

ELECTION COMMISSION OF BHUTAN



Guidelines for Registration of Voters and Preparation of Electoral Roll of the Kingdom of Bhutan, 2012

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Guidelines for Registration of Voters and Preparation of Electoral Roll of the Kingdom of Bhutan, 2012

In keeping with the Election Act of the Kingdom of Bhutan, 2008, for registration of Voters and preparation, revision and updating of Electoral Rolls for the purpose of conducting free and fair Parliamentary and Local Government Elections in Bhutan, the Election Commission of Bhutan hereby adopts and promulgates the *Guidelines for Registrations of Voters and Preparation of Electoral Roll of the Kingdom of Bhutan, 2012*.

1. Short Title, Extent, Application and Commencement

- 1.1 These guidelines shall be called the *Guidelines for Registration of Voters and Preparation of Electoral Roll of the Kingdom of Bhutan, 2012*;
- 1.2 These Guidelines shall extend to the whole of the Kingdom of Bhutan;
- 1.3 These Guidelines shall apply to registration of Voters and the preparation, revision and updating of Electoral Rolls for elections to Parliament and Local Governments; and
- 1.4 Come into force with effect from 19th of October 2012 corresponding to 4th Day of the 9th Month of the Water Male Dragon Year of the Bhutanese Calendar.

2. Definition

- 2.1 In these Guidelines unless the context otherwise requires:
 - 2.1.1 “Civil Registry” means a register containing a variety of information such as name, address, age, citizenship identity number and other data on all citizens maintained by the Department of Civil Registration and Census;
 - 2.1.2 “Commission” means the Election Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;
 - 2.1.3 “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;
 - 2.1.4 “Electoral Laws” means the Election Act of the Kingdom of Bhutan 2008, Public Election Fund Act of the Kingdom of Bhutan 2008 and the National Referendum Act of the Kingdom of Bhutan 2008;
 - 2.1.5 “Electoral Register” means the comprehensive voter information database from which Electoral Rolls for constituencies are generated;

- 2.1.6 “Electoral Roll” means a list of all people who are registered to vote in Parliamentary and Local Government elections or National Referendums in Bhutan;
- 2.1.7 “Qualifying Date” means the time specified by the Commission for preparation of Electoral Roll for any election as per section 122 of the Election Act;
- 2.1.8 “Electoral Registration Officer” or “ERO” means the Dzongkhag Electoral Registration Officer or Assistant Dzongkhag Electoral Registration Officers appointed in the Dzongkhag by the Election Commission to carry out the responsibilities for registration of voters and for preparing Electoral Rolls in the respective constituencies; and
- 2.1.9 The words importing the singular number shall include the plural number and *vice-versa*.

3. Legal Framework

- 3.1 The Constitution of the Kingdom of Bhutan vests upon the Commission the authority and responsibility for registration of Voters and the preparation, maintenance and periodical updating of Electoral Rolls for elections to Parliament and Local Governments.
- 3.2 There shall be one general Electoral Roll for every *Demkhong*.
- 3.3 No person shall claim to be included in any special Electoral Roll for any *Demkhong*, or be ineligible for inclusion in the general Electoral Roll for a *Demkhong*, on grounds of religion, gender, language, politics, region or *any other reasons*.

4. Criteria for preparation of Electoral Roll

- 4.1 The preparation of Electoral Roll for an election shall be guided by the following criteria:

Completeness

- 4.1.1 The Electoral Roll shall include all eligible and interested Voters.
- 4.1.2 No interested Voter shall be prevented from voting merely because of errors in the registration process.

Current

- 4.1.3 The Electoral Roll shall be updated up to thirty days before the day of poll as no amendment, inclusion of name, transposition or deletion of any entry in the Electoral Roll shall be made during a period of thirty days before the date of poll for an election.
- 4.1.4 The Electoral Roll shall take into consideration the demographic and geographic mobility of the Voters as evidenced in the civil registry of the Royal Government and as per section 100 (b) of the Election Act.

Accuracy

- 4.1.5 The Electoral Roll shall record the correct and accurate information of Voters.
- 4.1.6 The Electoral Roll shall facilitate Voters at the polling station to find their names in the Voters' List and be identified accordingly to exercise their voting rights.

