

# ELECTION COMMISSION OF BHUTAN



## **Guidelines for *Dhamngoi Zomdu* of the *Gewog/Dzongkhag* *Thromde* for National Council Elections, 2018**

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## **Guidelines for *Dhamngoi Zomdu* of the *Gewog/Dzongkhag Thomde* for National Council Elections, 2018**

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 *Dhamngoi Zomdu* of the *Gewog/Dzongkhag Thomde* for National Council Elections, 2018.

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

- 1.1 These Guidelines shall be called the Guidelines for *Dhamngoi Zomdu* of the *Gewog/Dzongkhag Thomde* for National Council Elections, 2018.
- 1.2 These Guidelines shall extend to the whole of Kingdom of Bhutan;
- 1.3 These Guidelines shall apply to the National Council Elections; and
- 1.4 These Guidelines shall come into force with effect from 13<sup>th</sup> Day of 2<sup>nd</sup> Month of Year 2018 corresponding to 28<sup>th</sup> Day of the 12<sup>th</sup> Month of the Fire Female Bird 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 *Dhamngoi 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(e) 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 elections.
- 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 *Dhamngoi 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.

### 5. *Dhamngoi Zomdu* to select a Nominee

- 5.1 A *Dhamngoi 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 Each Dzongkhag shall, in a National Council Election Year, prepare and maintain a *Dhamngoi Zomdu* Work Plan, detailing the number of *Dhamngoi Zomdus* to be conducted, Teams to be formed and the Itinerary for each Team such that all the *Dhamngoi Zomdus* necessary in the Dzongkhag can be conducted within three weeks of the issue of Notification by the Commission unless otherwise authorised.
- 5.3 The Dzongkhag Election Authority shall initiate the conduct of *Dhamngoi 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.
- 5.4 The Dzongkhag Election Authority, with information to concerned *Gups* and *Thrompons*, shall call for a *Dhamngoi Zomdu* for the purpose of selecting not more than one nominee to

contest as a Candidate for National Council in every *Gewog/Dzongkhag Thromde*.

- 5.5 The Dzongkhag Election Authority may conduct *Dhamngoi Zomdu* in more than one designated venue for a larger *Gewog* with widely scattered settlement ensuring equal participation and representation of distant and remote voters but the conducting team shall declare the results only after completion of *Dhamngoi Zomdu* in all the designated venues. The team must ensure the EVMs are well secured.
- 5.6 The Dzongkhag Election Authority or an authorized officer shall at the start of the *Dhamngoi Zomdu* make a brief introduction on the purpose.
- 5.7 The Team leader (Presiding Officer) shall read out the prescribed criteria to the public during each *Dham Ngoi Zomdu* and inform the public that a selected nominee shall become candidate only upon acceptance of his/her nomination by the Returning Officers after Scrutiny.
- 5.8 The qualification and disqualification for a candidate are as follows:

5.8.1 A person shall be qualified to be elected as a member of the National Council, if he/she:

མི་ངོ་ཅིག་ རྒྱལ་ཡོངས་ཚོགས་སྡེ་དེ་འཐུས་མིར་ བཅག་འཐུ་འགྲུབ་ནི་ལུ་ རྒྱ་ཚད་ལྡན་དགོས་དེ་ཡང་ གལ་སྲིད་  
མི་ངོ་འདི།

a. Is a citizen of Bhutan as evidenced by the Citizenship Identity Card;  
ཀ། མི་ཁྲུངས་ངོ་སློད་ལག་ཁྱེར་གྱི་སྐབས་བཟུང་ལུ་བརྟེན་ཏེ་ འཐུག་པའི་མི་ཁྲུངས་ཅིག་ཡིན་པའི་ཁར།

b. Is a registered voter of that constituency;  
ཁ། འདེམས་ཁོངས་དེ་ནང་གི་ཐོ་བཀོད་གྲུབ་པའི་ཚོགས་རྒྱུ་སྐྱུར་མི་ཅིག་ཡིན་པ།

c. Is of the minimum age of twenty-five years and not more than maximum age of sixty-five years at the time of filing of nomination;  
ག། གནམ་ངོའི་ལྷ་ཡིག་བཙུགས་པའི་སྐབས་ལུ་ རྗེས་ལོ་དམའ་ཤོས་ཉི་ཤུ་ཅུ་ལྷ་དང་ རྗེས་ལོ་མཐོ་ཤོས་དྲུག་ཅུ་  
རེ་ལྷ་ལས་མ་ལྷག་པ།

d. Possesses a formal university degree; and  
ང། མཐོ་རིམ་ཤེས་ཚད་ལས་མ་དམའ་བའི་སྤྱི་གསུམ་མཐུན་གཙུག་ལག་སློབ་གྲྭ་ཅིག་གི་ཤེས་ཚད་ཡོད་པ།

e. Does not belong to a Political Party.

(ཅ) སྲིད་དོན་ཚོགས་པ་ཅིག་གི་གྲལ་ཁར་མེད་པ།

5.8.2 A person shall be disqualified as a candidate or a member holding an elective office under the Constitution, if he/she:

ཚུ་ཁྲིམས་ཆེན་མོའི་བྱ་བ་ལོག་པ་ བཅག་འཇུ་ཅན་གྱི་གོ་གནས་འཆང་བའི་འདེམས་རོ་ཅིག་ ཡང་ན་ འཇུ་མི་ཅིག་  
བྱང་ཚད་མི་ལྡན་པར་བརྩི་དགོས་དེ་ཡང་ གལ་སྲིད་མི་ངོ་འདྲི།

a. Has been convicted for any criminal offence and sentenced to imprisonment;

ཀ༽ ཉེས་ཅན་གྱི་གཞོན་འགོལ་གང་རུང་ཅིག་ལུ་བརྟེན་ ཁྲིམས་གཙོད་གྲུབ་སྟེ་བཅན་ཁྲིམས་སློན་པ་ ཡང་ན།

b. Has been found guilty of corrupt practice at an election;

ཁ༽ བཅག་འཇུ་ཅིག་ནང་དན་ལྷན་གྱི་བྱ་བ་སླིག་པའི་ཉེས་སྦྱོན་འཕོན་པ།

c. Has been dismissed or removed from public service or the corporate sector;

ག༽ གཞུང་གཡོག་ ཡང་ན་ སྐོར་སྡེ་ལས་འཛིན་ལས་ཕྱིར་འབྲུད་དམ་ བཏོན་བཏང་བ།

d. Has failed to lodge account of election expenses within the time and in the manner required by law and has no good reason or justification for the failure;

ང༽ ཁྲིམས་དང་འབྲེལ་བའི་དུས་ལུན་དང་རྣམ་གཞག་ཐོག་ བཅག་འཇུའི་ཟང་ཐོན་གྱི་ ཕྱིས་ཁ་བཀལ་དགོས་  
འདི་ རྒྱ་མཚན་ཡང་དག་དང་བདེན་ཁུངས་མེད་པར་འཇུ་མི་ཤོར་བྱུང་བ།

e. Has solicited or resorted to any form of fund raising for campaigning in an election to Parliament or Local Governments from private individuals or any agency.

ཅ༽ སྤྱི་ཚོགས་ ཡང་ན་ ས་གནས་གཞུང་གི་བཅག་འཇུའི་བསྐྱུལ་བསྐྱུགས་དོན་ལུ་ སྐོར་མི་ ཡང་ན་ ལས་  
སྡེ་གང་རུང་ཅིག་ལས་ མ་དདུལ་གྱི་ལུ་བསྐྱུལ་ ཡང་ན་ རྣམ་གཞག་གང་རུང་ཅིག་གི་ཐོག་ལུ་ མ་དདུལ་  
བཅོམ་བ།

f. Is married to a person who is not a citizen of Bhutan;

ཆ༽ འཇུག་པའི་མི་ཁུངས་མ་ཡིན་མི་ཅིག་དང་གཉེན་དུ་བསྐྱོམས་པ།

g. Has been accused of felony in a pending case and the competent Court has taken cognisance and charges have been framed against him/her;

ཇ༽ ཡུན་འགྲངས་ཚུན་གཞི་ཅིག་ནང་ ཉེས་ཆེན་གྱི་ཁ་ཉེས་བཀལ་ཡོད་པའི་ཁར་ དབང་ལྡན་ཁྲིམས་འདུན་དེ་

གིས་ དེ་ལུགས་གྱི་ངོས་ལེན་གྱུ་སྟེ་ ཁོ་མོའི་རྒྱུ་འགལ་ལུ་ ཉེས་འཚུགས་བཀོད་གྱུ་བ་པ།

h. Is in arrears of taxes or other dues to government;

ཉ ་ གཞུང་ལུ་སྤུལ་དགོ་པའི་ཁྲལ་འབབ་ ཡང་ན་འབྲུལ་སྒོ་གཞན་ཚུ་ཆད་ལུས་ཡོད་པ།

i. Has an existing contract with the government which has not been fully performed;

ཏ ་ གཞུང་དང་གཅིག་ཁར་དངོས་ཡོད་ཁ་འབབ་གི་ལཱ་ཅིག་མི་ལ་ཕོར་མ་འགྲུབ་པར་ཡོད་པ།

j. Is working as a civil servant;

ཐ ་ ཞི་གཡོག་པ་ཅིག་འབད་ལཱ་འབད་དེ་ཡོད་པ།

k. Holds any office of profit as prescribed under Chapter 9 of this Act; or

ད ་ བཅའ་ཁྲིམས་འདི་གི་ལཱ་ལུ་ བའི་བྱ་བ་འོག་ལུ་ ཆེད་དམིགས་བཀོད་པའི་ ཁེ་འབབ་ཅན་གྱི་ གོ་གནས་  
འཆང་མི་ཨིན་པ།

l. Is so disqualified under this Act.

