had requested if the Election Commission of Bhutan (ECB) could extend Postal Ballot facility to Bhutanese citizens residing in the United States of America particularly those working in New York City as they had appealed to the government that as citizens they wish to participate and exercise their franchise though residing away from home.

The ECB, given the small size of Bhutanese electorate, finding it appropriate that all those eligible and interested to participate in the electoral process be facilitated to take part in the democratic exercise, adopts this *Guidelines for Extending Postal Ballot Facility to the Bhutanese Citizens Residing, Studying or Working in the United States of America, 2012* to enable the eligible voters to be registered as Postal Voters and cast their votes through Post beginning with the National Parliamentary Elections 2013.

2. Legal Provision

- 2.1 The Section 331 of the Election Act of the Kingdom of Bhutan, 2008 provides that Civil Servants, Students and Trainees, Members of the Armed Forces, Diplomats and persons working in the Embassies of the Kingdom of Bhutan, Persons residing outside Bhutan for the performance of a special government duty, Spouses or dependents of the aforementioned and a special group of people identified by the Election Commission of Bhutan in consultation with the Government may cast their votes through post.
- 2.2 The processing of Postal Ballot under these Guidelines shall be strictly governed by the *Postal Ballot Rules and Regulations 2012* unless specified otherwise under these Guidelines.

3. Institutional Arrangements

- 3.1 The extending Postal Ballot facility to Bhutanese residing, studying or working in the United States (USA) shall be implemented through the Assistant Returning Officer (ARO) designated by the ECB, in the Permanent Mission of the Kingdom of Bhutan (PMB), who shall be responsible to liaise with the Department of Electoral Registration and Boundary Delimitation (DoER & BD) for the postal voter registration and with the Returning Officers (ROs) for the subsequent Postal Ballot

process, under the overall supervision of the ECB.

- 3.2 The Ministry of Foreign Affairs (MoFA) shall designate a focal person in Thimphu who shall be responsible to collaborate with the ECB for all matters relating to Postal Ballots for the Bhutanese voters in the USA.

4. Postal Voter Registration

- 4.1 The Election Commission shall besides public notification, specifically intimate the office of the PMB, at a suitable date, to advise all eligible Bhutanese voters to submit the application for registration as Postal Voters in the prescribed Form which can be downloaded from the ECB website www.election-bhutan.org.bt or hand copy from the PMB, New York.
- 4.2 The eligible Postal Voters shall send a scanned copy of the filled Voter Registration Form as an attachment by email to the DoER & BD.
- 4.3 The DoER & BD shall register him/her as the Postal Voters after cross-checking in the Electoral Roll and confirmation by the PMB of their residency in the USA.
- 4.4 The ECB shall publish the draft Postal Voter List on the ECB website so that Postal Voters can individually check their status using their VPIC/CID card number.
- 4.5 A Hard Copy of the draft Postal Voters' List shall also be made available for claims and objections at the office of the ARO in the PMB, NY.
- 4.6 ECB shall upon receipt of claims and objections finalize and publish the final Postal Voters' Lists on the ECB website that can be checked individually using their VPIC/CID number.

5. Application for Postal Ballot

- 5.1 All the email addresses of the Returning Officers shall be made available at the Election Commission's website www.election-bhutan.org.bt/2012/RO.pdf.
- 5.2 A Postal Voter may, once an election date is announced, apply for Postal Ballot through filled Postal Ballot Application Form 3 sent directly to the concerned RO by e-mail.
- 5.3 A competent witness shall counter-sign an application only if he/she:
 - 5.3.1 Is satisfied himself/herself as to the identity of the applicant;

- 5.3.2 Has seen the applicant sign the application; and
- 5.3.3 Knows that the statements contained in the application are true or has satisfied himself/herself by the inquiry from the applicant or otherwise that such statements are true.

6. Issuance of Postal Ballot

- 6.1 The Returning Officer shall proceed with the issuance of the Postal Ballot only if she/he is satisfied that an application is duly completed and the name of the applicant is on the Postal Voters' list for that *Demkhong*.
- 6.2 The ECB shall send the Postal Ballot materials in advance except for the Postal Ballot papers which the Returning Officers send by email after scrutiny and last date of withdrawal of nominations.
- 6.3 A concerned RO shall, after acceptance of nomination, send the Postal Ballot to the ARO, PMB, New York by email along-with the address of the Postal Voters to whom it should be delivered.
- 6.4 The ARO, PMB New York shall print the required number of Postal Ballots and dispatch the Postal Ballot Package to the registered Postal Voters residing in USA at the earliest time possible and a prearranged place or by post to the mailing address found in the list sent by the RO.
- 6.5 The ARO shall release the Postal Ballot Packages immediately upon the receipt of the Postal Ballot email from the concerned RO.

7. Marked Postal Ballot

- 7.1 A Voter shall, immediately upon receipt of the Postal Ballot Package, cast his/her vote by marking the Ballot as per the enclosed Postal Voters Instructions and send to the ARO, PMB, NY.
- 7.2 The ARO shall send the Postal Ballots through the next diplomatic pouch to the Focal Person in the Ministry of Foreign Affairs who shall immediately deliver to the ECB.
- 7.3 The ECB shall send the Postal Ballots through Bhutan Post to the respective ROs.
- 7.4 The RO shall receive, handle and count the marked Postal Ballots as per procedure applicable to all Postal Ballots.

8. Time Period

8.1 The process of application to the RO, issuance and distribution of the Ballot Paper to Voters and return of the Marked Ballot Paper by voter to the ARO to MoFA, ECB and onward to the RO has to be completed within a time period of about three weeks. Therefore, all concerned should ensure that their assigned responsibilities are completed immediate at the earliest possible time.

9. Disputes

9.1 Any dispute related to Postal Ballots under these Guidelines shall be to follow the same process as any other election dispute, election petition or appeal.

10. Penalty

10.1 Any person or organization found guilty of violation of these Guidelines shall be dealt with in accordance to the Election Act.

11. Power of the Commission to Issue Instructions and Directions

11.1 The Commission may issue instructions and directions:

11.1.1 For the clarification of any of the provisions of these Guidelines;

11.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

11.1.3 In relation to any matter with respect to preparation of Postal Ballot, for which these Guidelines make insufficient provision, and clarification is necessary in the opinion of the Commission.

12. Interpretation and Amendment

12.1 The Election Commission shall be the competent authority to interpret the provisions of these Guidelines.

12.2 The Election Commission shall have the power to amend the existing Guidelines by way of addition, variation or repeal, provided that no such amendment shall be made in contravention to the provisions of the Election Act.

Done under the seal of the Election Commission of the Kingdom of Bhutan on this 14th Day of the 9th Month of the Year 2012 corresponding to the 28th Day of the 7th Month of the Water Male Dragon Year in the Bhutanese Calendar.



Election Commissioner



Election Commissioner



Chief Election Commissioner