Inclusiveness

- 4.1.7 The Electoral Roll shall be inclusive containing names of all eligible voters holding valid Bhutanese citizenship identity cards and had applied for registration as a voter.
- 4.1.8 The Electoral Roll shall not exclude eligible Voters from being registered as voters simply on the grounds of religion, gender, language, politics, region, or any other such reasons.

5. Administrative Authority for the Preparation of the Electoral Rolls

Election Commission

- 5.1 The Commission shall be responsible for superintendence, direction and control of preparation of the Electoral Rolls for Parliamentary and Local Government Elections in Bhutan.

Dzongkhag Electoral Officer

- 5.2 The Dzongkhag Electoral Officer under supervision of Department of Electoral Registration and Boundary Delimitation shall be responsible for the preparation, revision and updating of Electoral Rolls for all Parliamentary and Local Government

Demkhongs in the Dzongkhag and to ensure that the Electoral Rolls are complete, current and inclusive.

- 5.3 The Dzongkhag Electoral Officer may, for the purposes of preparation and revision of the Electoral Rolls, employ assistants as approved by Department of Electoral Registration and Boundary Delimitation.

Registration Officers

- 5.4 The Commission may designate one or more persons as Registration Officers and Assistant Registration Officers who shall prepare the Electoral Roll for every Parliamentary Demkhong or Local Government Demkhong under the supervision and control of the Dzongkhag Electoral Officer.

- 5.5 The duties of a Registration Officer shall be to:

5.5.1 Prepare and revise the Electoral Rolls of the *Demkhongs* in his/her jurisdiction;

5.5.2 Draw up a plan of action for completion of the revision according to the programme fixed by the Commission giving a detailed time-table as to the completion of each stage of the revision;

5.5.3 Select or identify Enumerators, Inspectors and Supervisors to assist in the process of the revision;

5.5.4 Publish the Electoral Roll by making a copy thereof available for display and inspection;

5.5.5 Give necessary publicity for registration, objection and revision well in advance for incorporation in the Electoral Roll;

5.5.6 Issue notice of hearing in case of claims and objections;

5.5.7 Enquire into claims and objections;

5.5.8 Pass orders for inclusion and exclusion from the Electoral Roll;

5.5.9 Publish Electoral Roll of the *Demkhongs* in his/her jurisdiction after incorporating the decisions and correcting clerical errors, printing errors and other inaccuracies; and

5.5.10 Report to the Commission on all matters relating to preparation of Electoral

Roll.

6. Eligibility Criteria for Registration

- 6.1 A person to be eligible for registration as a Voter must:
 - 6.1.1 Be a Bhutanese citizen as evidenced by a citizenship identity card;
 - 6.1.2 Be not younger than eighteen years of age on the qualifying date as per section 122 of the Election Act;
 - 6.1.3 Be registered in the civil registry of that *Demkhong* and having his/her *Mitsi* and *Gung* in that place for not less than one year, prior to the qualifying date; and
 - 6.1.4 Not be otherwise disqualified from voting under any law in force in Bhutan.

7. Disqualifications for Registration

- 7.1 A person shall not be eligible for registration as a Voter if he/she is:
 - 7.1.1 Of unsound mind as declared by a competent court;
 - 7.1.2 Disqualified for the time being under any law in force in Bhutan; and
 - 7.1.3 Registered in the Electoral Roll of another *Demkhong*.
- 7.2 The name of a person disqualified from registration based on disqualifications in section 7.1 shall be struck off from the draft Electoral Roll.

Provided that the name of the person struck off from the Electoral Roll shall forthwith be reinstated in it if such disqualification is removed under a law authorizing its removal.

8. Applications for Voter Registration

- 8.1 An eligible Voter who has not been included in the Electoral Roll shall submit an application in the Electoral Roll Form No. 1 along-with a copy of their citizenship identity card to the Registration Officer of the constituency for registering their name in the Electoral Roll for the *Demkhong*.
- 8.2 The Registration Officer shall after scrutiny enter the applicant's name in the Electoral Roll of the *Demkhong* with approval of the Dzongkhag Electoral Officer under intimation to the Chief Electoral Registration and Boundary Delimitation Officer.

9. Collection and Compilation of Voter Information from the Civil Registry

- 9.1 The Registration Officer shall when necessary carry out the verification with the Civil Registry on the genuineness of the citizenship of an applicant for inclusion in the Electoral Roll.
- 9.2 The Registration Officer shall when necessary carry out the verification with the list of registered members from the Religious organization for exclusion of religious personalities from the Electoral Roll.
- 9.3 The information that shall be verified with the Civil Registry are to be limited to the name, sex, permanent address, citizenship identity card number, date of birth and the Photograph of all the eligible Voters.

10. Issuance of Voter Photo Identity Card (VPIC)

- 10.1 A VPIC shall be issued to a registered voter enrolled in the Electoral Roll by the Registration Officer of the *Demkhong* as prescribed by the Commission.
- 10.2 The VPIC shall be sufficient evidence to allow a registered voter to vote at an election for that *Demkhong*. However, in the event of a challenge to the identity, the concerned Voter shall produce the citizenship identity card as additional proof.
- 10.3 The issuance of VPIC shall be carried out until the Poll Day.

11. Issuance of Notification for Disqualification of Voter

- 11.1 The Registration Officer shall refuse an application for voter registration, if he/she is of the opinion that the:
 - 11.1.1 Name is fictitious;
 - 11.1.2 Name is not specified in the Citizenship Identity Card; and
 - 11.1.3 Person is not eligible to be included in the Electoral Roll under the Constitution or the Election Act.
- 11.2 The Registration Officer shall notify the person excluded from registration in writing, stating the reasons for such disqualification within ten days of submission of the application for registration.

12. Publication of Draft Electoral Roll

- 12.1 The Registration Officer after preparing the draft Electoral Roll shall make it available

for public inspection during office hours at his/her office or any other public place as designated and for a period specified by the Commission.

- 12.2 The Registration Officer shall publish the draft Electoral Roll on the website of the Commission such that individual voters can check using their VPIC number whether they are included in the Roll.
- 12.3 The publication for public inspection shall consist of:
 - 12.3.1 Draft Electoral Roll of the *Demkhong*; and
 - 12.3.2 Notice inviting claims and objections within 10 days of publication of draft Electoral Roll and specifying the date for the hearing.

13. Claims and Objections

- 13.1 The Registration Officer shall send a notice inviting claims and objections on the draft Electoral Roll issued to the general public through a notification by the Commission.
- 13.2 Any Bhutanese citizen may file to the Registration Officer an objection against another, disputing the right of that person to be on the Voters' List for that Demkhong.
- 13.3 The Registration Officer shall receive the claims and objections in Electoral Roll Form No. 2 within 10 days from the date of publication of the draft Electoral Roll.
- 13.4 The Registration Officer with the approval of the Dzongkhag Electoral Officer shall hear and dispose the claims and objections after considering verbal or written objections or holding an enquiry or summary enquiry, within a period specified by the Commission.
- 13.5 The Registration Officer shall formally notify the person against whom the objection has been filed and convene a hearing.
- 13.6 The person objected to or his/her representative and the objector *may* attend the hearing.
- 13.7 The decision of the Registration Officer arrived at the time of hearing irrespective of attendance by the objector or the person objected to or his/her representative at the hearing shall be final and binding.
- 13.8 The Registration Officer shall submit a final report to the Commission on decisions passed with reasons thereof, clearly stating date on which claims and objections and

justification of claims were submitted by the claimant.

- 13.9 No entry shall be made on the Electoral Roll after the publication of the Final Electoral Roll for the election.

14. Final Publication of Electoral Roll

- 14.1 The Commission shall after the expiry of the period of claims and objections and at suitable date publish the Electoral Roll in the:

14.1.1 Areas designated by the Commission;

14.1.2 Office of the Registration Officer; and

14.1.3 Commission's website as per Section 12.2 of these Guidelines.

- 14.2 The Electoral Roll, after inclusions and deletions has been made, shall come into force immediately upon its final publication and a copy thereof supplied free of cost to each Political Party and *Demkhong* Electoral Roll respectively to a Candidate contesting the elections.

