

ELECTION COMMISSION OF BHUTAN



ELECTION CODE OF CONDUCT

FOR

POLITICAL PARTIES & CANDIDATES,

2013



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ELECTION COMMISSION OF BHUTAN
(Ensuring Free, Fair and Democratic Elections and Referendums)



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Dated: 10th of March 2013

FOREWORD

The Election Commission of Bhutan is pleased to publish the Code of Conduct for Political Parties and Candidates.

The Constitution of the Kingdom of Bhutan envisages that the system of democracy in Bhutan would be one where politics and politicians are highly principled, subscribing to the best of traditional values while embracing the best practices of successful democracies. In a Parliamentary Democracy, the positive role, outlook and conduct of the Political Parties and Candidates will determine the health and success of the political system.

This booklet, a compilation of the relevant provisions from the Electoral Laws, is intended to be ready reference to help the Political Parties and Candidates. We are confident that it will promote and ensure a high calibre of Political Parties and Candidates upholding the highest of principles as members, politicians and the leaders of the Bhutanese society, in keeping with the values enshrined in the Constitution of the Kingdom of Bhutan and drawing inspiration from the Golden Throne.

(Kunzang Wangdi)

CHIEF ELECTION COMMISSIONER

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POLITICAL PARTIES AND CANDIDATES

A Candidate may proceed with his/her Election Campaign upon the acceptance of his/her candidature by the concerned Returning Officer.

As per Section 289 of the Election **Act** of the Kingdom of Bhutan, the conduct of Political Parties and Candidates contesting elections will be governed by the Election Code of Conduct enshrined in the Electoral Laws. Under Section 307 of the Election **Act**, the Code will come into effect from the date of announcement of an election by the Election Commission and continue to be in force until the completion of the election process.

I. General Conduct

- 1) Political **Parties** shall at all times uphold the rights and freedoms of the people **as** guaranteed by the Constitution and provide equal opportunity to qualified persons to participate in electoral activities.

(Section 290 of the Election Act)

- 2) A political party shall not:
 - (a) Propagate any opinion, or act in a manner prejudicial to the principles enshrined in the Constitution;
 - (b) Undermine the sovereignty or integrity of the nation;
 - (c) Undermine public order or public morality or indulge in any criminal activity;

- (d) Promote sectarian or regional discord;
- (e) Indulge in any activity, which may create ill-will, differences or cause tension between different communities, religious or linguistic groups;
- (f) Permit their supporters to make use of any public property or private property, without the owner's written permission for purposes of erecting flag-staffs, cut-outs, suspending banners, pasting election posters and notices; and
- (g) Impart any military or para-military training to its members or any other persons.

(Section 11.2 of the Political Party Rules)

- 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.

(Section 300 of the Election Act)

- 4) Religious events such as the wrathful practices and rituals such as tordog, torphang etc, will be prohibited in particular by the candidates and/or their representatives and supporters.

(Guidelines for Interpretation of Section 184 of the Election Act of the Kingdom of Bhutan, 2008 concerning Religion and Elections)

- 5) A Candidate contesting the National Council Elections cannot exceed the election campaign expenditure ceiling fixed by the Election Commission and notified to the public vide Notification No. EB/PEFD/08/2012/394 dated 20th of September 2012 i.e. Nu. 130,000/- provided as public campaign funds by the State. Therefore, a Candidate contesting the National Council Elections shall be allowed to spend only the amount provided by the State for his/her Election Campaign.

(Notification Calling for 2013 Parliamentary Elections)

II. Campaign, Rallies and Meetings

- 6) No **Candidate** or **Political Party** shall permit any other person to carry out election campaign on his/**her** or its behalf, except by persons authorized as per the **Electoral Laws**.

(Section 291 of the Election Act)

- 7) No person including **Candidates** or the members of the **Political Parties** shall wear their Kabney during the electoral campaign in public.

(Section 292 of the Election Act)

- 8) Every **Political Party** and Candidate shall:

- (a) Strive to maintain the highest standards of integrity, truthfulness, selflessness, loyalty and patriotism;
- (b) 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;

- (c) Not indulge in any activity, which may create ill-will, differences or cause tension between different communities, religious or linguistic groups; and
- (d) Ensure that their supporters do not indulge in any unlawful act or corrupt practice.

(Section 293 of the Election Act)

- 9) Every Political Party, Candidate and their representatives at all forums and at all times shall 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.

(Section 294 of the Election Act)

- 10) A Political Party, its Candidates, representatives or workers shall not obstruct or break up meetings organized by other Parties and Candidates.

(Section 11.5 of the Political Parties Rules)

- 11) A Political Party shall not hoist or fix party flags on any public property or at any public place, except in places so designated by the Commission.

(Section 11.10 of the Political Parties Rules)

- 12) A Political Party shall not set-up an election camp on any road or place meant for the use of the public.

(Section 11.12 of the Political Parties Rules)

13) A **Political Party** may use loud speakers for its election campaign only at the time of election meetings during the hours and places specified by the Election Commission.

(Section 11.13 of the Political Parties Rules)

14) A **Political Party** shall ensure that only vehicles authorised by the Election Commission display party logos, symbols, posters or flags.

(Section 11.15 of the Political Parties Rules)

15) A **Political Party** shall confine its constructive criticism or comments to policies and programmes of other **Parties**.

(Section 11.20 of the Political Parties Rules)

16) A **Political Party** shall ensure that the speeches and slogans used by it are dignified and based on principles of decency and decorum.

(Section 11.21 of the Political Parties Rules)

17) A **Political Party**, contesting **Candidates** and workers shall refrain from deliberate dissemination of false and malicious information.

(Section 11.22 of the Political Parties Rules)

18) A **Political Party**, contesting **Candidate** and their workers 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.

(Section 11.26 of the Political Parties Rules)

19) A contesting **Candidate** or a **Political Party** shall not exceed the limit of election expenses fixed by the Commission.

(Section 11.30 of the Political Parties Rules)

- 20) A **Political Party** shall not resort to using regionalism, ethnicity, religion, and religious personalities to incite voters for political gains.

(Section 11.32 of the Political Parties Rules)

- 21) No person shall display or cause to be displayed 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 14.1 of the Election Advertising Regulations)

- 22) No person shall display or cause to be displayed during the campaign period of an election any poster or banner within 100 metres of any polling station.

(Section 15.1 of the Election Advertising Regulations)

- 23) The **Political Parties** or candidates shall be responsible to ensure that the time and venue of the meeting or the route through which the rally proceeds is intimated to the concerned Superintendent of Police at least 24 hours before the event.

(Section 13.7 of the Election Security Rules and Regulations)

- 24) A candidate shall conduct his/her campaign strictly as per the Election Campaign Schedule approved by the concerned Returning Officer and copy endorsed to the Observer. If any changes are required, the Returning Officer's approval must be sought and the Observer informed accordingly.

(Notification Calling for 2013 Parliamentary Elections)

25) A **Political Party** or **Candidate** organizing an election meeting shall ascertain, in advance, if there are any restrictive or prohibitory orders in force in the place proposed for the meeting or in the localities through which the party members pass and if any restrictive orders are in force be strictly complied with.

(Section 296 of the Election Act)

26) A **Political Party** or **Candidate** organizing a meeting shall give advance intimation to the appropriate authorities of the venue and time of the proposed meeting and their programme and instruct their members and supporters that no dangerous article that can be used to cause injury be brought to a political rally, meeting or any other political function.

(Section 297 of the Election Act)

27) 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.

(Section 298 of the Election Act)

28) 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.

(Section 299 of the Election Act)

29) Any other public meetings, door-to-door campaigns or rallies shall be subjected to the provisions of the law, code of conduct and as per the campaign schedule and use

of vehicle as approved by the Returning Officer. Specifically, door-to-door campaign shall not be conducted before 7 a.m. and after 8 p.m.

(Section 4.4 Political Parties Rules)

- 30) A Candidate, Government or Non-Governmental authority, Organisation or any individual shall not screen any audiovisual products or documentary clips or display/distribute any 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.

(Notification Calling for 2013 Parliamentary Elections)

III. Poll Day

- 31) Members of Parliament, including Ministers, or Members of Local Governments or 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.

(Section 301 of the Election Act)

- 32) All **Political Parties, Candidates** and their representatives on the day of poll shall:

- (a) Co-operate with the officers on election duty to ensure a peaceful and orderly polling;
- (b) Co-operate with the officers on election duty to ensure complete freedom to voters to exercise their right to vote and without being subjected to any annoyance or obstruction;

- (c) Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them, which should be displayed prominently on those vehicles;
- (d) Supply to their authorized party workers suitable badges or identity cards;
- (e) Not canvass or display any poster, flag, symbol or any other propaganda material;
- (f) Not serve or distribute any food or drink to anyone, except their duly appointed polling representatives, at the polling station;
- (g) Not solicit vote of any voter;
- (h) Not induce any voter to refrain from voting for any particular candidate;
- (i) Not induce any voter not to vote at the election; and
- (j) Not prevent or obstruct any voter from coming to the polling station to vote.

(Section 302 of the Election Act)

33) All Political Parties and their candidates shall instruct their representatives in attendance at polling stations and counting places to perform their duties in accordance with this Act and Rules and Regulations.

(Section 303 of the Election Act)

34) No Candidate, representative or member of a **Political Party** shall engage in confrontation with officers on election duty at the polling station or counting place.

(Section 304 of the Election Act)

35) No Candidate or **Political Party** shall convene public meetings and campaign on the day of the poll and during forty-eight hours preceding the hour fixed for commencement of poll.

(Section 305 of the Election Act)

36) Any complaint relating to processes and procedures at a polling station or counting place shall either be routed through the party's election representative to the Presiding Officer or Returning Officer or be made directly to an officer of the Election Commission for appropriate resolution of the matter.

(Section 306 of the Election Act)

IV. Post Poll

37) At the time of declaration of results, the supporters of the Political Parties would be allowed to assemble at specific places designated for each Political Party.

(Section 29.1.1 of the Election Security Rules and Regulations)

38) After the Poll, the **Political Party** and the **Candidate** concerned shall remove their banners, posters and stickers put up during the campaigns.

(Section 12.3 of the Election Advertising Regulations)

- 39) The **Political Parties** and the **Candidates** concerned shall be responsible to dispose of any litter arising from the campaign Posters, Banners and stickers.

(Section 12.4 of the Election Advertising Regulations)

- 40) A Candidate must submit weekly accounts of the campaign expenses to the National or Micro Observer for his/her scrutiny and file Election Returns within thirty days of declaration of the Election Results as per the prescribed procedures, regardless of being elected or not, failing which a person may be disqualified as a Member holding elective office or Candidate in future elections.

(Rule 10.1 of the Public Election Fund Rules and Regulations)

V. Penalty for Contravention of the Code of Conduct

- 41) The Election Commission shall, if a registered Political Party, or Candidate, or their representatives contravene or persist to contravene the Election Code of Conduct to an extent that the contravention undermines the institution of democracy, take action under section 147 and cancel the nomination of the candidate, notwithstanding any other penalty that may be imposed under this Act or any other law.

(Section 308 of the Election Act)

- 42) The Election Commission shall have the power to direct the Royal Bhutan Police and the security agencies to deploy personnel, as it considers necessary for conducting elections in a free and fair manner.

Provided the Election Commission, during the election period shall have the authority, if it finds it necessary for the conduct of free and fair elections, to require the Royal Bhutan Police to detain a person for a

specified period of time if there is sufficient ground that free and fair election is likely to be undermined.

(Section 38 of the Election Act)
