

ELECTION COMMISSION OF BHUTAN



Guidelines for Selection of the *Gewog/Dzongkhag Thromde* Nominee for National Council Elections, 2013

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Guidelines for Selection of the *Gewog/Dzongkhag Thomde* Nominee for National Council Elections, 2013

In keeping with the Election Act of the Kingdom of Bhutan, 2008, for the selection of the *Gewog/Dzongkhag Thomde* Nominee to contest the National Council Elections, the Election Commission of Bhutan hereby adopts and promulgates the *Guidelines for Selection of the Gewog/Dzongkhag Thomde Nominee for National Council Elections, 2013*.

1. Short Title, Extent, Application and Commencement

- 1.1. These Guidelines shall be called the *Guidelines for Selection of the Gewog/Dzongkhag Thomde Nominee for National Council Elections, 2013*;
- 1.2. These Guidelines shall extend to the whole of Kingdom of Bhutan;
- 1.3. These Guidelines shall apply to the for the National Council Elections; and
- 1.4. These Guidelines shall come into force with effect from 20th Day of 2nd Month of Year 2013 corresponding to 10th Day of the 1st Month of the Water Female Snake Year of the Bhutanese Calendar.

2. Definitions

- 2.1. In these Guidelines, unless the context otherwise requires:
 - 2.1.1. “Act” means the Public Election Fund Act of the Kingdom of Bhutan, 2008;
 - 2.1.2. “Candidate” means a person whose nomination has been duly accepted by the concerned Returning Officer;
 - 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. “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, Regulations, Guidelines and orders made there under;
- 2.1.6. “Nominee” means an eligible person nominated from a *Gewog* or a *Dzongkhag Thomde*, through the *Zomdu* process, to file nomination as a candidate to contest the National Council Elections;
- 2.1.7. “Observer” means a National Observer or a Micro Observer appointed by the Election Commission and authorised to observe elections;
- 2.1.8. The words importing the singular number shall include the plural number and vice-versa.

3. Legal Provisions

- 3.1. The Constitution of the Kingdom of Bhutan vests upon the Commission the authority and responsibility for the conduct of elections in a free and fair manner.
- 3.2. Section 11 of the Election Act provides for the selection and nomination process of a candidate for the National Council elections.
- 3.3. Section 35 of the Election Act provides the Commission with the responsibility of making Rules and notifying these to carry out the purpose of the Election Act.

4. National Council *Demkhong* and Nominee for Candidate

- 4.1. Each *Dzongkhag* shall form a *Demkhong* for the National Council with twenty seats being filled through direct

election of one candidate from each of the twenty Dzongkhags.

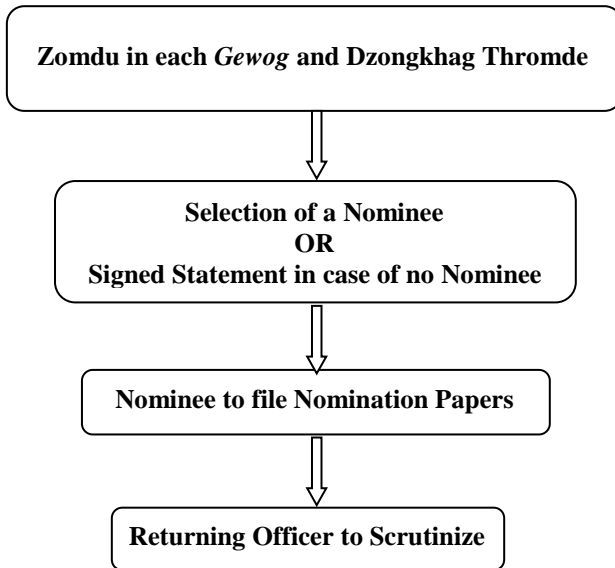
- 4.2. The 205 *Gewogs* and twenty Dzongkhag *Thromdes* are entitled to select and nominate one nominee each to contest the elections to the National Council in each Dzongkhag.
- 4.3. The selection of the *Gewog/Dzongkhag Thromde* Nominee shall be carried out through a *Zomdu* called specifically for this purpose.
- 4.4. A registered voter of a said *Gewog* and Dzongkhag *Thromde* who fulfills the criteria as prescribed in the Election Act of the Kingdom of Bhutan 2008 is eligible to be nominated to contest election to the National Council.
- 4.5. The prescribed criteria shall be listed and read out to the public during the *Zomdu* to ensure that the nominee, to the best knowledge of the public, meets them.
- 4.6. The Nominee shall become the Candidate of the *Gewog/Dzongkhag Thromde* upon acceptance of the nomination by the respective Returning Officer.

5. *Zomdu* to select a Nominee

- 5.1. A *Zomdu* for the purpose of selecting not more than one Nominee to contest National Council Elections as the Candidate of a *Gewog* or Dzongkhag *Thromde* shall be held in every *Gewog* and Dzongkhag *Thromde* of each Dzongkhag.
- 5.2. The *Zomdu* shall be conducted by the Dzongkhag Election Authority, called through the respective *Gup* of a *Gewog*, the *Thrompons* of the 4 Dzongkhag *Thromdes* of Thimphu, Phuentshogling, Gelegphu and Samdrup Jongkhar and the Chief Election Coordinator in the rest sixteen Dzongkhag *Thromdes*.

