

# ELECTION COMMISSION OF BHUTAN



## **Electronic Voting Machine (EVM) Rules and Regulations of the Kingdom of Bhutan, 2018**



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Date of Publication : August 2018

Printed at : Tshangpa printing Press

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# **Electronic Voting Machine (EVM) Rules and Regulations of the Kingdom of Bhutan, 2018**

In keeping with the Election Act of the Kingdom of Bhutan, 2008 and in the interest of conduct of free and fair elections, the Election Commission of Bhutan hereby adopts and promulgates the *Electronic Voting Machine (EVM) Rules and Regulations of the Kingdom of Bhutan, 2018*.

## **1. Short Title, Extent, Application and Commencement**

1.1 These Rules shall:

1.1.1 Be called the *Electronic Voting Machine (EVM) Rules and Regulations of the Kingdom of Bhutan, 2018*;

1.1.2 Extend to the whole of the Kingdom of Bhutan;

1.1.3 Apply to the use of Electronic Voting Machine during elections; and

1.1.4 Come into force with effect from 2<sup>nd</sup> of August 2018 corresponding to 20<sup>th</sup> Day of

the 6<sup>th</sup>Month of the Earth Male Dog Year  
of the Bhutanese Calendar.

## **2. Definition**

2.1 In these Rules, unless the context otherwise requires:

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

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

2.1.3 “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;

- 2.1.4 “Electronic Voting Machines” or “EVM” means the machine or apparatus for recording votes as defined in the Election Act of the Kingdom of Bhutan, 2008; and
- 2.1.5 The words importing the singular number shall include the plural number and *vice versa*.

### **3. Purpose**

- 3.1 The EVM:
  - 3.1.1 Ensures total secrecy of voting data;
  - 3.1.2 Safeguards the purity of the ballot;
  - 3.1.3 Ensures efficiency in the recording of votes;
  - 3.1.4 Is portable, tamper-proof and error-free;
  - 3.1.5 Counts votes accurately and also ensures quick declaration of results;
  - 3.1.6 Permits each voter, by pressing button to cast his/her vote for any candidate or party

or for any special measure for whom or on which such voter is lawfully entitled to vote;

3.1.7 Reduces the use of paper, saves time, money and manpower for printing, checking and counting of ballot papers; and

3.1.8 Eliminates all chances of invalid votes.

#### **4. Authority to Purchase an EVM**

4.1 No authority shall be entitled to purchase EVMs except the Commission.

#### **5. Certification by the Commission**

5.1 An EVM shall be used only upon certification by the Commission or an authority so prescribed in this behalf.

- 5.2 An EVM certified as per section 5.1 of these Rules, shall bear the “Tested” sticker duly signed by an authorized personnel.

## **6. Voter Education**

- 6.1 The Commission shall endeavour to give due publicity and awareness to the procedure for using the EVMs to the voters, candidates, political parties and all other stakeholders prior to an election.

## **7. Training of Polling Personnel**

- 7.1 The Commission shall hold in advance a series of training programmes for all personnel who are involved in conducting elections using EVMs before each election.
- 7.2 No person shall be certified to work at any of the polling station or countingcentre, if he/she has not attended at least one such training programme.

- 7.3 A Polling Official appointed to operate an EVM shall be required to give an undertaking in the **EVM Form 3** stating that he/she is competent to operate an EVM and is aware that the Checklist as in Presiding Officer **Form No.1** has to be strictly followed for its operation.
- 7.4 Every Polling personnel must be given a refresher training on sealing and operation of EVMs before a Poll Day.