15. Use of Media in Preparation of Electoral Rolls

- 15.1 The Commission may in preparing the Electoral Rolls use the media for:

15.1.1 Dissemination of information;

15.1.2 Issuing notice for registration of Voters;

15.1.3 Raising awareness among the Voters on the place and date of registration;
and

15.1.4 Notifying the dates and places for submitting claims and objections.

- 15.2 The media used for the purposes of section 15.1 may be:

15.2.1 National television networks;

15.2.2 National newspapers or a paper which has a wider circulation in the constituency; and

15.2.3 National radio stations.

16. Voter Photo Identity Card

- 16.1 The Voter Photo Identity Card (VPIC) shall contain details such as a VPIC number which is the same as the Citizenship Identity Card number, name, sex, address, date of

birth, name and number of the polling station, photograph of the Voter along-with any other details which the Commission may specify.

- 16.2 The VPIC of a Voter shall remain valid unless there are any changes required due to a change in the *Demkhong* or any other details contained in the card.
- 16.3 A Voter shall, upon loss, defacement or damage of a VPIC, submit an application to the Registration Officer for issue of a duplicate at least 48 hours before the polling day, clearly stating the circumstances and in the case of a loss, accompanied by a certificate from the Royal Bhutan Police.
- 16.4 The Voter will be issued a duplicate copy of the voter's VPIC with the word 'DUPLICATE' clearly marked and printed on it after verification of the facts under section 16.4.
- 16.5 A fee to be fixed by the Commission from time to time shall be charged for the issuance of a duplicate card.
- 16.6 The Commission shall treat a VPIC as cancelled and the name of the card holder deleted from the Electoral Roll if a Voter becomes disqualified to be enrolled in the Electoral Roll.
- 16.7 A person shall be guilty of an offence punishable under the laws of the Kingdom, if found:
 - 16.7.1 In possession of more than one VPIC;
 - 16.7.2 Obtaining VPIC based on false statement during application;
 - 16.7.3 Tampering or attempting to tamper with a VPIC;
 - 16.7.4 Selling or attempting to sell any VPIC;
 - 16.7.5 Buying or attempting to buy any VPIC; or
 - 16.7.6 Refusing to submit the VPIC after its cancellation.

17. Revision of the Electoral Roll

- 17.1 A Voter may submit an application for correction of name and address in the Electoral Roll along-with additional information affixed for verification of correct details to the Registration Officer of the Dzongkhag concerned.
- 17.2 A Voter may during the revision period seek to:

- 17.2.1 Add names to the Electoral Roll;
 - 17.2.2 Delete names from the Electoral Roll;
 - 17.2.3 Correct his/her name and address on the Electoral Roll; and
 - 17.2.4 File an objection against another Voter, disputing the right of that person to be on the Electoral Roll.
- 17.3 The revision of the Electoral Roll shall close thirty days before the polling date of a Parliamentary or Local Government Elections.
- 17.4 The Dzongkhag Civil Registration Office shall, on a monthly basis, provide lists of death, transfers or entries into the Civil Registry to the Dzongkhag Electoral Officer to facilitate efficient sharing of information and an up-to-date Electoral Roll.

18. Inclusion

- 18.1 An eligible Voter who does not find his/her name included in the published Electoral Roll may apply to the Registration Officer for inclusion of his/her name in that Roll by submitting an application in the Electoral Roll Form No. 3.
- 18.2 The Registration Officer shall, after conduct of scrutiny of the application and, if satisfied that the applicant is entitled to be registered in the Electoral Roll, include his/her name.
- 18.3 The reasons for inclusion in the Electoral Roll shall mainly include:
- 18.3.1 Transfer from an Electoral Roll of another *Demkhong*;
 - 18.3.2 Wrongful entry of details;
 - 18.3.3 Omission through administrative errors; and
 - 18.3.4 Removal of legal disenfranchisement.
- 18.4 The application for inclusion of names must be accompanied with:
- 18.4.1 A copy of the citizenship identity card;
 - 18.4.2 Other evidences of identification, clearly showing Voter's name, address and signature; and
 - 18.4.3 Any other relevant evidence.
- 18.5 An application against removal of such conditions must be submitted to the

Registration Officer supported by relevant documentary evidence, in the case of persons who have been excluded from the Electoral Roll.

