

# ELECTION COMMISSION OF BHUTAN



## **Guidelines for Implementation of Section 464 of the Election Act of Kingdom of Bhutan 2008 Relating to Equality of Votes in Re-Elections, 2013**

Saturday, March 09, 2013

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**Guidelines for Implementation of Section 464 of the Election Act of Kingdom of Bhutan  
2008 Relating to Equality of Votes in Re-Elections, 2013**

**1. Purpose**

1.1 These Guidelines shall determine the manner in which the results shall be decided by draw of lot, as required under Section 464 of the Election Act of the Kingdom of Bhutan 2008, in case of equality of votes in a re-election conducted under Section 463 of the Election Act 2008.

**2. Legal Provision**

2.1 Section 463 of the Election Act states that:

“The Election Commission shall, if the highest or second highest numbers of votes are secured by two or more candidates or parties in equal numbers on the completion of counting of votes, order for re-election between candidates or parties securing equal number of votes.”

2.2 Section 464 of the Election Act 2008 states that:

“The Returning Officer shall, if at the re-election conducted under Section 463 the highest numbers of votes are secured by two or more candidates or parties in equal numbers on the completion of counting of votes, forthwith decide between those parties or candidates by draw of lots in the presence of parties, candidates or their representatives.”

**3. Definition**

3.1 For the purpose of these Guidelines the ‘Drawing of Lots’ means blindly picking up a slip of paper with or without the word “ELECTED” printed on it, out of a ballot box by contesting Parties/ Candidates who have received equal number of votes in a re-election conducted under Section 463 of the Election Act 2008 as per the sample in **Annexure**.

**4. Different Scenario**

**4.1 National Council/Local Government**

4.1.1 The possibility of equality of votes even in a re-election is remote; nevertheless, the possibility exists particularly in the National Council and Local Government Elections.

- 4.1.2 In such a case during National Council or Local Government Elections, there being only a single member seat, the Retuning Officer shall prepare equal number of slips as the number of tied Candidates.
- 4.1.3 One of the slips shall have the words “Elected” written and the others blank.
- 4.1.4 Candidates shall be made to draw the lots in alphabetical order.
- 4.1.5 The candidate who picks the lot with the word “Elected” written on it shall be declared as the elected candidate.

#### **4.2 Primary Round**

- 4.2.1 In the case of the Primary Round, if three or more Parties tie with the highest number of votes in the re-election, the same number of slips corresponding to number of tied Parties, with two slips having “Elected” written on it and the others blank, shall be prepared for the draw.
- 4.2.2 The lots shall then be drawn in alphabetical order of the names of the tied Parties.
- 4.2.3 The two Parties that blindly pick up the two slips with the word “Elected” will be declared qualified for the General Elections.
- 4.2.4 If only two Parties tie with the highest number of votes, they will be regarded as qualified to contest the General Election and shall not require re-election or drawing of lots.
- 4.2.5 In case of tie for the second highest number of votes, the Party with the highest number of votes shall be eligible for the General Election and the tied Parties shall draw lots as per the prescribed procedure. The Party that blindly picks up the slip with the word “Elected” shall be declared qualified for the General Election.

#### **4.3 General Election**

- 4.3.1 In the General Election if the two Candidates secure the equal number of votes in a *Demkhong* in the re-election, two lots, one with the word written “Elected” on it and the other blank will be placed for the draw.
- 4.3.2 Candidates shall draw the lots in alphabetical order and the one who picks

up the lot with the word “Elected” will be considered as being elected from that *Demkhong*.

**5. Procedure**

5.1 In case of any of the scenarios above, the Returning Officer shall explain the procedure of the actual drawing of lots as set out in these Guidelines to the Candidates/Representatives of the Political Parties present and thereafter proceed with the drawing of the lots.

**6. Penalty**

6.1 Any Party/person found guilty of violation of these Guidelines shall be dealt with in accordance to the Election Act.

**7. Power of the Commission to Issue Instructions and Directions**

7.1 The Commission may issue instructions and directions:

7.1.1 For the clarification of any of the provisions of these Guidelines;

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

7.1.3 In relation to any matter with respect to Equality of Votes in Elections, for which these Guidelines make insufficient provision, and clarification is necessary in the opinion of the Commission.

**8. Interpretation and Amendment**

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

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

**Done under our hands and seal of the Election Commission of the Kingdom of Bhutan  
on the 18<sup>th</sup> Day of the 1<sup>st</sup> Month of the Water Female Snake Year in the Bhutanese  
Calendar corresponding to 28<sup>th</sup> Day of the 2<sup>nd</sup> Month of the Year 2013.**

**Election Commissioner**

**Election Commissioner**

**Chief Election Commissioner**

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