

Electronic Voting Machine (EVM) Rules and Regulations of the Kingdom of Bhutan

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ELECTION COMMISSION OF BHUTAN

Electronic Voting Machine (EVM) Rules and Regulations of the Kingdom of Bhutan

In keeping with provisions of the Election Act of the Kingdom of Bhutan, 2008 and in the interest 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:

1. Short Title, Extent, Application and Commencement

- a. These Rules shall:
 - i. Be called the Electronic Voting Machine (EVM) Rules and Regulations of the Kingdom of Bhutan;
 - ii. Extend to the whole of the Kingdom of Bhutan;
 - iii. Apply to the use of Electronic Voting Machine during elections; and
 - iv. Come into force with effect from ///

2. Definition

- a. In these Rules, unless the context otherwise requires:
 - i. “Electronic Voting Machines” or “EVM” means as defined in the Election Act of the Kingdom of Bhutan, 2008;
 - ii. “Commission” means the Election Commission of Bhutan;
 - iii. “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;
 - iv. “Invalid Vote” means ballot paper with which a vote has been cast by a voter in a ballot box during an election that could not

be accepted as a valid vote either due to unclear and improper marking, defacement or other defects and damages;

- v. The words importing the masculine gender shall include feminine gender; and
- vi. The words importing the singular number shall include the plural number and vice versa, unless the context otherwise requires.

3. Purpose

- a. The EVM:
 - i. Ensures total secrecy of voting data;
 - ii. Safeguards the purity of the ballot;
 - iii. Ensures efficiency in the recording of votes;
 - iv. Count votes accurately and also ensures quick declaration of results;
 - v. Permits each voter, by pressing a “Candidate” button to cast his vote for any candidate or party or for any special measure for whom or on which such voter is lawfully entitled to vote;
 - vi. Reduces the use of paper, saves time, money and manpower for printing, checking of ballot papers and their counting; and
 - vii. Eliminates invalid votes.

4. Authority to Purchase an EVM

- a. No authority shall be entitled to purchase EVMs except the Election Commission of Bhutan.

5. Certification by the Election Commission

- a. An EVM shall be used only upon a certification by the Election Commission of Bhutan or an authority so prescribed in this behalf.
- b. An EVM certified as per section 5(a) of these Rules, shall bear the “Tested” sticker duly signed by an authorized personnel.

6. Voting with EVMs

- a. The Presiding Officer shall, wherever necessary, advise voters how to cast a vote on the EVM in front of the Polling Representatives, in a transparent manner so that there will not be any suspicion or complaint of having influenced a voter to cast his vote for a particular Party or a Candidate.

7. Voter Education

- a. The Election Commission shall endeavor to give due publicity to the procedure for using the EVMs through the electronic and print media to the voters, candidates, political parties and all other stakeholders prior to an election.

8. Instruction to Election Officials

- a. The Election Commission shall schedule in advance of each election a series of training programmes for all personnel who are involved in conducting elections using EVM.
- b. No person shall be certified to work at any polling station or counting centre who has not attended at least one such training programme.

9. Procedures for Safeguard of Machines

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

- b. The Election Commission shall ensure before each election that:
 - i. Each EVM is tested electronically and mechanically by the manufacturer or authority prescribed by the Commission;
 - ii. The Commission has the authority to clear data from the EVM after 10 days of the declaration of results. However, in case any election petition is pending the data of such EVM shall be cleared only after the disposal of the petition;
 - iii. The Commission shall ensure that there is proper storage of EVMs under proper security in order that no person tampers with the machines; and
 - iv. The EVMs shall be kept under tight security by the Commission Secretariat or Dzongkhag Electoral Officer or Returning Officer as may be decided by the Commission.

10. Pre-voting Inspections of Machines

- a. 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.
- b. The Returning Officer shall allow all candidates or their authorized Representatives to be present at the pre-inspection of EVM on a random basis prior to their preparation for election.
- c. The Returning Officer shall maintain a record of the EVMs checked and prepared, giving the machine number and the seal numbers affixed.
- d. A copy of the record given in section 10 (c) of these Rules shall be given to the candidates or their representatives or representatives of political parties, if so required.
- e. The machines, after preparation for elections in the presence of candidates or their Representatives or Representatives of political parties, shall be sealed and stored under tight security in a secured store room.

11. Preparation of the EVMs for an Election

- a. The EVMs shall be prepared for an election by the Returning Officer with the help of other officials as may be required.
- b. Each ballot paper shall be labeled both in Dzongkha and English.
- c. The font size of the letters used for the label shall be a minimum of 8 millimeters.
- d. The Returning Officer shall ensure that the ballot papers are aligned properly on the Ballot Unit.
- e. 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.
- f. 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.
- g. The Returning Officer shall in the presence of Polling Representatives and other officials verify that all machines are in a clear mode prior to their sealing (counters displaying zero “000”).
- h. Each Polling Representative present shall sign the minutes of participation.

12. Test Elections

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

13. Distribution Day

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

- b. 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.
- c. The Presiding Officer shall, after satisfying himself 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 respective polling station.
- d. The Presiding Officer shall, in the case of malfunctioning machines, report to the Returning Officer who shall then issue another machine.
- e. The Returning Officer shall ensure that records of the number of the EVMs issued to the respective polling stations are properly maintained.
- f. The Returning Officer shall ensure that there is at least 20% reserve of EVMs maintained for the constituency in his jurisdiction so that in case of any EVM malfunctioning it will be replaced immediately.
- g. The Returning Officer shall ensure that a record of the functioning and the malfunctioning EVMs are satisfactorily kept.

