

ELECTION COMMISSION OF BHUTAN



**Guidelines for Implementation of Section 323 of the Election Act of the
Kingdom of Bhutan, 2008 regarding the Physically Challenged and
Remote
Area Voters, 2018**

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Guidelines for Implementation of Section 323 of the Election Act of the Kingdom of Bhutan, 2008 regarding the Physically Challenged and Remote Area Voters, 2018

The Constitution of the Kingdom of Bhutan guarantees every citizen of Bhutan the right to vote at an election or contest as a Candidate according to his/her own free will and choice, subject to disqualifications mentioned in the Election Act of the Kingdom of Bhutan, 2008.

In order to enable every Bhutanese citizen to effectively exercise his/her right to vote, Section 323 of the Election Act of the Kingdom of Bhutan, 2008 provides that:

“Election Officer shall provide all necessary assistance to the physically challenged, such as the blind, physically handicapped, illiterate, or those living in remote areas to enable them to exercise their right to vote effectively.”

With the experience of the conduct of the first Parliamentary Elections in the Kingdom it was found expedient, for uniform application of the provision at all polling stations, that the Election Commission of Bhutan issues this *Guidelines for Implementation of Section 323 of the Election Act of the Kingdom of Bhutan, 2008 regarding the Physically Challenged and Remote Area Voters, 2018* as provided hereunder:

1. Title and Extent of Application

1.1 These Guidelines shall:

- 1.1.1** Be called the *Guideline for Implementation of Section 323 of the Election Act of the Kingdom of Bhutan, 2008 regarding the Physically Challenged and Remote Area Voters, 2018*;

1.1.2 Be applicable for conduct of Parliamentary and Local Government Elections and National Referendums in the Kingdom; and

1.1.3 Come into force with effect from 15th of February 2018 corresponding to 30th Day of the 12th Month of the Fire Female Bird Year of the Bhutanese Calendar.

2. Definition

2.1 For the purpose of clarity in the implementation of the above provision, the following definitions shall apply:

2.1.1 “A Physically Challenged Person/voter” means a Registered Voter who is blind, deaf or mute or a person with physical incapacities that restricts use of his/her limbs or faculties partially or completely. This definition may be extended to include old people and persons with partial visual impairment who need assistance from others but will NOT include people who are mentally unsound and not able to make a sound decision as provided under Section 102(b) of the Election Act of the Kingdom of Bhutan, 2008.

2.1.2 “An Illiterate Person” means a Registered Voter who is unable to read or write or who has difficulty in recognizing or deciphering written materials.

2.1.3 “Commission” means the Election Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;

2.1.4 “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;

2.1.5 “Election Officer” means a public servant including Officers of the Commission, National Observers, Returning Officers, Presiding Officers, Polling Officers, and Election Security

Officers etc. appointed or assigned under authority of the Election Commission of Bhutan to carry out duties during an election.

2.1.6 “Electoral Laws” means the Election Act of the Kingdom of Bhutan, 2008, Public Election Fund Act of the Kingdom of Bhutan, 2008 and National Referendum Act of the Kingdom of Bhutan, 2008 and all Rules and Regulations made there-under;

2.1.7 “Remote Areas” means a place which is more than a day’s walk from the nearest motorable road and people living in such areas will be considered Remote Area Voters.

3. Purpose

3.1 The Guidelines shall facilitate uniform and consistent provision of assistance to the physically challenged, such as the blind, physically handicapped, illiterate, or those living in remote areas to enable them to exercise their right to vote effectively as provided under the laws.

4. Responsibility of Election Officers

4.1 Election Officers are responsible to ensure that a physically challenged voter is provided all possible assistance to enable him/her to exercise his/her right to vote effectively, such as:

4.1.1 Physical Assistance: The Presiding Officer must offer all possible assistance to voters falling in the category under Section 323. Such a voter could select another voter to assist him/her who will be allowed to accompany him/her in the voting compartment subject to section 358 of Election Act to assist in the voting strictly as per his/her instruction and in

absolute secrecy. He/she may also opt to have the Presiding Officer witness the casting of the vote by the assistant to be reassured that the vote was cast as per the choice.

4.1.2 Braille Postal Ballot Paper: The Presiding Officer of a Postal Ballot Facilitation Booth must offer Braille Ballot Paper to those Postal Voters who are unable to see and have asked for Braille Ballot Paper at the time of Postal Voter registration. Those illiterate blind voters may take the help of a trusted assistant, who must be a registered voter. He/she may also opt to have the Presiding Officer witness the casting of the vote by the assistant to be reassured that the vote was cast as per the choice. The Presiding Officer must facilitate and ensure that the documentation process is completed properly.

4.1.3 Preferential Access: Presiding Officer must ensure that a Physically Challenged voter is given preferential treatment by not having to wait in the queue or face other avoidable impediments.

4.1.4 Voter Awareness: Each Dzongkhag Electoral Office must ensure that education of voters under Section 323 are given special attention so as to increase their awareness of the political process and enhance their ability to exercise their right to vote in the manner they desire.

4.1.5 Special Considerations: Special arrangements shall be made to support Remote Area Voters particularly from areas where Polling Stations cannot be set up as provided in the Electoral Laws in order to enable them to exercise their franchise.

5. Postal Ballot Facilitation for Physically challenged Voters

Mobile Postal Ballot Facilitation Booths shall be arranged, as found necessary by respective Dzongkhag Election Officers, to provide Postal Ballot facility to those with special needs who are unable to attend a Polling Station/ Facilitation Booth and also long-term patients in hospitals and their attendants, prisoners etc.

6. Penal Provision

6.1 Any individual who violates the provisions under these Guidelines and the Electoral Laws shall be dealt strictly in accordance with the Election Act of the Kingdom of Bhutan.

7. Power of the Commission to Issue Instructions and Directions

7.1 The Commission may issue further instructions and directions:

7.1.1 For the clarification of any of the provisions of the Electoral Laws;

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

7.1.3 In relation to any matter with reference to the section 323 of the Election Act of the Kingdom of Bhutan, 2008 for which the above are insufficient provision in the opinion of the Commission.

8. Authority of Interpretation and Amendment

8.1 The Commission shall:

8.1.1 In the case of differences in meaning, be the final authority for the interpretation; and

8.1.2 Have the power to amend by way of addition, variation or repeal any of the above provisions.

Done under the seal of the Election Commission of Bhutan on this 15th of February 2018 Corresponding to the 30th Day of the 12th Month of the Fire Female Bird Year in the Bhutanese Calendar.

