

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, 2009

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regarding the Physically Challenged and Remote
Area Voters, 2009**

ELECTION COMMISSION OF BHUTAN

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Date of Publication : January 2013 (Reprint)

Printed at : Samsen Printers

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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, 2009

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, 2009* 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, 2009*;
- 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 25th August

2009 corresponding to 5th Day of the 7th Month of the Earth Female Ox 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.
- 4.1.2 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.

- 4.1.3 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.
- 4.1.4 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. Penal Provision

- 5.1 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.

6. Power of the Commission to Issue Instructions and Directions

- 6.1 The Commission may issue further instructions and directions:
 - 6.1.1 For the clarification of any of the provisions of the Electoral Laws;
 - 6.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
 - 6.1.3 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.

7. Authority of Interpretation and Amendment

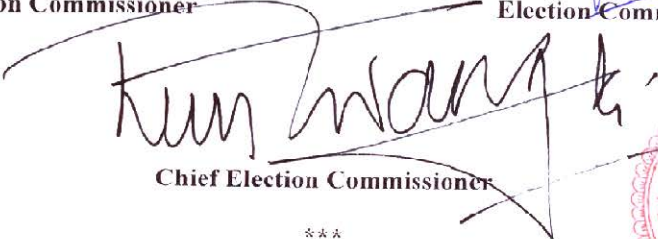
- 7.1 The Commission shall:

- 7.1.1 In case of differences in meaning, be the final authority for the interpretation; and
- 7.1.2 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 the Kingdom of Bhutan on this 18th Day of the 8th Month of the Year 2009 corresponding to the 28th Day of the 6th Month of the Earth Female Ox Year in the Bhutanese Calendar.


Election Commissioner


Election Commissioner


Chief Election Commissioner



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