14. Day of Poll

- a. The Presiding Officer shall conduct a mock poll as prescribed in the Presiding Officer's Handbook in the presence of Polling Representatives of candidates or parties and polling officials.
- b. The Presiding Officer shall, at least 1 hour before commencement of poll, in the presence of the Polling Representatives clear the machine and switch off the EVM after verifying that all counters are set to zero (000).
- c. The Presiding Officer shall put his seal and signature on the green paper seal, special tag and strip seal.

- d. 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 and strip seal.
- e. 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.

15. Procedures When Voting

- a. The Polling Officer 1 shall, when a voter enters the polling booth, verify the identity of the voter from the Voters' List against his VPIC. In case the identity of a voter is challenged he shall be required to prove his identity with his CID Card.
- b. A voter whose identity is established shall then proceed to Polling Officer 2 who will apply indelible ink on the prescribed finger, obtain his signature or thumb impression in the Register of Voters and issue a Voter's Slip.
- c. The voter will proceed to Polling Officer 3 and hand over the Voter's Slip upon which the Polling Officer will press the "Ballot" button.
- d. The voter shall proceed to the Voting Compartment to vote in secret unless he requires assistance as permitted under the Election Act.
- e. The casting of the vote by a voter shall be confirmed by a single beep that will be heard after a vote is cast.
- f. 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.

16. Close of Poll

- a. 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.
- b. The Presiding Officer shall, in the prescribed **Electronic Voting Machine Form No. 2**, take the record of votes polled as per EVM and as per the Register of Voters and submit a report to the Returning Officer.
- c. 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.
- d. The Presiding Officer shall affix his signature on the sealed Carrying Cases.
- e. The Polling Representatives, if they so desire, may also affix their signatures on the sealed Carrying Cases.
- f. The Presiding Officer shall ensure that this procedure is followed for each EVM in cases where two or more machines are used simultaneously.

17. Storage of Polled Machines

- a. The Presiding Officer and polling officials shall take the machines to secured store rooms and hand over the EVMs to the Returning Officer.
- b. The Returning Officer or an officer authorized by him shall receive and keep the EVMs in the secured store room at the counting centers.
- c. The Royal Bhutan Police shall be responsible to guard the secured store rooms.
- d. Polling Representatives may keep watch if they so desire.

- e. The Returning Officer or an officer authorised by him shall close and seal the secured store room in the presence of the candidates or Representatives after receipt of all the EVMs.
- f. Candidates or Representatives may also affix their seal on the lock of the secured store room, if they so desire.
- g. The Royal Bhutan Police shall maintain a log book recording the time of opening or closing the secured store room.
- h. The Returning Officer shall, before locking and sealing the secured store room, ensure that the power supply to the secured store room is disconnected.
- i. The Returning Officer shall ensure that a video documentation of the event of sealing the secured store room and subsequent opening and closing of the same be maintained, covering the whole procedure and recording the presence of candidates or their Representatives and other officials.

18. On the Day of Counting

- a. 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.
- b. The Counting Supervisor shall ensure that the EVMs are taken to the counting table in the presence of the candidates or Representatives.
- c. The Counting Supervisor shall crosscheck the total number of votes polled according to the Register of Voters against the number of votes recorded in the EVM.
- d. The Counting Supervisor shall ensure that the special tag seal is not removed.
- e. 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 **Electronic Voting Machine Form No. 3**.

19. After Counting

- a. The Returning Officer shall ensure that after taking out the power pack the EVM is resealed and kept in the secured store room.
- b. The Counting Supervisor shall ensure that the “Result” section and “Candidate” set section seals are not removed.
- c. The Election Commission shall ensure that the secured store room is not opened and data cleared from the EVMs before the period specified under section 9(b) (ii) of these Rules.

20. Offence

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

21. Penalties

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

22. Power of the Commission to Issue Instructions and Directions

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

- iii. 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 Commission.

23. Authority of Interpretation and Amendment

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

Done under our hands and seal of the Election Commission of the Kingdom of Bhutan (ECB) on this...Day of the ...Month of the Year... corresponding to the...Day of the... Month of the ...Year in the Bhutanese calendar.

Election Commissioner

Election Commissioner

Chief Election Commissioner

Electronic Voting Machine Form No. 1

ELECTION COMMISSION OF BHUTAN

ELECTRONIC VOTING MACHINE (EVM) CERTIFICATION

Dated:....

Tested and Found Functional

This is to certify that the Control/Ballot Unit serial No. _____ has been tested and found fit for use in elections.

**Signature of
Engineer/Technician**

**Authorized Signatory
(ECB)**



PRIMARY ROUND COUNTING CENTER'S RESULT SHEET

Sl. No.	Name of Political Party	Constituency			No. of Votes Polled	No. of Valid Postal votes	No. of Invalid Postal Votes	Total No. of Votes Secured
		Name	No. of Voters	No of Postal Voters				

(Under section 18-e of EVM Rules & Regulations)

Dzongkhag:..... **Name:** ()

Name: ()

Date:..... **Seal & Sig. of Returning Officer** **Sig. of Counting Supervisor**



Form No: Electronic Voting Machine V-3C

COUNTING CENTER'S RESULT SHEET

(Under section 18-e of EVM Rules & Regulations)
(ELECTION TO.....)

Sl. No.	Name of Candidate	Constituency		No. of Votes Polled	Total No. of Votes Secured
		Name	No. of Voters		

Dzongkhag:.....Name: ()

Name: ()

Date :..... Seal & Sig. of Returning Officer Sig. of Counting Supervisor