

ELECTION COMMISSION OF BHUTAN



Handbook for Returning Officer

FOREWORD

Dear Returning Officer,

With the adoption of the Constitution on the 15th Day of the Fifth Month of the Male Rat Year corresponding to 18th of July 2008, the Kingdom of Bhutan was established as a Democratic Constitutional Monarchy with the sovereign power bestowed upon the citizens of Bhutan. This sovereign power is exercised through periodic elections conducted in a free and fair manner.

The Election Commission has developed this Handbook for the Returning Officer to guide and assist you on practices and procedures in the conduct of elections for ensuring Free, Fair and Democratic elections. The consistent application of laws and procedures and establishment of an election system capable of fulfilling the Vision of our Beloved Monarchs would meet the needs of the present while ensuring the long-term interest of the country.

Therefore, upon assuming your responsibility you must read this Handbook thoroughly, as it covers all salient features but it does not substitute the relevant provisions of the various Electoral Laws, Rules, Regulations Guidelines and Notifications made in this regard.

We hope that this Handbook will serve as a useful guide for you to discharge your duty as a Returning Officer for conduct of elections to both Parliament and the Local Governments.



(Chogyal Dago Rigdzin)

Chief Election Commissioner

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CHAPTER 1

ELECTIONS

Introduction

The Handbook for Returning Officer is developed to confer guidance and information especially on practices and procedures in the conduct of both Parliamentary and the Local Government elections. It must be read thoroughly before assuming responsibility.

Five main laws govern the conduct of elections:

1. The Constitution of the Kingdom of Bhutan;
2. The Election Act of the Kingdom of Bhutan, 2008;
3. The Public Election Fund Act of the Kingdom of Bhutan, 2008;
4. The National Referendum Act of the Kingdom of Bhutan, 2008; and
5. Local Government Amendment Act of the Kingdom of Bhutan, 2014.

You must read this Handbook in conjunction with the various Electoral Laws, Rules, Regulations, Guidelines, Orders and Notifications made in this regard by the Election Commission of Bhutan.

Overview of Elections

Elections will be conducted according to the system of “First Past The Post” (FPTP) where voters elect their representatives to Parliament and the Local Government, through a single member *Demkhong*.

Elections to the National Assembly differ from the National Council and Local Governments, as independent candidates are not permitted to contest in the National Assembly elections. On the other hand, elections to National Council and Local Government elections, only independent candidates not affiliated to any political party or lapse the one-year period from the date of acceptance of the application of resignation and removal from the membership list of a political party will be eligible to contest.

The National Assembly elections are held in two rounds: the first round is called the Primary Round where all registered parties can contest and the two parties obtaining the highest and the second highest number of valid votes cast throughout the Kingdom shall be declared, eligible to contest in the second round namely the General Elections. In the General Elections, each of the two parties eligible to contest will field a candidate in all of the *Demkhongs*. The Party winning the maximum number of seats in the National Assembly would be the Ruling Party and the other, the Opposition Party.

For the National Council elections, one member is elected from each Dzongkhag and for this purpose; each *Gewog* can nominate one candidate. The National Council election is held to elect one member from each Dzongkhag for representation in the National Council. For this purpose, each Dzongkhag will form a *Demkhong* for the National Council with twenty seats being filled through direct election of one candidate from each of the twenty Dzongkhags.

The Local Government Election in Bhutan comprises the election to Dzongkhag *Tshogdus*, Gewog *Tshogdes* and Dzongkhag *Thromde Tshogdes*.

A Dzongkhag *Tshogdu* shall comprise of all *Gups* and *Mangmis* elected to the *Gewog Tshogdes* of the concerned Dzongkhag and one each elected from the Dzongkhag *Thromdes* and *Dzongkhag Yenglag Thromdes*.

A *Gewog Tshogde* shall comprise of a *Gup* and a *Mangmi* elected by the *Dzongkhag Thromde* and a minimum of six and maximum of eight *Gewog Tshogde Tshogpas* from every *Chiwogs* assigned to a particular *Gewog*.

A *Dzongkhag Thromde Tshogde* shall comprise of a *Thrompon* elected by the *Dzongkhag Thromde* and a minimum of six and maximum of nine *Dzongkhag Thromde Tshogde Tshogpas* elected from each *Dzongkhag Thromde Demkhong* equal to the number of seats allocated to the particular *Dzongkhag Thromde*.

Election Officials

The Election Act provides that the Election Commission can employ, in connection with elections, any officer or staff of the Government including election security personnel. All persons so employed will be deemed to be on deputation with the Commission and are subject to the control, superintendence and discipline of the Commission, during the period for which they are so employed.

The Election Officials appointed for the conduct of elections include Chief Election Coordinators, Deputy Chief Election Coordinators, Assistant Chief Election Coordinators, Media Arbitrator, members for Election Dispute Settlement Bodies, Spokespersons, Observers, Micro-Observers, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers, Polling Assistant and Counting Supervisors.

It must be borne in mind that all Election Officials must be apolitical. As far as possible officers are not to be assigned to the Gewog where his/her *Gung* or *Mitsi* is registered. Further, the Declaration of conflict of interest is required for certain specific functions.

In addition, the Election Commission will also be using the services of the election security through the Election Security Coordinator at the Headquarter of the Royal Bhutan Police and Superintendents of Police in the respective Dzongkhags to ensure safe, free and fair conduct of elections. Dzongdag, as the Chief Election Coordinator will be responsible to give the overall support during election in his or her respective Dzongkhag.

Employment Conditions

For effective and efficient discharge of duties of the Election Officials, the Election Commission will ensure that a conducive and safe working environment is provided during their temporary appointment.

All entitlements for the Election Officials so deployed will be governed by existing Financial Rules and Regulations (FRR). The entitlements will be provided by the Election Commission of Bhutan. Arrangements for accommodation and food during the temporary appointments must be made by yourself and the cost met from the Daily Allowance (DSA) admissible to you.

CHAPTER 2

RETURNING OFFICER

Introduction

The Election Commission in ensuring free and fair elections shall appoint persons of integrity as Returning Officers. He/she will be the Officer In-Charge for the conduct of elections in his/her *Demkhong*.

Therefore, as a Returning Officer, you must be thorough with the legal requirements and procedures related to all stages of the election process and the operation of the EVMs. You should also familiarize with the territorial extent of your *Demkhong* given in the Delimitation Order.

Appointment of Returning Officer

As a Returning Officer, you are subject to the control, superintendence and discipline of the Election Commission. The Returning Officer is notified of his/her appointment prior to the commencement of the elections. Appointment to the post of Returning Officer will be made not later than the date for the issue of notification calling for the commencement of elections.

The appointment is of temporary in nature and you will be on deputation from the date of appointment until the completion of the election cycle. The appointment letter will indicate the name of Dzongkhag at which you will be on duty as prescribed in Order of Appointment of Returning Officer as in **Returning Officer Form No.1**. However, the Commission reserves the right to revoke such appointment or change the Dzongkhag assigned at any time.

Roles and Responsibilities

The smooth conduct of election right from the issue of public notice for election to announcement of results and safe custody of election papers thereafter mainly depend on you and the election machinery under you. Even a slight mistake/lapse or wrong interpretation of law or the rules may vitiate the election. You have a well-defined and vital role to play in the entire process.

The broad outline of your duties is as follows:

1. Issue public notice of election as per the notification calling an election;
2. Ensure that the location and contact numbers for your office is widely publicized;
3. Receive the nomination papers from the Candidates and scrutinize, ensuring that all the Forms have been duly obtained from the competent authorities and satisfying yourself that all the requirements of the electoral laws have been met;
4. Publish a List of Accepted Candidates in the alphabetical order and immediately make it available for public display;
5. Administration of the Postal Ballot System including the issuance, receipt and counting