ན ་ བཅའ་ཁྲིམས་འདིའི་བྱ་བ་འོག་ དེ་བཞིན་གྱི་བྱད་ཚད་ལས་འདས་པ།

5.9 The Team Leader shall specifically check:

5.9.1 VPIC to ensure that the aspiring Candidate meets the registration and age requirement;

5.9.2 Against the List provided by the PEF Division that the aspiring Candidate is not a Political Party member;

5.9.3 Against the List provided by the PEF Division that the aspiring Candidate has not failed to lodge account of election expenses within the time and in manner required by law and has no good reason or justification for the failure; and

5.9.4 Against the List provided by the Legal & Communication Division that the aspiring candidate has not been found guilty of corrupt practice at an election.

5.10 The team leader shall also remind that a voter who wish to file a complaint regarding any matter related to a *Dhamngoi Zomdu* must submit it in the Election Dispute Settlement Form No.1 within five days of the said *Dhamngoi Zomdu*.

5.11 The *Dhamngoi Zomdu* team shall consists of a minimum of three members and election security personnel.

5.12 The team must make sure that the gap between the first and last *Dhamngoi Zomdu* as well as the *Zomdu*s and the last date of filing of nominations are well drawn so that nominated candidates from respective *Gewogs* do not resort to unnecessary campaign mode.

5.13 The time frame for conduct of *Dhamngoi Zomdu* is 9 a.m. to 3 p.m. unless otherwise specified

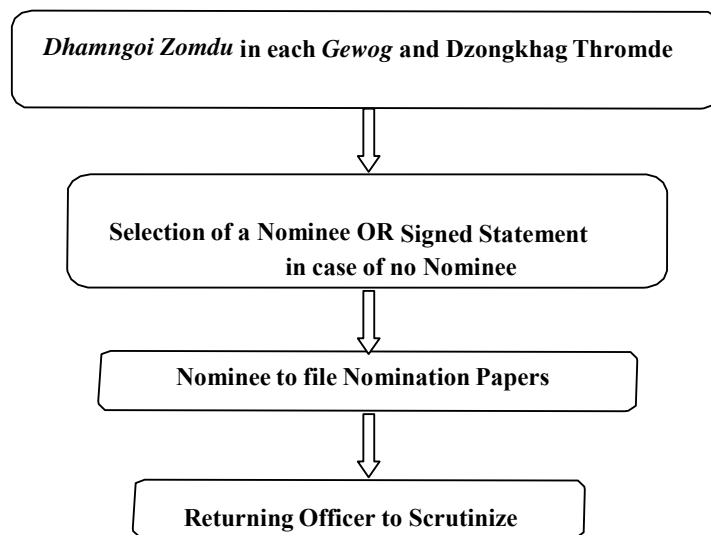
and communicated by the respective conducting authorities.

5.14 The general public shall be notified that all aspiring Candidates must be present at the venue of *Dhamngoi Zomdu* by 9 a.m. of the specified date along with his/her photo measuring 2.3 cm x 2.3 cm for use on the EVM.

5.15 In the absence of any Registered Voter interested to contest, the *Dhamngoi Zomdu* shall submit a Statement as in **Annexure I (Returning Officer Form No.: 5)**.

5.16 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 *Dhamngoi Zomdu*

6.1 The venue for a *Dhamngoi 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 *Dhamngoi Zomdu*

7.1 Participation shall be open to all Registered Voters of the concerned *Demkhongs*.

7.2 The elections in the *Dhamngoi 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 *Dhamngoi Zomdu*.

7.3 A Registered Voter present at the *Dhamngoi 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 Each person interested to contest shall be given the opportunity to address the *Dhamngoi Zomdu* and those voters present at the *Dhamngoi Zomdu* shall cast votes as per the prescribed procedures. The person with the highest number of votes shall be the *Gewog* or the *Dzongkhag Thomde's* nominee to contest the National Council Election in the *Dzongkhag*.
- 7.5 The candidate selected at a *Dhamngoi 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* in the case of the *Thromde* Nominee with Chief Election Coordinator in both the cases.