## **8. Procedures for Safeguard of Machines**

- 8.1 The Commission shall take adequate steps to ensure that enough EVMs are available for the conduct of an election at least thirty (30) days prior to each election.
- 8.2 The Commission shall ensure before each election that:

- 8.2.1 Each EVM is tested electronically and mechanically by the manufacturer or authority prescribed by the Commission;
- 8.2.2 The Commission has the authority to clear data from the EVM after 10 working days of the declaration of results. However, in case any election petition is pending the data of such an EVM shall be cleared only after the disposal of the petition;
- 8.2.3 The Commission shall ensure that there is proper storage of EVMs under proper security in order that no person tampers with the machines; and
- 8.2.4 The EVMs shall be kept under tight security at all times by the Secretariat of the Commission or Dzongkhag Electoral Officer or Returning Officer.

## **9. Pre-voting Inspections of Machines**

- 9.1 The Returning Officer shall, before examining and preparing the EVM, mail notices to all contesting candidates or political parties notifying the time and place of the examination of the machines.
- 9.2 The Returning Officer shall allow all candidates or their authorized Representatives to be present at the pre-inspection of EVMs on a random basis prior to their preparation for election.
- 9.3 The Returning Officer shall maintain a record of the EVMs checked and prepared, giving the machine number and the seal numbers affixed.
- 9.4 A copy of the record given in section 9.3 of these Rules shall be given to the candidates or their representatives or representatives of political parties, if so required.

- 9.5 The machines, after preparation for elections in the presence of candidates or their Representatives or Representatives of political parties, shall be sealed and stored in a secured store room under tight security.
- 9.6 The machines stored in the Secured Store Room shall be placed vertically on shelves or placed on the floor that are numbered appropriately to reduce confusion and for ease of retrieval or monitoring.

## **10. Preparation of the EVMs for an Election**

- 10.1 The EVMs shall be prepared for an election by the Returning Officer with the help of other officials as may be required.
- 10.2 The Returning Officer shall ensure that each ballot paper is labeled both in Dzongkha and English and where practical an EVM has a facility in Braille for the visually impaired

voter to cast his/her vote without any assistance.

- 10.3 The Returning Officer shall ensure that no titles such as “Lyonpo” or “Dasho” or “Dr.” of the contesting Candidate are prefixed or suffixed to the name on the Ballot Unit.
- 10.4 The font size of the letters used for the label shall be a minimum of 8 millimeters.
- 10.5 The Returning Officer shall ensure that the ballot papers are aligned properly on the Ballot Unit.
- 10.6 The Returning Officer shall ensure that the dimension of facial image on the photograph of the candidate used on the ballot unit is 2.3 cm x 2.3 cm and is recognizable.
- 10.7 The Returning Officers shall stick a 2.5 cm x 2.5 cm dimension of transparent cello tape on the cover of the Ballot Unit, just over the

photographs so as to avoid ink stains or to ensure easy removal of such stains.

- 10.8 The Returning Officer shall on a Register, record the serial numbers of the Control Unit and Ballot Unit and the numbers of their Carrying Cases.
- 10.9 The Returning Officer and Polling Representatives shall verify that the serial number on the Control Unit and Ballot Unit and the number on the Carrying Cases correspond to the number on the Register.
- 10.10 The Returning Officer shall in the presence of the Polling Representatives and other officials verify that all machines are in a clear mode (Display Section displaying zero “000”) prior to their sealing.
- 10.11 Each Polling Representative present shall sign the minutes of participation.

10.12 The Returning Officer, Presiding and the Polling Officers must maintain a checklist and carry out the step-by-step operation of the machine as detailed out in the Manual while operating the EVMs.

## **11. Random Test**

11.1 The Returning Officer shall himself/herself conduct a random check of the EVMs prepared, in order to ensure that the symbols or the photographs of candidates or political parties are accurately printed and positioned and that the EVMs are functioning properly.

## **12. Distribution Day**

12.1 The Returning Officer or authorized officer shall deliver the EVMs to the Presiding Officers at a designated place and time.