- of Postal Ballots. It would also be necessary to update the Postal Voters' List and the Voters List as per the applications received from a registered postal voter to exclude him/her from the Postal Voters' List or indicating change in the postal address.
6. Ensure the observance of the Code of Conduct for candidates and Electoral Officers from the date of announcement of election;
 7. Establish clear understanding with the local Post Office so that election related mails addressed to you are handled promptly and properly;
 8. Draw up, well in advance, the programme and the detailed arrangements for the poll;
 9. Put up proper signboards of your office and polling stations under your jurisdiction;
 10. Review law and order situation, enforcement of code of conduct for candidates and Electoral Officers;
 11. Serve as the competent authority to speak/liaise with the media on matters pertaining to electoral activities during an election period for the respective Dzongkhag/*Demkhong*;
 12. Issue permits for campaign advertisements, grant approval of the advertisement materials by affixing the prescribed Returning Officer's stamp;
 13. Monitor campaign and ensure that all election campaign ends 48 hours before the hour fixed for the commencement of poll. This means that no new posters, banners, etc. shall be allowed to be put up but those already on the Election Advertising Boards shall remain except if the Board is in or within 100 meters of the Polling Station;
 14. Supply of ballot papers, EVMs or ballot boxes as the case may be and other election materials to the Presiding Officers;
 15. Transmit a duly authenticated copy of the Final Result Sheet to the Election Commission;
 16. Effectively supervise the poll and send reports to the Commission as per the arrangements made for the Election Control Rooms; and
 17. Fulfill any other tasks or responsibility assigned in the Electoral Laws or by the Commission.

You also have to work in close liaison and coordination with the Chief Election Coordinator and Dzongkhag Electoral Officer of your respective Dzongkhag for the following arrangements:

1. Appointing polling personnel for each polling station from the list provided by the Dzongkhag Election Office;
2. Office Space and Office Support for the Returning Officer and the Assistant Returning Officers;
3. TA/DA for Presiding Officers, Polling Officers and others on election duty;
3. Transport arrangement;
4. Receive and appropriately respond to any grievances related to the elections; and
6. Safe keeping of all EVMs, election papers and materials including the period of ten days after the declaration of results.

Polling Rehearsals and Training

You must ensure that every Presiding Officer and the Polling Officer attend the polling rehearsals so that they are thoroughly familiar with the operation of the Electronic Voting Machine and have no doubt about the correct procedure to be followed.

Notifications

All elections are held under the superintendence, direction and control of the Election Commission, therefore all the notifications issued by you should indicate at the top of such notification the words “Issued under the authority of the Election Commission of Bhutan.”

CHAPTER 3

ELECTION OFFICIALS AND ELECTION MATERIALS

Observers

The Observers are appointed by the Commission under the Election Act to monitor adherence to the electoral process in the field and ensure that the electoral laws, rules, regulations and guidelines related to elections are strictly complied with by all concerned. You should, therefore, be mindful and acquaint yourself fully with the Guidelines for National and International Observers of the Kingdom of Bhutan to fully understand their responsibilities.

Assistant Returning Officer

The Assistant Returning Officers can perform any of the functions entrusted to you subject to your overall control. They are, however, not competent to hold scrutiny of any nomination paper unless you are unavoidably prevented from holding such scrutiny and you have so authorized him/her in writing stating the reasons thereof.

Polling Team

For the conduct of polls in each polling station, Presiding Officer, 3 Polling Officers and Polling Assistants will be appointed by the Returning Officer within his/her *Demkhong* as prescribed in Order of Appointment of Presiding and Polling Officers as in **Returning Officer Form No. 17**.

The advance notice indicating the date and venue of polling team training should be served to each polling personnel not later than 2 weeks before the date of poll. However, the Commission is the final authority and can revoke appointments of polling personnel at any time.

For detailed information on the roles and responsibilities of the Presiding Officers and Polling Officers, you are required to refer the Handbook for Presiding Officer and Polling Officer.

Unavoidable Absence of Presiding Officer

While appointing polling personnel for a polling station, you should authorize one of the Polling Officers to perform the duties of Presiding Officer in case the latter is unavoidably absent from the polling station.

Scrutiny of Polling Personnel

While appointing polling personnel, care should be taken to ensure that the competent officials are appointed i.e. Presiding Officer is skilled in the use of smartphone to be able to submit reports as prescribed on time and is fully competent in the use of the EVM. Similarly, a Polling Officer 3 must also be fully competent and confident in the use of the EVM.