- 5.3. The *Zomdu*, in a big *Gewog* with widely scattered settlements, may be conducted in more than one designated venue, to ensure equal participation and representation of the distant and remote voters.
- 5.4. Where more than one *Zomdu* has to be held in a *Gewog*, the results of shall be declared only after the conduct of the *Zomdus* in all the designated venues.
- 5.5. Each Dzongkhag shall, in a National Council Election Year, prepare and maintain a *Zomdu* Work Plan, detailing the number of *Zomdus* to be conducted, Teams to be formed and the Itinerary for each Team such that all the *Zomdus* necessary in the Dzongkhag can be conducted within three weeks of the issue of Notification by the Commission unless otherwise authorised.
- 5.6. The Dzongkhag Election Authority shall initiate the conduct of *Zomdus* after the issue of notification and complete them before the last day of filing of nomination by the candidates with the respective Returning Officers.
- 5.7. In the absence of any Registered Voter interested to contest, the *Zomdu* shall submit a Statement as in **Annexure 1**.
- 5.8. The Nomination Procedures for National Council Candidates shall be as graphically presented in **Fig. 1** below.

Fig. 1: Overview of the Nomination Procedures for National Council Candidates



6. Venue of the Zomdu

- 6.1. The venue for a *Zomdu* must be centrally located for the convenience of the maximum number of voters.
- 6.2. The venue and details must be made widely known within the concerned *Demkhong*.

7. Participation in the Zomdu

- 7.1. Participation shall be open to all Registered Voters of the concerned *Demkhongs*.
- 7.2. The elections in the *Zomdu* will be conducted on the basis of the authorised Electoral Roll of that *Gewog* and VPIC shall be the sole document for identification of a voter during the conduct of *Zomdu*.
- 7.3. A Registered Voter present at the *Zomdu* shall cast his/her vote through EVM to choose the Nominee as per

the prescribed procedures. In case of a single nominee, the Yes/No decision shall be taken through the EVM.

- 7.4. In the case of more than one person interested to contest, each person shall be given the opportunity to address the *Zomdu* and those voters present at the *Zomdu* shall cast votes as per the prescribed procedures. The person with the highest number of votes shall be the *Gewog* or the Dzongkhag *Thromde*'s nominee to contest the National Council Election in the Dzongkhag.
- 7.5. The candidate selected at a *Zomdu* shall complete and file before the last date of nomination, with the concerned Returning Officer, all the required nomination documents duly countersigned by the *Gup*, *Mangmi* and *Tshogpas* in the case of a *Gewog* Nominee and *Thrompon* or Chief Election Coordinator in the case of the *Thromde* Nominee.

8. Conduct of the *Zomdu*

- 8.1. The proceedings of the *Zomdu* must be well documented and a copy submitted to the concerned Returning Officer by the convening election authority.
- 8.2. The Dzongkhag Electoral Officer shall be responsible for setting up an operational Polling Station for each *Zomdu* along-with the updated and authorised Voter's List for the Polling Station.
- 8.3. The *Gewog* Administrative Officers shall have the responsibility for facilitating the *Zomdu* in the *Gewogs* and the Municipality Offices shall facilitate the *Zomdu* in the *Thromde*.

9. Complaints

- 9.1. A voter who wish to file a complaint regarding any matter related to a *Zomdu* shall submit it in the Election Dispute Settlement Form No. 1 within five days of the

said *Zomdu* with the National/Micro Observer, Returning Officer, Chief Election Coordinator or the Chief Election Commissioner.

9.2. A complaint so filed shall be decided as per the dispute settlement process outlined in the *Election Dispute Settlement Rules and Regulations of the Kingdom of Bhutan, 2013*.

10. Penalty

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

11. Power of the Commission to Issue Instructions and Directions

11.1. The Commission may issue instructions and directions:

11.1.1. For the clarification of any of the provisions of these Guidelines;

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

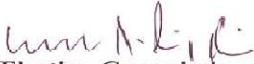
11.1.3. In relation to any matter with reference to the selection of the *Gewog/Dzongkhag Thromde* Nominee for National Council Elections for which these Guidelines make insufficient provision in the opinion of the Commission.


12. Authority of Interpretation and Amendment

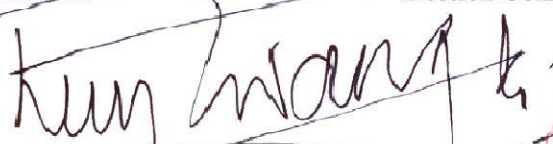
12.1. The Commission shall be the competent authority to interpret the provisions of these Guidelines.

12.2. The Commission shall have the power to amend these Guidelines by way of addition, variation or repeal, provided that no such amendments 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 the 27th Day of 2nd Month of Year 2013 corresponding to 17th Day of the 1st Month of the Water Female Snake in the Bhutanese Calendar.

~~
Election Commissioner~~

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Election Commissioner~~

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Chief Election Commissioner~~



Annexure 1

Statement Declaring No Nominee

This is to declare that, during the *Zomdu* held on (date) for nomination of a Candidate for the National Council, no Registered Voter was interested to contest the election from *Gewog/Thromde* of *Dzongkhag*.

In testimony of the above and in full knowledge of the fact that appropriate actions may be taken as per the provisions of the Election Act of the Kingdom of Bhutan 2008 if any dispute arises, we, hereby, give our signatures below:

Sl. No.	Name	VPIC No.	Signature/Right Thumb Impression

(Use additional sheet if necessary)

(Countersigned by Team Leader)

Dzongkhag Election Authority

Date: