

Election Commission of Bhutan



Rules on Elections Conduct in the Kingdom of Bhutan, 2022

Rules on Elections Conduct in the Kingdom of Bhutan, 2022

ELECTION COMMISSION OF BHUTAN

Publisher : **Election Commission of Bhutan,**
Post Box 2008,
Thimphu : Bhutan.

E-mail : cec@ecb.bt

Visit us at : www.ecb.bt

Phone : (00975) 2 334851/2

Copyright : © ECB, 2022

Anybody wishing to use the name, cover, photo, cover design, material part or whole thereof in any form in any book or publication may do so with due acknowledgement.

Date of Publication :

Printed at :

Table of Contents

Preamble.....	4
1. Title, Extent, Application and Commencement.....	4
2. Definition.....	5
3. Purpose.....	7
4. Qualification Criteria for Candidates standing for Elective Office	8
5. Party Manifestos and Campaign Pledges.....	11
6. Undertaking by political parties and candidates	13
7. Conduct during Election Period	19
8. Role of the Media	26
9. Dispute.....	27
10. Penalties and Enforcement.....	27
11. Power of the Election Commission to Issue Instructions and Directions	
30	
12. Establish Mechanisms to Prevent the Transfer of Funds from Foreign	
and Other Illegal Sources.....	31
13. Interpretation and Amendment	31

Preamble

The Election Commission of Bhutan in appreciation of the full authority over all aspects of its superintendence, direction and control in relation to the conduct of all elections as well as the holding of National Referendums as per the Section 34 of the Election Act:

1. *Ensuring* that the conduct of all campaigns for elections to Parliament and Local Governments as well as the holding of National Referendums under the Constitution are made in a free and fair manner;
2. *Promoting* responsible election campaigning by political parties and candidates;
3. *Ensuring* that candidates standing for elections in the Kingdom of Bhutan are of good standing and have suitable experience to discharge their duties and responsibilities effectively and responsibly; and
4. *Endorsing* the national objectives of holding elections in a free and fair manner, hereby adopts and promulgates the “*Rules on Elections Conduct in the Kingdom of Bhutan, 2022*”.

1. Title, Extent, Application and Commencement

1.1 These Rules shall:

- 1.1.1 Be called the *Rules on Elections Conduct in the Kingdom of Bhutan, 2022*;
- 1.1.2 Conform with the Election Act of the Kingdom of Bhutan, 2008;
- 1.1.3 Not supersede other prevailing laws in the Kingdom of Bhutan;
- 1.1.4 Extend to the whole of the Kingdom of Bhutan for conduct relating to campaigning for an election; and

1.1.5 Come into force with effect from 29th August 2022, corresponding to the 2nd day of the 7th Month of the Water Male Tiger Year of the Bhutanese Calendar.

1.2 These Rules shall be subscribed to by:

1.2.1 Every party participating in the election of Parliament;

1.2.2 Every candidate, including a candidate for Local Government; and

1.2.3 Every permitted participant of a National Referendum.

1.3 These Rules shall, in so far as it is applicable, bind the Government and every party, leader, office bearer, representative and member of a party or a person who supports a party, and every candidate nominated under the electoral laws for any election.

1.4 All parties, permitted participants, and candidates shall execute these Rules through the hand of their respective registered officials to signify their acceptance to be bound by the provisions of these Rules and their commitment to strive to ensure that their members and any person who supports the party abide by the Rules at all stages of elections and referendum.

1.5 These Rules shall be read in addition to and in connection with all laws, rules, guidelines, handbooks and/or codes of the Commission. To the extent there is any inconsistency or conflict between these Rules and any rules, guidelines, handbooks and/or codes issued by the Commission, these Rules shall take precedence.

2. Definition

2.1 In these Rules, unless the context otherwise requires: **[Source: Annexure, Election Act]**

- 2.1.1 “Commission” or “Election Commission” means the Election Commission of Bhutan established under the Constitution;
- 2.1.2 “Constitution” means 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 “Election” means election to fill seat or seats in either House of Parliament or in any Local Government;
- 2.1.5 “Electoral laws” means the relevant provisions of the Constitution, the Election Act, the Public Election Fund Act of the Kingdom of Bhutan, the National Referendum Act and subsidiary legislation made thereunder as they relate to elections to Parliament and Local Governments as well as the holding of National Referendums;
- 2.1.6 “Government” means the Royal Government of Bhutan;
- 2.1.7 “Local Government” includes Dzongkhag Tshogdu, Gewog Tshogde and Thromde Tshogde;
- 2.1.8 “National Referendum Act” means the National Referendum Act of the Kingdom of Bhutan, 2008;
- 2.1.9 “Parliament” means the legislative body consisting of the Druk Gyalpo, the National Council and the National Assembly;
[Source: Article 10(1), Constitution]
- 2.1.10 “Permitted Participant” means a registered political party or voter as defined under the National Referendum Act who submits, in the prescribed form a Letter of Intent to the Election Commission, to conduct campaign for or against a National Referendum on a date not later than the seventh day after the date of issue of

notification under Section 26 of the National Referendum Act;
[Source: Section 2(f), National Referendum Act of the Kingdom of Bhutan, 2008]

2.1.11 “Political party” means a party of individual citizens of Bhutan registered as political party with the Election Commission under Section 140 of the Election Act; and

2.1.12 Words importing the singular number shall include the plural number and vice-versa, unless the context otherwise requires.

3. Purpose

3.1 These Rules are promulgated for the following objectives:

3.1.1 Maintaining a healthy electoral system; **[Source: s. 289, Election Act]**

3.1.2 Election campaigns are carried out in a lawful, peaceful and orderly manner for a free and fair election; **[Source: s. 267, s. 289, Election Act]**

3.1.3 Instilling conditions conducive to the conduct of free and fair elections and an environment of tolerance in which political activity may take place without fear, coercion, intimidation or reprisals;

3.1.4 Ensuring electioneering conduct that coheres with high standards of integrity, truthfulness, selflessness, loyalty and patriotism; **[Source: s. 293, Election Act]**

3.1.5 Ensuring that candidates standing for elections in the Kingdom of Bhutan are of good standing and have suitable experience to discharge their duties and responsibilities effectively and responsibly; and

3.1.6 Promoting responsible political campaigning and open public debate to take place in all parts of the Kingdom of Bhutan during an election period.

4. Qualification Criteria for Candidates standing for Elective Office

4.1 A candidate for an elective office in the Kingdom of Bhutan shall:

[Source: Art. 23(3), Constitution]

4.1.1 Be a Bhutanese citizen;

4.1.2 Be registered voter of that constituency;

4.1.3 Be a minimum of twenty-five years and maximum of sixty-five years of age at the time of filing the nomination;

4.1.4 Not receive money or any assistance from foreign sources, be it governmental, non-governmental, private organizations or from private parties or individuals; and

4.1.5 Fulfil the necessary educational and other qualifications prescribed in electoral laws.

4.2 A person shall be disqualified as a candidate or a member holding an elective office, if the person: **[Source: Art. 23(4), Constitution]**

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

4.2.2 Is terminated from Public Service;

4.2.3 Is convicted for any criminal offence and sentenced to imprisonment;

4.2.4 Is in arrears of taxes or other dues to the Government;

- 4.2.5 Has failed to lodge accounts of election expenses within the time and in the manner required by law without good reason or justification;
 - 4.2.6 Holds any office of profit under the Government, public companies or corporations as prescribed in the Electoral Laws; or
 - 4.2.7 Is disqualified under any law made by Parliament.
- 4.3 Pursuant to the Commission's authority under the Constitution to set out educational and other qualifications, a candidate must further:
- 4.3.1 Possess a formal university degree, being a degree not lower than a Bachelor's degree conferred after having pursued a formal course of study at a recognized university or institute of higher learning; **[Source: Guidelines for Interpretation and Implementation of Sections 176 (D), 177 (D) and 178 (D) of the Election Act of the Kingdom of Bhutan, 2008 Regarding the Academic Qualification Requirement for a Candidate Contesting Elections to National Assembly, National Council or the Post of Thrompon, 2017]**
 - 4.3.2 Be functionally literate and possess the skills adequate to discharge his or her duties; **[Source: s. 178(d), Election Act; and Guidelines for Implementation of Section 178(d) of the Election Act of Kingdom of Bhutan relating to Functional Literacy and Possession of Skills, 2009]**
 - 4.3.3 Satisfy the Commission that he/she is a person of integrity, good character and reputation, in accordance with the Framework for Assessment for Candidates Participating in Elections; and satisfy the requirement of:

4.3.3.1 Serving in an office in the public/private sector with exemplary conduct and performance for 5 years for assumption of office in the National Assembly, and for 10 years for assumption of office in the National Council; and

4.3.3.2 Having such other qualifications as may be prescribed by the Commission in the Framework for Assessment for Candidates Participating in Elections.

4.4 A candidate for an elective office in the Kingdom of Bhutan shall not switch political parties during an election until after the conclusion of the primary round of elections:

4.4.1 Both the candidate and the political party which the candidate is seeking to join shall make an application to the Commission before the candidate is allowed to switch political parties, and providing all information and documents which may be sought by the Commission; and

4.4.2 A candidate may only switch political parties after it has received the prior written approval of the Commission.

4.5 Subject to Section 4.6, any candidate for an elective office in the Kingdom of Bhutan who resigns without reasonable necessity, as determined by the Commission, shall, at the determination of the Commission, be fined the minimum wage for 360 days and/or refund all state campaign funds given for the parliamentary elections/local governments, and shall be disqualified from all future elections.

4.6 These penalties shall apply unless such candidate can prove to the sole satisfaction of the Commission that such resignation was reasonably necessary, after taking into account all the surrounding circumstances including any physical or mental illness or any fundamental breakdown

of the relationship between the candidate and his or her party; and after concluding that such resignation was in the overall interest of the Kingdom of Bhutan.

5. Party Manifestos and Campaign Pledges

5.1 A registered political party may, on the announcement of an election by the Commission, announce the strength of its party based on leadership and membership, its past performance and issue a manifesto detailing the programmes and policies it would implement if elected. **[Source: Section 269, Election Act]**

5.2 All political parties shall submit its manifesto to the Commission for evaluation as required under the:

(a) Election Act of the Kingdom of Bhutan, 2008;

(b) Election Symbol Rules and Regulations of the Kingdom of Bhutan, 2012; and

(c) Political Party Rules of the Kingdom of Bhutan, 2015.

5.2.1 For the purposes of this Section 5.2, all political parties shall send three copies, as well as a soft copy, of its manifesto written in the official language of the Kingdom of Bhutan or in English, as the case may be, to the Commission, along with a declaration that any programmes, policies or promises made therein are in consonance with Sections 5 of these Rules.

5.2.2 All political parties shall ensure that the framing of party manifestos is in accordance with Section 5 of these Rules.

5.2.3 All political parties shall ensure that their representatives recognize the above Section 5 of these Rules.

- 5.2.4 All political parties shall not, without the approval of the Commission, release or otherwise publicize any manifesto or document detailing the programmes and policies it will implement.
- 5.3 The Commission shall have full discretion in determining and approving the parties' manifestos, with or without modifications.
- 5.4 In evaluating the political parties' manifestos, the Commission shall constitute an independent evaluation committee to advise and assist the Commission.
- 5.5 No political party or candidate shall announce or pledge, whether in a manifesto or campaign pledge or otherwise, any financial grants or projects without disclosing the means of financing such expenditure in any form or promises.
- 5.6 No political party or candidate shall make any unrealistic or unreasonable pledge or promise, whether in a manifesto or campaign pledge or otherwise, any fiscal or tax or financial changes which may result in reduction of government revenues, without disclosing the means of how the political party or candidate intends to make good such reduction.
- 5.7 Every symbol shall be as per the specifications issued by the Commission from time to time. **[Source: Section 5.1, Election Symbol Rules and Regulations of the Kingdom of Bhutan, 2012].**
- 5.8 No symbol shall:
- 5.8.1 Be a Royal seal of the Druk Gyalpo or the Royal Government;
 - 5.8.2 Be or resemble any national symbol and personality, national monument, religious sign and symbol, names of historic and religious figure;
 - 5.8.3 Contain any religious messages;

- 5.8.4 Identify with a community or region;
- 5.8.5 Be or resemble any other registered logos and trademarks or patented designs of other entities and individuals under the laws of the Kingdom of Bhutan;
- 5.8.6 Be a symbol or resemble the name or symbol of another political party which is already registered with the Commission; and
- 5.8.7 Be indecent or derogatory. **[Source: Section 5.1 – 5.2, Election Symbol Rules and Regulations of the Kingdom of Bhutan, 2012].**

6. Undertaking by political parties and candidates

- 6.1 All political parties, referendum committees, officials of political parties and referendum committees, and candidates, undertake to:
 - 6.1.1 Adhere to the values and principles of the Constitution, and political parties shall have and submit to the Commission a written charter declaring that the party bears true faith and allegiance to the Constitution of the Kingdom of Bhutan; **[Source: S. 136(a) of the Election Act and Section 6.1.1 of PPR]**
 - 6.1.2 Strive to maintain the highest standards of integrity, truthfulness, selflessness, loyalty and patriotism; **[Source: S. 293, Election Act]**
 - 6.1.3 Avoid discrimination and not dispense special favours to any community or person or group of persons on grounds of gender, religion or any other reason; **[Source: S. 293, Election Act]**
 - 6.1.4 Ensure that their supporters do not indulge in any unlawful act or corrupt practice; **[Source: S. 293, Election Act]**

- 6.1.5 Ensure that no other person is to carry out an election campaign on his/her or its behalf, except by persons authorized under this Act; **[Source: S. 291, Election Act]**
- 6.1.6 Ensure that the Kabney/Rachu/Insignia is not worn during the electoral campaign in public; **[Source: S. 292, Election Act]**
- 6.1.7 Avoid defamatory and derogatory attacks on rival parties or individual personalities at all times through any form of communication and avoid the use of inflammatory language, provocative actions, images or manifestation that incite violence, hatred or intimidation against another party or candidate or any person or group of persons; **[Source: S. 294, Election Act]**
- 6.1.8 Campaign strictly as per the Election Campaign Schedule approved by the Returning Officer and copy endorsed to the Observer. If changes are required, the Returning Officer's approval must be sought and the Observer shall be accordingly informed; **[Source: Notification Calling for 2018 Parliamentary Elections]**
- 6.1.9 Refrain from acting, including by giving any person consent, to obstruct or disrupt, break up or in any way interfere with a meeting or any campaign activity of another political party or candidate or prevent any person from participating in the activities of another party or candidate; **[Source: S. 298, Election Act]**
- 6.2 All political parties, permitted participants, candidates, and the officials of political parties, permitted participants, and candidates, by these Rules, further undertake to:
- 6.2.1 Maintain good behavior and respect all human beings;

- 6.2.2 Adhere to universal principles of democracy, good governance and national laws during the elections and at all times before and after elections;
- 6.2.3 Not disrespect any leader in the Kingdom of Bhutan;
- 6.2.4 Instruct and ensure compliance by their candidates, office-bearers, representatives, members and persons who support the political party of their obligations under these Rules; and abide by the provisions of the Election Act, Public Election Fund Act, National Referendum Act and all Rules and Regulations made there-under; **[Source: Section 6.1.10, PPR]**
- 6.2.5 Avoid discrimination and not dispense special favours to any community or person or group of persons on grounds of gender, religion or any other reason; **[Source: Section 293 (b) of Election Act]**
- 6.2.6 Neither resort to regionalism, ethnicity and religion to incite voters for electoral gain, nor restrict its membership based on region, gender, language, religion, or other status; **[Source: Section 136(e) of Election Act, Section 3 of Article 15 of the Constitution; Section 6.1.6 of the PPR]**
- 6.2.7 Commit to the advancement of democracy and the social, cultural, political and economic growth of Bhutan and promote ethnic tolerance; **[Source: Section 136(d) of Election Act and Section 6.1.5 of PPR 2015]**
- 6.2.8 Promote cultural diversity and demonstrate that the party is broad-based with cross-national membership and support, and is committed to national cohesion and stability; **[Source: Section 136(c) of the Election Act]**

6.2.9 Generally, affirm the rights of all participants in an election to:

- (i) Express divergent political opinions in a fair and responsible manner;
- (ii) Debate and contest the policies and programmes of other parties in a fair and responsible manner and confine debate to constructive criticism or comments on the policies and programmes of other parties only; **[Source: Section 11.20 of PPR 2015]**
- (iii) Canvass for membership and support from voters, but registration of new members shall only be conducted in a party's own offices and at the free will of the interested voters; door-to-door registration is prohibited; and a political party shall be prohibited from registering new members during the National Assembly election period except as provided under Section 209 of the Election Act; **[Source: Section 4.3 – 4.5 of PPR 2015]**
- (iv) Attend public meetings convened by others, and shall not obstruct or break up meetings organized by others or force any person to attend or refrain from attendance of a political meeting of other parties; **[Source: Section 11.5, 11.28 of PPR 2015]**
- (v) Distribute non-offensive and suitable and relevant electoral literature and campaign materials, publish and distribute non-offensive notices and advertisements, erect non-offensive banners, placards and posters only during the election period, and no individual shall communicate/transmit/post hate messages or any content

with intent to defame or unfairly reduce the electoral chances of an opposing political party, permitted participant, or candidate; **[Source: Section 4.4 of ECB Social Media Rules and Regulations 2018]**;

- (vi) Put up banners, posters and stickers, but shall, after the declaration of results, remove their banners, posters and stickers so put up; **[Source; Section 12.3 of Election Advertising Rules & Regulations of the Kingdom of Bhutan, 2018]**;
- (vii) Promote free electoral campaigns by all lawful means and all political parties, permitted participants, and candidates shall, subject to any restrictions imposed under any law, be free to conduct an election campaign in the manner deemed appropriate by them; **[Source: Section 267 of Election Act]** and
- (viii) Co-operate fully and comply with the Commission and the relevant government agencies and other authorities in the investigation of issues and allegations arising during the election period and extend co-operation to the officers on election duty in order to ensure peaceful, free and fair polling. The investigation committee constituted under the Election Dispute Settlement Rules & Regulations may interrogate during the investigation any witness and require the production of relevant documents from any entity/person as per the laws **[Source: Section 11.25 of PPR, Section 13.2 of Election Dispute Settlement Rules & Regulations]**.

6.2.10 Ensure that the concerned political party, candidate and their supporters shall not: **[Source: Section 11.2, Political Party Rules of the Kingdom of Bhutan, 2015]**

- (i) Propagate any opinion, or act in a manner prejudicial to the principles enshrined in the Constitution of the Kingdom of Bhutan;
- (ii) Undermine the sovereignty or integrity of the nation;
- (iii) Undermine public order or public morality or indulge in any criminal activity;
- (iv) Promote sectarian or regional discord;
- (v) Impart any military or para-military training to its members or any other persons;
- (vi) Indulge in any activity, which may create ill-will, differences or cause tension between different communities, religious or linguistic groups; **[Source: s. 293, Election Act]**
- (vii) Permit their supporters to make use of any public property or private property, without the approval of the Commission and owner's written permission, for purposes of erecting flag-staffs, cut-outs, suspending banners, pasting election posters and notices; **[Source: s. 295, Election Act]** and
- (viii) Conduct door-to-door election campaigns after 6:00pm and before 6:00am; **[Source: s. 11.33, Political Party Rules of the Kingdom of Bhutan, 2015]**

- 6.2.11 Ensure that campaigning is strictly as per the Election Campaign Schedule as approved by the Returning Officer; **[Source: Notification Calling for 2018 Parliamentary Elections]**
- 6.2.12 Ensure that all electoral laws, Rules and Regulations, Guidelines, Notifications and Appointment Orders are complied with; **[Source: Notification Calling for 2018 Parliamentary Elections]** and
- 6.2.13 Ensure that specific approval from the Commission is obtained prior to the undertaking of political activities, such as holding consultative meetings or research in the Dzongkhags/Demkhongs or meetings with the respective Party Godenpas during the non-election period.
- 6.3 Notwithstanding restrictions under Section 11.2 of the Political Party Rules of the Kingdom of Bhutan, 2015, political parties or their candidates or representatives shall be allowed to conduct smaller meetings at community level with prior approval from the Returning Officer.
- 6.4 Candidates participating in the Dhamngoi Zomdu, or the public meeting for selection of nominee, shall produce all documents required for filing of nominations for National Council and Local Government Elections.
- 6.5 An applicant political party shall, at the time of registration, submit names of registered members from each constituency along with a tentative list of candidates from all constituencies, accounts of the fees and voluntary contributions received as on the day of the submission of the application.

7. Conduct during Election Period

- 7.1 All political parties and candidates shall, throughout the election period:

- 7.1.1 Publicly and repeatedly condemn violence and intimidation and avoid the use of hate speech, language or any kind of action which may lead to violence or intimidation, whether to demonstrate party strength, gain any kind of advantage, or for any other reason; ensure that the speeches and slogans used by it are dignified and based on principles of decency and decorum; and no individual shall communicate/transmit/post hate messages or any content with intent to defame or reduce the electoral chances of an opposing political party or candidate; **[Section 4.4 of ECB Social Media Rules & Regulations and Section 11.21 PPR]**
- 7.1.2 Refrain from any action involving violence or intimidation, or which may directly or indirectly incite violence or unrest or cause intimidation; avoid defamatory and derogatory attacks on rival parties or individual personalities through any form of communication and avoid the use of inflammatory language, provocative actions, images or manifestation that incite violence, hatred or intimidation against another party or candidate or any person or group of persons; refrain from exerting undue influence, intimidating or threatening directly or indirectly a voter to vote or refrain from voting at an election; and shall not recruit a voter as a member of a party through coercion, threat, intimidation or inducement; **[Section 294 of Election Act, Section 11.27 and Section 11.29 of the PPR]**
- 7.1.3 Ensure that no arms or weapons of any kind are carried or displayed at political meetings or any march, demonstration or other event of a political nature; give advance intimation and

receive approval from the appropriate authorities of the venue and time of the proposed meeting and their campaign schedule and instruct their members and supporters that no dangerous article that can be used to cause injury be brought to a political meeting or any other political function and take steps to ensure that there is no blockage or hindrance to traffic and no cause is given for any other public inconvenience; and ensure that political meetings and rallies organised by political parties or candidates are peaceful; **[Source: Section 11.3 of PPR and Section 13.5 of Election Security Rules & Regulations]**

7.1.4 Not indulge in any activity, which may create ill will, differences or cause tension between different communities, religious or linguistic groups; **[Source: Section 293(c) of Election Act]**

7.1.5 Co-operate and liaise in good faith with other parties to avoid organizing public meetings and events to take place at the same time and venue as similar political events organized by other parties;

7.1.6 Do nothing to impede the right of any party, through its candidates, canvassers and representatives, to have reasonable access to voters for the purposes of conducting voter education, canvassing membership and soliciting support; and no political party or candidate or any person acting with their consent shall obstruct or disrupt, break up or in any way interfere with a meeting or any campaign activity of another political party or candidate or prevent any person from participating in the activities of another party or candidate; **[Source: Section 298 of Election Act / Section 11.5 of PPR.]**

- 7.1.7 Avoid plagiarizing the symbols, colours or acronyms of other parties; and where two or more political parties propose the same symbols, colours or acronyms, the political party which submitted its application for registration first as recorded in the register maintained in this regard shall have that symbol reserved for it. Parties shall not remove, disfigure or destroy political campaign materials of any party; and shall not display or cause to display any poster or banner during the campaign period of an election so as to obscure the view of any poster or banner already displayed; **[Section 4.6 of Election Symbol Rules and Section 14.1 of Election Advertising Rules & Regulations]**
- 7.1.8 Shall not indulge in offering gifts to induce any voter or another candidate to stand or not to stand as a candidate or to withdraw or not to withdraw his/her candidature; **[Source: Section 11.26 of PPR]**
- 7.1.9 Refrain from any attempt to abuse a position of power, privilege or influence, including parental, patriarchal, state or traditional authority for political purposes including any offer of reward or threat of penalty; and no political party or its elected representatives in the National Assembly or any official holding a public office shall use their official position for influencing voters in favour of or against any party or candidate; **[Source: Sections 299 and 300 of the Election Act]**
- 7.1.10 Avoid any discrimination based on religion, race, gender, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, conscience, belief, culture, dress,

language or birth in connection with the election and political activity;

7.1.11 Avoid communicating, transmitting, posting hate messages or any content with intent to defame or reduce the electoral chances of an opposing contestant or political party; **[Source: Section 4.4, ECB Social Media Rules and Regulations of the Kingdom of Bhutan, 2018]**

7.1.12 In relation to the Common Forum for Election Campaign:

(i) Refrain from defamatory and derogatory attacks on a rival Party or Candidate and avoid the use of inflammatory language, provocative actions, images or manifestations that incite violence, hatred or intimidation against another Party or Candidate or any person or group of persons; **[Source: Section 9.3, Guidelines for the Conduct of the Common Forum for Election Campaign, 2018]**

(ii) Not be allowed to transport or arrange transport for any person to or from the Forum; **[Source: Section 9.5, Guidelines for the Conduct of the Common Forum for Election Campaign, 2018]**

(iii) Be prohibited from inducing or coercing anyone to attend or not attend a Forum. **[Source: Section 9.6, Guidelines for the Conduct of the Common Forum for Election Campaign, 2018]**

7.1.13 In relation to the Commission:

(i) Acknowledge and respect the authority of the Commission in the conduct of the election or

referendum, including its powers under the Election Act;

- (ii) Ensure the attendance and participation of representatives at meetings of any party executive committee and other forums convened by or on behalf of the Commission, which may include but is not limited to the Bhutan Democracy Dialogues organized by the Commission; and
- (iii) Co-operate fully in the official investigation of issues and allegations arising during an election period.

7.1.14 Reassure voters with regard to the impartiality of the Commission and the secrecy and integrity of the ballot, and to reaffirm that no one should know how any other person has voted;

7.1.15 Take reasonable steps to discipline and restrain their party office-bearers, employees, candidates, members and persons who support the political party who:

- (i) Infringe these Rules;
- (ii) Engage in activities of commission or omission which constitute offences under the electoral laws or otherwise fail to observe these Rules; and
- (iii) Contravene or fail to comply with any provision of the electoral laws.

7.1.16 Agree for party office bearers, employees, candidates-members and persons who support the political party to submit to the

disciplinary procedures of the Commission for any violation of these Rules; and

7.1.17 Without prejudice to the right to present a petition to the court in accordance with Section 466 of the Election Act and Section 30 of the Election Dispute Settlement Rules and Regulations, accept the final outcome of the election and the Commission's declaration and certification of the results thereof.

7.2 No political party or its elected representatives in the National Assembly or any official holding a public office shall use their official position for influencing voters in favour of or against any party: **[Source: s. 299, Election Act]**

7.2.1 No candidate, governmental authority, non-governmental authority, organization or any individual shall screen any audiovisual products or documentary clips or display or distribute written or pictorial materials which attributes or depicts the past achievements of a particular aspiring candidate whilst in government or public service or otherwise, including the portrayal of a Candidate in any audiovisual product **[Source: Notification Calling for 2018 Parliamentary Elections]**; and

7.2.2 No political party, candidate, any individual or organization may serve meals, entertain or make donations or carry out activity of any kind which may benefit or damage the electoral prospects of any party or candidate, or may be construed as coercion or inducement or a prohibited electoral practice under the laws. **[Source: s. 11.34, Political Party Rules of the Kingdom of Bhutan, 2015]**

7.3 No elected representative in Parliament, including Ministers, or Members of Local Government shall combine his/her official visit with

electioneering work or make use of official machinery or personnel during the electioneering work or use any government transport, for the furtherance of the interest of any party or candidate at an election.

[Source: S. 300, Election Act]

7.4 Members of Parliament, Members of Local Governments or members of political parties and candidates shall not enter any polling station or place of counting except in their capacity as a voter or candidate or on obtaining valid entry permit from the Election Commission. **[Source: S. 301 Election Act]**

8. Role of the Media

8.1 Every registered political party, permitted participant and candidate shall respect the role of the media before, during and after an election conducted under the Election Act, and comply with all laws, rules, guidelines, handbooks and codes issued by the Commission in relation to the use of publicity and media.

8.2 Every registered political party, permitted participant, and candidate may not prevent access by members of the media to public political meetings.

8.3 Every registered political party, permitted participant and candidate shall take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or persons who supports the political party, permitted participant, or candidate.

8.4 Every media house and its representative shall:

8.4.1 Adhere to the media professional ethics in its coverage of public meetings and election campaigns;

8.4.2 During the prescribed hours of polling, not publish or distribute the result of an exit poll taken in that election or referendum;

8.4.3 Adhere to any media regulations issued by the Commission; and

8.4.4 Abide by the provisions of the Election Act.

9. Dispute

9.1 No election to the National Assembly or National Council or a Local Government shall be called in question, notwithstanding anything contained in any other law, except by an election petition presented in accordance with electoral laws. **[Source: S. 466, Election Act]**

9.2 The Election Dispute Settlement System established in accordance with Electoral laws shall be the appropriate system for the adjudication of election related offences and settlement of disputes. **[Source: S. 466, Election Act]**

9.3 Any person may complain about the breach of these Rules, and report such breach directly and without delay, to the respective election authorities during the election period and to the Commission during the non-election period:

9.3.1 If appropriate, the matter may be referred to the appropriate state agency for prosecution.

10. Penalties and Enforcement

10.1 Where, in the opinion of the Commission, any political party, permitted participant, or candidate participating in any election or referendum or the leader, office-bearer or member of a political party or person who supports the political party, permitted participant, or candidate at any

election, in any way infringes any provision of these Rules, the Commission may:

10.1.1 In the case of a political party and, subject to Section 10.1.2, and in the case of the leader, any office-bearer or member of a political party or person who supports the political party, permitted participant, or candidate, impose upon that political party, permitted participant or candidate one or more of the following penalties:

10.1.1.1 A formal warning;

10.1.1.2 A fine, as determined by the Commission, in the manner prescribed in Sections 10.1.4 to Sections 10.1.5;

10.1.1.3 Notwithstanding the provisions of any other written law, an order prohibiting the political party, whether permanently or for a specified period, from utilizing any public media time, through the television or radio broadcasting service of such media as have been or may be allocated to the political party for electoral purposes;

10.1.1.4 An order prohibiting the political party, permitted participant or candidate from:

(a) Holding particular public meetings, or any kind of meeting;

(b) Erecting placards or banners, or from publishing and distributing campaign literature;

(c) Publishing or distributing campaign literature and electoral advertising or limiting the rights of the political party to do so, and such prohibition or

limitation shall be notified to the relevant regulating officers in the affected places or electoral areas; and

10.1.1.5 An order cancelling the nomination by the political party and/or candidate.

10.1.2 The Commission may suspend any of the penalties with the effect of deferring or not enforcing the penalty on satisfaction of specific conditions. Such conditions may include but are not limited to continued compliance with these Rules and other Electoral Laws. In addition, if the imposed conditions are fulfilled, the Commission may withdraw the penalty.

10.1.3 Where a political party, permitted participant, leader or any office bearer, member or person who supports the political party, any candidate, or permitted participant at an election or referendum fails, neglects or refuses to comply with the penalties under Section 10.1.1, the Commission shall impose upon the defaulting party any of the following further penalties which may be suspended on specific conditions:

10.1.3.1 In case of fine imposed, prohibit the defaulting party from participating in ongoing and future elections as candidates in case of a defaulting candidate or prohibit the political party or the permitted participant from participating in ongoing elections and future elections or referendums or any activity facilitated by the Commission until such fine has been paid; and

10.1.3.2 In case of failure to comply with any other penalties imposed, cancel the right of such political party, candidate or permitted participants to participate in ongoing and

future elections or referendums or any activity facilitated by the Commission.

10.1.4 For the purposes of Section 10.1.1.2, the Commission may impose a fine in the following manner:

10.1.4.1 Issue a warning to the concerned party, or impose a fine of the minimum wage for 120 days to any person or entity, other than political party or candidate, or both;

10.1.4.2 Issue warning to the concerned party, or impose a fine of the minimum wage for 300 days to a Candidate, or both;
or

10.1.4.3 Issue warning to the concerned party, or impose a fine of the minimum wage for 600 days to a Political Party, or both.

10.1.5 For the purposes of Section 10.1.1.2, the Commission shall impose a fine and additional penalties in the following manner, in the event the violation is committed for a second or subsequent time:

10.1.5.1 Cancel the nomination of the candidature and refund state campaign fund for parliamentary elections;

10.1.5.2 Nullify the election results and refund state campaign fund for parliamentary elections;

10.1.5.3 Restrain from campaigning for rest of the campaign period and impose a fine in accordance with as in Section 10.1.4.2 for the candidate and Section 10.1.4.3 for political party; and/or

10.1.5.4 Deregister a Political Party and require refund of full state campaign fund.

11. Power of the Election Commission to Issue Instructions and Directions

11.1 The Election Commission may issue further instructions and directions:

11.1.1 For the clarification of any of the provisions of the electoral laws;
or

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

12. Establish Mechanisms to Prevent the Transfer of Funds from Foreign and Other Illegal Sources

12.1 In order to prevent the transfer of funds from foreign and other illegal sources, the Commission shall:

12.1.1 Collaborate with the Financial Intelligence Department (FID) of Royal Monetary Authority (RMA);

12.1.2 Collaborate with the Civil Society Organization Authority to ensure that no NGOs are affiliated with political parties/candidates and facilitate illicit transfer of funds for financing election related activities;

12.1.3 Share with the bank the list of candidates with their CID numbers;

12.1.4 Collaborate with embassies through the Ministry of Foreign Affairs;

12.1.5 Collaborate with Bhutan Post to check irregular transactions with political parties and candidates via external/any other sources;

12.1.6 Establish the 'Election Monitoring Unit' within the ECB; and

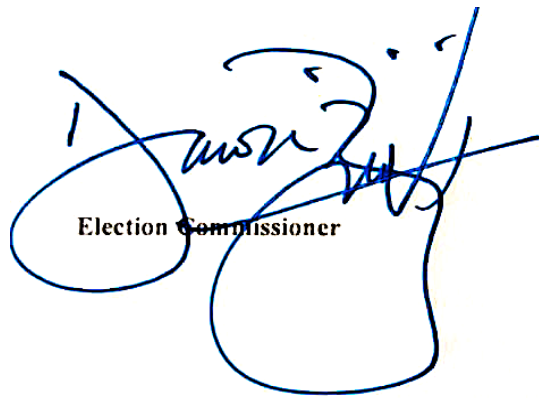
12.1.7 Share information with law enforcement and oversight agencies such as RBP, ACC and RAA.

13. Interpretation and Amendment

13.1 The Commission shall be the competent authority to interpret the provisions of these Rules; and

13.2 The Commission shall have the power to amend these Rules by way of addition, variation or repeal, provided that no such amendment shall be made in contravention to the provisions of Election Act.

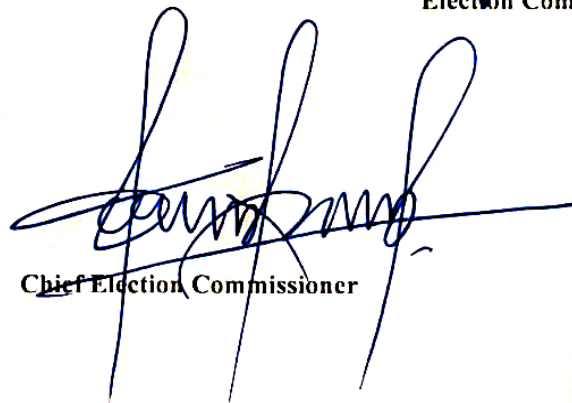
Done under the seal of the Election Commission of the Kingdom of Bhutan on 29th August 2022, corresponding to the 2nd Day of the 7th Month of the Water Male Tiger Year of the Bhutanese Calendar.



Election Commissioner



Election Commissioner



Chief Election Commissioner