Election Materials

For the conduct of elections, each polling station should be equipped with adequate election materials as listed in **Presiding Officer Form No.2**.

Postal Ballot

1. Update the Postal Voters' List and the Voters List as per the applications received from a registered postal voter to exclude him/her from the Postal Voters' List or indicating change in the postal address.
2. Send the soft copy of the postal ballot to the Authorized PB Administration for issuance of postal ballots to registered postal voters outside Bhutan and for printing adequate Postal ballots for all the Facilitation Booths.
3. Issue Postal Ballots to the postal voters who have registered to use the Bhutan Post facility (conventional system) after giving not less than Forty-Eight Hour' notice in writing of the time and place for issue of Postal Ballot at which time any objections on the eligibility of a Postal Voter or Postal Ballot may be raised or recorded. However, it should be noted that non-attendance by any Political Party, Candidate or election representative shall not be reason enough to delay the issue of Postal Ballot.

You shall deal with the Postal Ballot as per the *Postal Ballots Rules and Regulations of the Kingdom of Bhutan, 2018*.

Forms

During the process of election, you will have to use many forms. Therefore, you should study the various Forms and make sure that they are the latest Forms in force at the time of election.

Samples of the forms required are presented in the *Compendium of Forms* and you can print them as and when you need from the soft copy of the Compendium provided or from the ECB website.

CHAPTER 4

ELECTION SCHEDULE

The Election Commission shall by one or more notifications calling Parliamentary or Local Government Elections issue the Election Schedule prescribing the dates for the various Elections stages and activities

Issue of Public Notice

You must issue a public notice inviting nominations of candidates specifying and publicizing the addresses at which the nomination papers are to be delivered and scrutinized. Further, you must receive notices of withdrawal of candidatures and reserve elections symbols for candidates.

Letter of Intent

In the case of Primary Round of Elections, a political party intending to contest the elections must submit a Letter of Intent prescribed in **Political Party Form No. 2A** to the Election Commission, The Commission will accordingly inform the Returning Officer on the Letters of Intent received.

Nominations

Nomination papers may be delivered between 9:30 a.m. and 4:00 p.m., to you or the Assistant Returning Officer, any day before or on the last date for filing nominations as notified in the Election Schedule.

You must conduct the scrutiny of nominations on the day immediately following the last date for filing nominations announced by the Commission and examine the nomination papers carefully and decide to either accept or reject any nomination.

Objections to the nominations by any person may be accepted on the day of scrutiny with opportunity for rebuttal to be provided not later than 12 pm on that fixed date for the withdrawal of candidature. You must come to a decision on the objections after a summary enquiry. A nomination should not be rejected on the ground of any defect which is not of a substantial character.

You must endorse on each nomination paper your decision accepting or rejecting the same in writing stating your reasons for such acceptance or rejection.

You may receive notice of Withdrawal of candidature upto the prescribed date in the Election Schedule.

You must, after all nomination papers have been scrutinized and decision recorded thereof, prepare the list of validly nominated candidates as per **Returning Officer Form No. 10** and affix it to the notice board in your office.

The Poll Day

1. All shops and businesses in the concerned Dzongkhag where polls are being held shall remain closed till the closure of poll;
2. No alcohol shall be permitted to be sold or served from the start of Poll till counting is closed at the Counting Centre;
3. The Poll Day is a Dry Day where the sale of liquor is strictly forbidden, and anybody found selling liquor or found drunk under the influence of alcohol shall be considered to be in violation of Electoral Laws and shall be dealt with accordingly;
4. No person shall be permitted to carry firearms on the day of poll except for those on security duty;
5. No voter shall carry any weapon including a pen knife to a polling station and other public places on the Poll Day except for those required for security duty;
6. No one shall be allowed to carry mobile phones or cameras in the polling station except for those whose duty requires it and as per the permission of the Returning Officer;
7. All persons and agencies shall be required to abide strictly by the legal provisions in the Electoral Acts and the Rules, Regulations or Notifications issued there under, also including the *48 Hour No Campaign period before Commencement of Poll and the Poll Day Rules, 2018*;

CHAPTER 5

Nomination Papers

The Nomination Papers submitted by the Candidates for contesting the elections must be complete and include, in the prescribed Form No. for all

1. Nomination Form (**Returning Officer Form No.6**);
2. Notice of Nomination (**Political Party Form No.3 and Returning Officer Form No.3**);
2. Affidavit including Non-criminal conviction record-cum- clearance from the Court of Law;
3. Asset Declaration (**Returning Officer Form No. 8**)
4. Tax Clearance Certificate for Elections;
5. Audit Clearance Certificate for Elections;
6. Security Clearance Certificate for Elections;
7. Copy of Formal University Degree Certificate with letter of attestation issued by Election Commission of Bhutan;
8. Relieving order issued by Head of the Ministry/Department/ Agency (if relevant);
9. In case of National Council and Local Government Elections, a declaration from a Candidate in the prescribed form declaring that he/she is not a member of a Political Party, or has resigned his/her membership at least a year ago in the manner specified in Section 206 (d) of the Election Act (**Returning Officer Form No.7**); and
10. Marriage Certificate and CID copy of Spouse, if married.

Who can file Nomination Papers

All nomination papers must be presented personally by the candidate at the office of the Returning Officer or of the Assistant Returning Officer so specified.

Time and place of filing nomination papers

A candidate may present his/her nomination paper on any of the following days fixed for filing of nominations, between 9.30 a.m. and 4:00 p.m. at the Office of the Returning Officer. If a candidate seeks to present a nomination paper either before 9.30 a.m. or after 4:00 p.m., as per law you should not accept such nomination paper.

Receipt of Nomination Paper

You must, on the presentation of a nomination paper, satisfy yourself that the names and Voter Photo Identity Card (VPIC) numbers of the candidate as entered in the nomination paper are the same as those entered in the Electoral Roll.

Where candidates are physically present in the place specified at 4.00 p.m. for presenting

their nominations, the Returning Officer shall accept nomination paper of all such candidates who are present and treat these nomination papers to have been delivered within the prescribed time under law. For this purpose, if considered necessary, you may close the entry to your office room exactly at 4.00 p.m. and distribute slips to those present at that time.

After 4 p.m. on each day between the date of notification and the last date for making nominations, both days inclusive, publish on your notice board a notice of the nomination papers presented before you on that day. The Specified Assistant Returning Officer should also do the same.

Transmission of Nomination Papers by Specified Assistant Returning Officer

Instruct every Specified Assistant Returning Officer to forward to you all the nomination papers received by him and other necessary documents therewith, immediately after the last day for making nominations or if convenient, in batches from day to day so that you may be aware of the latest position in the constituency as a whole.

In any case, all such papers should reach you latest by 5 p.m. of the last day for making nominations.

Notice of scrutiny of Nomination Papers

A printed form of receipt for nomination paper and a notice to the candidate of the date and time for scrutiny has been incorporated at the end of the nomination paper. Fill this in, detach the part from the body of the nomination paper and hand it over to the person presenting the nomination paper by way of such receipt and notice.

Preliminary Examination of Nomination Papers

You or the specified Assistant Returning Officer, as the case may be, is required by law to examine the nomination papers there itself from the technical stand-point. But you are not to hold any formal scrutiny of any nomination papers at this stage. You should compare the entries in the nomination paper with the entries in the Electoral Roll relating to the serial number, constituency or the relevant part thereof or certified copy of such entry.

Discrepancies and Errors in Nomination Papers

At this stage, you shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected where necessary. It will be undesirable for you at the time of scrutiny to reject a nomination paper for defects, which could have been thus cured at the earlier stage of the presentation of the nomination paper. However, apart from the above-mentioned errors, you cannot allow any other error to be corrected.

No misnomer or inaccurate description in regard to the name of the candidate in the Electoral Roll or the nomination paper and no error in regard to the Voter Photo Identity Card (VPIC) numbers affect the full operation of Electoral Roll or the nomination paper.

Notice Contradicting Statements in the Nomination Form or Affidavits

If anyone furnishes any information contradicting the statements in the nomination form by means of an affidavit, copies of such papers should be displayed on the notice board. Copies of the papers mentioned above should be available free of cost on request and handed over to the media for wide dissemination of information contained in the affidavits.

Transmission of nomination papers to the Dzongkhag Electoral Officers

A copy each of the affidavits furnished by the candidates should be made available at the earliest by you to the Dzongkhag Electoral Officer who will consolidate all such affidavits received and present it to the Election Commission. Alternately you may be required to directly input the data on the digital platform provided for this purpose.

Preparation of consolidated list of nominated candidates

You must prepare the list of candidates, who have filed their nominations on that day and affix it to your official notice board after 4:00 p.m. on each of the days fixed for making of nominations.

Thereafter, on the last date for making nominations or as soon as you have received all nomination papers from the specified Assistant Returning Officer(s), immediately after 5:00pm you should prepare a consolidated list of all nomination papers, presented either before you or the specified Assistant Returning Officer(s).

CHAPTER 6

SCRUTINY

Crucial Date for Determining Qualification and Disqualification

Qualification or disqualification of a candidate should be related to the date fixed for scrutiny of nominations. You must refer the Election Act of the Kingdom of Bhutan 2008 for qualification and disqualification of candidates.

Persons to be admitted

On the day and at the hour fixed for the purpose, you should take up the scrutiny of the nomination papers. Admit at the scrutiny only such persons entitled to be present such as the candidates, their election representatives and observers.

All Nomination Paper to be Scrutinized

You should take up nomination papers one after another and scrutinize them. Nomination papers filed by candidates must be taken in order of their submission. In case there is any minor error in any one of the nomination papers of a candidate in regard to particulars, such as, name in the Electoral Roll and the Voter Photo Identity Card (VPIC) number, it can be corrected on the spot. All the nomination papers, whether presented to you or to the Specified Assistant Returning Officer, must be scrutinized by you.

Presumption of Validity

There is a presumption that every nomination paper is valid unless the contrary is obvious. In case of a reasonable doubt as to the validity of a nomination paper, the benefit of such doubt must go to the candidate concerned and the nomination paper should be held to be valid.

Remember that whenever a candidate's nomination paper is improperly rejected and he/she is prevented thereby from contesting the election, there is a legal presumption that the result of the election has been materially affected by such improper rejection and the election will, therefore, be countermanded.

There is no such legal presumption necessarily in the converse case where a candidate's nomination has been improperly accepted. It is always safer, therefore, to be more liberal overlooking minor technical or clerical errors rather than being strict in your scrutiny of the nomination papers.

Qualifications

As per the Election Act a voter to be eligible to contest in elections to Parliament must:

1. A citizen of Bhutan as evidenced by the Citizenship Identity Card;
2. A Registered Voter of that *Demkhong*;
3. Of the minimum age of twenty-five years and not more than maximum age of sixty-five years at the time of filing the nomination; and
5. Possesses a formal university degree.

However, in the case of Local Government, The Certificate of Functional Literacy and Possession of Required Skills issued by the Election Commission shall serve the purpose as per Section 178 (d) of the Election Act in the case of a Registered Voter wishing to contest elections to the post of a *Gewog Tshogde, Thromde Tshogpa* and *Thromde Ngotshab*.

Formal University Degree

A Registered Voter shall be eligible to contest the post of *Thrompon* or Member of Parliament, if he/she possesses a Certificate not lower than a Bachelor's Degree awarded to him/her upon completion of a formal course of study from a University or an Institution of higher learning recognized by the Royal Government of Bhutan as per the *Guidelines for Interpretation and Implementation of Section 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*.

Grounds for Rejection of Nomination Papers

You must reject a nomination paper, if:

1. The candidate is clearly disqualified or is not qualified under the Election Act;
2. The nomination paper has been delivered after 4 p.m., on any of the days notified for making nominations;
3. The nomination paper has been delivered to you or to your Assistant Returning Officer by a person other than the candidate himself/herself;
4. The nomination paper has been delivered at a place other than that specified in the public notice;
5. The nomination paper has been delivered to a person other than yourself or your Assistant Returning Officer, specified by you in this behalf;
6. The nomination paper is not in the prescribed form;
7. The prescribed affidavits have not been filed by the candidate;

8. The nomination paper has not been signed by the candidate;
9. The candidate is not a voter of the *Demkhong* for which he/she has filed his/her nomination paper; and
10. If it is found that a candidate has been nominated from more than one constituency or nominated by more than one political party in the same class of election or the simultaneous bye Elections.