- 12.2 The Presiding Officer shall, after collecting the EVM, check the seals and conduct a trial by connecting the Ballot Unit to the Control Unit to ensure that the machine is functioning properly.
- 12.3 The Presiding Officer shall, after satisfying himself/herself as to the functioning of the machine(s), provide a certificate in the prescribed Electronic Voting Machine **Form No. 1** to the Returning Officer before proceeding to his/her respective polling station.
- 12.4 The Returning Officer shall ensure that records of the number of the EVMs issued to the respective polling stations are properly maintained.
- 12.5 The Returning Officer shall ensure that a record of the functioning and the malfunctioning EVMs are satisfactorily kept.

- 12.6 The Returning Officer shall ensure that distribution of EVMs is carried out in a systematic and proper manner.
- 12.7 A spare EVM wherever issued must be sealed as per the law and their status on an individual basis recorded fully and properly.
- 12.8 EVMs issued for use at the polling stations, must be stored in the secured storerooms for the night before the Poll Day.
- 12.9 The Returning Officers must issue clear directives that the EVMs issued for polling stations that involve several hours travel be under the charge of the Presiding Officer with security.
- 12.10 The Polling Officer 3 must ensure that a sealed EVM set for poll is never left unattended and it is guarded by the designated security personnel.

- 12.11 The Polling Officer 3 must hand carry the EVMs under security and he/she will be held responsible for ensuring the safety of the machine till their return to the Returning Officers.

### **13. Poll Day**

- 13.1 The Ballot Unit must be placed on the table as shown in the prescribed illustration and it must be duct-taped where necessary so that it stays fixed.
- 13.2 One Dummy Ballot Unit Poster must be placed at the entrance of the Polling Station in full view of the voters, so that voters can clearly see the order in which parties/candidates are listed in the Ballot Unit.
- 13.3 The Presiding Officer shall conduct a mock poll at least 1 hour before the commencement of Poll as prescribed in the Presiding Officer's

Handbook in the presence of Polling Representatives of candidates or parties and polling officials.

- 13.4 The Presiding Officer shall, after the conduct of the mock poll, in the presence of the Polling Representatives clear the machine and switch off the EVM after verifying that the Display Section is set to zero (000).
- 13.5 The Presiding Officer shall put his/her seal and signature on the green paper seal, special tag, strip seal and address tags.
- 13.6 The Polling Representatives of candidates or parties, if they so desire, may also put their seals and signature on the green paper seal, special tag, strip seal and address tags.
- 13.7 The Presiding Officer shall, after sealing the machines, place the Control Unit on the table of the Polling Officer 3 and the Ballot Unit in the voting compartment, while making sure

that the inter-connecting cables are routed in such a way that it does not come in the way of the voters or polling personnel.

- 13.8 The Presiding Officer shall ensure that the Polling Officer 3 is issued with a piece of cloth to wipe the ink stain on voter's thumb after obtaining the thumb impressions.
- 13.9 A Presiding Officer must ensure that any elderly person or physically challenged voter be offered the option to be assisted in casting his/her vote as per 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*.
- 13.10 The Voting Compartment should be arranged or placed in such a manner that there is adequate light so that texts, pictures and symbols in the Ballot Unit can be seen clearly.

- 13.11 Each EVM placed in every Voting Compartment shall be attached with a Magnifying Gadget for use by a voter if he/she has difficulty in viewing the name, photograph or symbol on the ballot paper displayed on the EVM.
- 13.12 The Presiding Officer shall, in the case of malfunctioning of the first machine, use the spare machine with the approval of the Returning Officer.

#### **14. Voting Procedures**

- 14.1 The Polling Officer 1 shall, when a voter enters the polling booth, verify the identity of the voter from the Voters' List against his/her Voter Photo Identity Card (VPIC). In case the identity of a voter is challenged he/she shall be required to prove his/her identity with his/her Citizenship Identity Card (CID).