## 8. Conduct of the *Dhamngoi Zomdu*

- 8.1 The proceedings of the *Dhamngoi 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 *Dhamngoi 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 *Dhamngoi Zomdu* in the *Gewogs* and the *Thromde* Offices shall facilitate the *Dhamngoi Zomdu* in the *Thromde*.

## 9. Complaints

- 9.1 A voter who wish to file a complaint regarding any matter related to a *Dhamngoi Zomdu* shall submit it in the Election Dispute Settlement Form No.1 within five days of the said *Dhamngoi 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, 2018*.

## 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

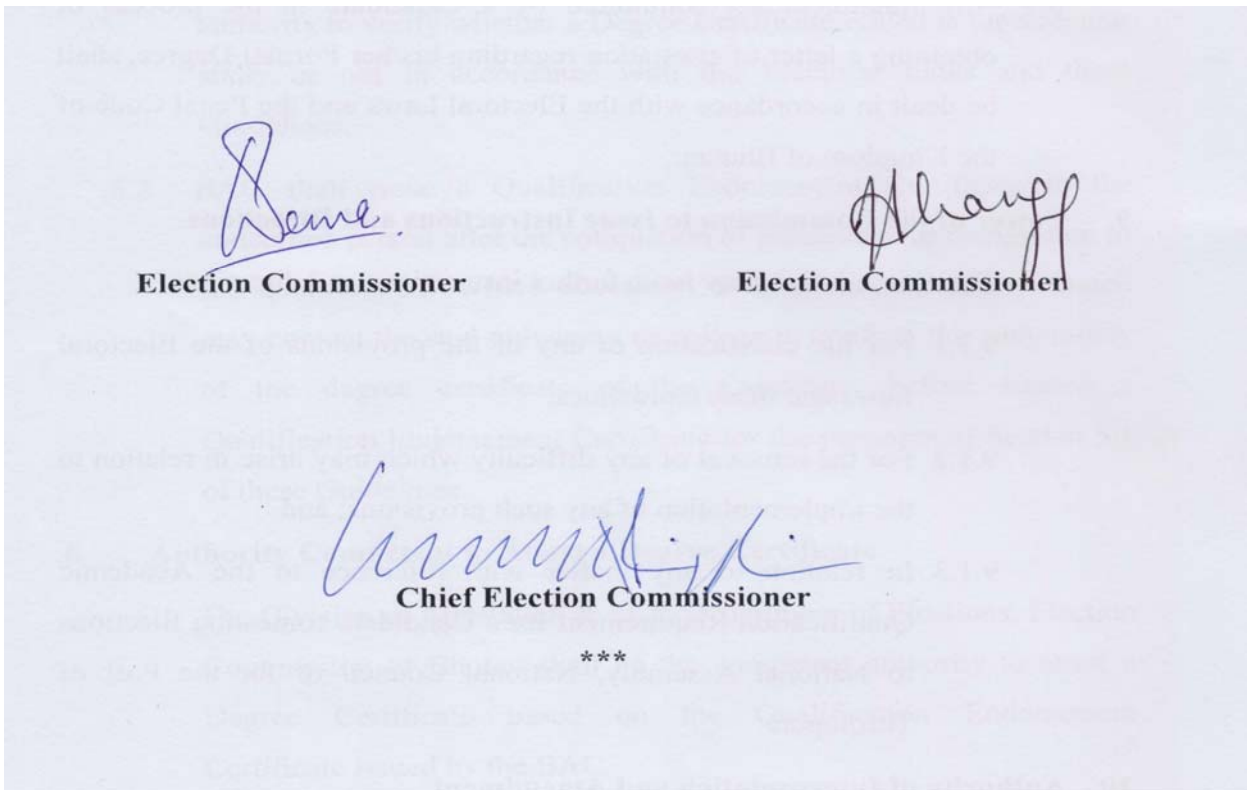
- 11.1 The Commission may issue instructions and directions:

- 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 *Dhamngoi Zomdu* of the *Gewog/Dzongkhag Thromde* 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 13<sup>th</sup> Day of 2<sup>nd</sup> Month of Year 2018 corresponding to 28<sup>th</sup> Day of the 12<sup>th</sup> Month of the Fire Female Bird Year in the Bhutanese Calendar.





### Statement Declaring No Nominee

This is to declare that, during the *Dhamngoi Zomdu* held on .....  
 (date) for nomination of a Candidate for the National Council Elections, 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 member

Team Leader

Dzongkhag Election Authority

Date: DD/MM/YY