18.6 The inclusion of name, in the case of transfer from an Electoral Roll of another *Demkhong* shall be carried out as per the procedures stated here below:

18.6.1 A certificate verifying change in *Demkhong* from the Dzongkhag Civil Registration and Census Office or the Department of Civil Registration and Census as evidence;

18.6.2 The Voter shall surrender the VPIC issued to him/her at the *Demkhong* where he/she was previously registered; and

18.6.3 The Registration Officer of the concerned Dzongkhag shall inform the other Registration Officer from where the name of the Voter is being transferred to strike off the name from the Electoral Roll of the previous *Demkhong*.

19. Exclusion

19.1 The Registration Officer shall, with the approval of the Dzongkhag Electoral Officer and Chief Electoral Registration and Boundary Delimitation Officer, delete names from the Electoral Roll.

19.2 The name of a Voter shall be deleted from the Electoral Roll if he/she:

19.2.1 Is registered in the Electoral Roll of more than one *Demkhong* or in the same Electoral Roll more than once;

19.2.2 Ceases to be registered in the Civil Registry for the *Demkhong* for more than a year, as evidenced by the Civil Registry database;

19.2.3 Has expired; and

19.2.4 Is not entitled to be registered in the Electoral Roll for any reason stated otherwise under the Constitution or the Election Act.

19.3 The Registration Officer shall upon deletion of a name of a Voter from the Electoral Roll, on the ground of the Voter being enrolled in another constituency, immediately inform the Registration Officer of the other *Demkhong* that the name of the Voter has been deleted from his/her *Demkhong*.

19.4 The Registration Officer while deleting names shall:

- 19.4.1 Serve a notice to the person whose name is being deleted from the Electoral Roll with reasons thereof, with the exception of deletion on the ground of death of a Voter; and
- 19.4.2 Post a copy of all the deletions in the office of the Registration Officer with a notice inviting objections.
- 19.5 An objection to the deletion shall be made clearly stating the objection along with justification within a period of 15 days, from the date of such posting.
- 19.6 The Registration Officer, in consultation with the Dzongkhag Electoral Officer, shall make proper inquiry and verify the objection after the expiry of the period of notice and thereafter pass appropriate orders for deletion or cancellation of the deletion.
- 19.7 The Registration Officer shall report to the Commission the names of the Voters deleted from the Voters' List.

20. Contents and Uses of the Electoral Register

- 20.1 The Registration Officer for the *Demkhong* shall maintain an Electoral Register for the *Demkhong* which includes the list of:
 - 20.1.1 Eligible Voters of the *Demkhong*;
 - 20.1.2 Names of persons who have expired and whose names have been struck off from the Electoral Roll;
 - 20.1.3 Persons who have ceased to be included in the civil registry of the *Demkhong*;
 - 20.1.4 Persons who are otherwise found not entitled to be registered in that Electoral Roll;
 - 20.1.5 New citizens added into the Electoral Roll of that *Demkhong*; and
 - 20.1.6 New Voters who have attained the age of 18.
- 20.2 The Registration Officer of the respective *Demkhong* shall use the Civil Registry to verify eligible Voters during registration of Voters.
- 20.3 Information of Voters in the Electoral Roll shall be used only for electoral purposes and such other purposes as may be provided in the Election Act.

21. Appeal

21.1 The appeal on registration of Voters and preparation of Electoral Roll shall lie with the Commission.

21.2 A Voter who feels he/she has been wrongly excluded or his/her objection wrongly rejected can appeal to the Commission against any order of the Registration Officer passed in relation to registration in the Electoral Roll.

21.3 The appellant shall submit an appeal duly signed and clearly stating the order or submit the order on which the appeal is being carried out within 10 days of the passing of such order.

21.4 The Commission shall decide the matter within ten days of the receipt of the appeal.

22. Penalty

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

23. Power of the Commission to Issue Instructions and Directions

23.1 The Commission may issue instructions and directions:

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

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

23.1.3 In relation to any matter with respect to preparation of Electoral Roll, for which these Guidelines make insufficient provision in the opinion of the Commission.

24. Interpretation and Amendment

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

24.2 The Commission shall have the power to amend these 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

Electoral Roll