- 14.2 A voter whose identity is established shall then proceed to Polling Officer 2 who will obtain his/her signature or thumb impression in the Register of Voters and issue a White Voter's Slip for male voters and Yellow Voter's Slip for female voters. These shall be stacked separately to facilitate counting for every two-hourly Voter Turnout Report.
- 14.3 The voter will proceed to Polling Officer 3 and hand over the Voter's Slip.
- 14.4 The voter shall then proceed to the Voting Compartment to vote secretly unless he/she requires assistance as permitted under the Election Act.
- 14.5 In case when polling is held for more than one post at the same time in multiple voting compartments with the use of different Ballot Units, all Control Units shall be managed by the Polling Officer 3.

- 14.6 The casting of the vote by a voter shall be confirmed by a single beep that will be heard after a vote is cast.
- 14.7 The Presiding Officer shall, every hour from the commencement of the poll, record in the Presiding Officer's Diary the total number of votes polled, by sex and report on a two-hourly basis as per the prescribed format in the Handbook for Presiding Officers and SMS Reporting System.
- 14.8 The Polling Officer 3 shall, as an extra precaution, remind every voter to use the 'index finger' to press the ballot button instead of the thumb which is used for thumb impression.
- 14.9 The Presiding Officers, at regular intervals, shall jointly with the Polling Representatives check the Ballot Unit and clean out any stains of ink.

## **15. Extended Polling Station**

- 15.1 Polling Station with less than 250 voters shall be considered as an Extended Polling Station (EPS).
- 15.2 Polling in an EPS shall be conducted by 3 Polling Officers wherein Polling Officer 1 shall also act as the Presiding Officer and Polling Officers II and III shall carry the tasks as in all other Polling Stations.

## **16. Close of Poll**

- 16.1 The Presiding Officer shall close the Poll by pressing the “Close” button in the presence of Polling Representatives at the prescribed time to ensure that no additional votes can be cast on the machine.
- 16.2 The Presiding Officer shall, in the **EVM Form No. 8**, take the record of votes polled as per

EVM and as per the Register of Voters and submit a report to the Returning Officer and SMS Reporting System.

- 16.3 The Presiding Officer shall switch off the Control Unit and seal both Control Unit and Ballot Unit in their corresponding Carrying Cases in the presence of the Polling Representatives.
- 16.4 The Presiding Officer shall affix his/her signature on the sealed Carrying Cases.
- 16.5 The Polling Representatives, if they so desire, may also affix their signatures on the sealed Carrying Cases.
- 16.6 The Presiding Officer shall ensure that this procedure is followed for each EVM in cases where two or more machines are used simultaneously.

## **17. Handing and Taking over of Election Materials**

- 17.1 The Returning Officer shall make it mandatory for all Polling Officers to deposit EVMs and other materials from all Polling Stations as per Time table agreed with each Polling Team reporting back on a set and earliest possible date so that the reception of all election materials is done in a set and uniform procedure.
- 17.2 The Presiding Officer shall check with the checklist provided to ensure that polling procedures are complete at the conclusion of Poll and the election materials are returned and accounted.
- 17.3 The Returning Officer shall establish Reception Centres for the Polling Officials on return so that all the election materials such as the EVMs, various filled Forms and left-over election materials on the Poll Day itself could

be handed over to ensure the proper usage of materials.

## **18. Counting**

- 18.1 The Counting Supervisor shall ensure that the Security at a Counting Center is strictly maintained as per *Election Security Rules and Regulations of the Kingdom of Bhutan, 2012*.
- 18.2 The Counting Supervisor shall crosscheck the total number of votes polled according to the number of votes recorded in the EVM.
- 18.3 The Counting Supervisor shall ensure that the special tag seal is not removed.
- 18.4 The Returning Officer or Counting Supervisor as authorized by the Returning Officer shall tabulate the results candidate or party-wise and then consolidate and declare it in the prescribed Returning Officer **Form No.20**

- 18.5 The Returning Officer shall, in the presence of the candidates or Representatives, open the Secured Store Room at least half an hour before the commencement of the counting of votes if the counting is not on the Poll Day.
- 18.6 The Counting Supervisor shall ensure that the EVMs are taken to the counting table in the presence of the candidates or Representatives.

### **19. Storage of Polled Machines if Counting is not on Poll Day**

- 19.1 The Presiding Officer and Polling Officials shall take the machines to Secured Store Rooms and hand over the EVMs to the Returning Officer.
- 19.2 The Returning Officer or an officer authorized by him/her shall receive and keep the EVMs in the Secured Store Room at the counting centers or at the notified place.

- 19.3 The Royal Bhutan Police shall be responsible to guard the Secured Store Rooms.
- 19.4 Polling Representatives may keep watch if they so desire.
- 19.5 The Returning Officer or an officer authorised by him/her shall close and seal the Secured Store Room in the presence of the candidates or Representatives after receipt of all the EVMs.
- 19.6 Candidates or Representatives may also affix their seal on the lock of the Secured Store Room, if they so desire.
- 19.7 The Royal Bhutan Police shall maintain a log book recording the time of opening or closing the Secured Store Room.
- 19.8 The Returning Officer shall, before locking and sealing the Secured Store Room, ensure that the power supply to the Secured Store

Room is disconnected in order to reduce any risk.

- 19.9 The Returning Officer shall ensure that the event of sealing the Secured Store Room and subsequent opening and closing of the same be video-graphed covering the whole procedure in the presence of candidates or their Representatives and other officials.

## **20. After Counting**

- 20.1 The Returning Officer shall ensure that after taking out the power pack the EVM is resealed and kept in the Secured Store Room.
- 20.2 The Counting Supervisor shall ensure that the “Result” section and “Candidate” set section seals are not removed.
- 20.3 The Election Commission shall ensure that no Secured Store Room is opened before the

period specified under section 8.2.2 of these Rules.

## **21. Miscellaneous**

- 21.1 No Security Personnel shall, unless required by the Presiding Officer, enter the Polling Booth.
- 21.2 The Media personnel with the Media ID card issued by the Election Commission shall be allowed in a Polling Station.
- 21.3 The Presiding Officer shall allow a Media personnel to observe the polling process for a period of five minutes after which he/she be escorted “out” of the Polling Station.
- 21.4 No one shall be allowed to take photograph of a voter while casting his/her vote inside the Voting Compartment.
- 21.5 Presiding Officer shall ensure that no curtain/screen or hood or partition is erected in

addition to the structure approved for Voting Compartments.

21.6 The Returning Officer must read out and issue a copy of these Rules to each Polling Officer at the Briefing Session organized on the eve of their posting.

21.7 Any loss, damage or theft of an EVM upon being detected must be immediately reported to a law enforcement authority and notify the general public.

## **22. Offence**

22.1 All acts that degrade, deface, mutilate or tamper an EVM shall constitute an electoral offence under the Election Act.

## **23. Penalties**

- 23.1 Any corrupt practice in the conduct of polls will be dealt in accordance with the Election Act.
- 23.2 Any person, political party or candidate found guilty of violation of these Rules shall be dealt in accordance with the Election Act.

## **24. Power of the Commission to Issue Instructions and Directions**

- 24.1 The Commission may issue instructions and directions:
  - 24.1.1 For the clarification of any of the provisions of these Rules and Regulations;
  - 24.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions;and

24.1.3 In relation to any matter with respect to use of EVM, for which these Rules Make insufficient provision, and clarification is necessary in the opinion of the Constitution.

## **25. Authority of Interpretation and Amendment**

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

**Done under the seal of the Election Commission of the Kingdom of Bhutan on this 2<sup>nd</sup> Day of the 8<sup>th</sup> Month of the Year 2018 corresponding to the 20<sup>th</sup> Day of the 6<sup>th</sup> Month of the Earth Male Dog Year in the Bhutanese Calendar.**



**Election Commissioner**



**Election Commissioner**



**Chief Election Commissioner**