The Commission shall provide to you the consolidated list of persons, who have incurred disqualification under the Section 179 (d) of the Election Act. In other cases, you may, if necessary, consult the Dzongkhag Electoral Officer.

Examination of Nomination Papers by Candidate

You should allow any candidate or his/her election representative to examine any of the nomination papers or the accompanying documents, if he/she so desires.

You must also inform all present whether all candidates have furnished the requisite information in the prescribed form duly supported by the affidavit required to be submitted under the Election Act.

In case any candidate has failed to furnish the required information, duly supported by affidavit, his/her name should be announced for the information of all present. They should also be permitted to inspect all forms and affidavits filed by the candidate. In fact, an adequate time at the beginning of the day may be conveniently set apart for this purpose.

Objections and Summary Inquiry

Even if no objection has been raised to a nomination paper, you have to satisfy yourself that the nomination paper is valid in law. If any objection is raised to any nomination paper, you will have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid.

You should invariably record the reasons for rejecting a nomination paper on the spot, particularly where an objection has been raised or where you reject the nomination paper. Certified copies of the order must be supplied immediately in cases where nomination paper filed by a candidate has been rejected.

The objector may be supplied with a certified copy of your decision accepting the nomination paper of a candidate after overruling the objections raised by him/her, if he/she applies for it. Your decision and your brief statement of reasons should be recorded at this time.

Adjournment of Hearing of Objection

If a candidate to whose nomination paper an objection has been raised applies for time to rebut such objection, you should adjourn the hearing of the objection not later than 12 p.m. on that fixed date for the withdrawal of candidature. The scrutiny of all other nomination papers must, of course, be completed on the day of scrutiny, notwithstanding such

adjournment in respect of one or more nomination papers.

Candidates of Political Party

Nomination paper filed by a candidate claiming to be nominated by registered political party will be rejected, if a notice in writing to that effect has not been delivered to the Returning Officer of the constituency by 5.00 p.m. on the last date for making nominations.

Correction in the Names of Candidates

You must take from each candidate or in his absence his election representative, in writing, the correct spelling of the name of the candidate in Dzongkha and English for printing the ballot papers either at the time of filing the nomination or immediately after the scrutiny of nominations or at the time of the allotment of symbols.

List of Validly Accepted Candidates

When the scrutiny has been completed, draw up a list of the validly accepted candidates. Do not enter name of any candidate in this list if his/her nomination papers has been found invalid on scrutiny. The final abstract list could be shared with the Dzongkhag Electoral Officer for information.

Candidates Name and Photo

The Returning Officer must make sure that photographs of the Candidates required for the Ballot papers are taken upon acceptance of the Nomination and the Ballot printed as per the prescribed specifications.

The Returning Officer shall assign the names of the Candidates on the Ballot Paper in alphabetical order. A copy of the Ballot Paper prepared shall be sent to the Commission for reference.

Issue of Identity Cards to Candidates

After the finalization of the list of contesting candidates, issue an identity card to each contesting candidate as prescribed Identity Card for Candidates as in **Returning Officer Form No. 14**.

CHAPTER 7

WITHDRAWAL OF CANDIDATURE

Notice of Withdrawal

Any candidate may withdraw his/her candidature by giving you a notice as prescribed in Notice of Withdrawal of Nomination of a Candidate as in **Returning Officer Form No.11** signed by him/her and delivered either by the candidate in person or by his/her election representative, before the last date for the withdrawal of candidature and not after 5.00 p.m. on that day. Any withdrawal made after that hour fixed is invalid and has no legal effect.

You should not allow a person who has given a notice of withdrawal of his/her candidature to cancel the notice. All subsequent nomination of a candidate by any other political party after withdrawal of his/her first valid nomination by one political party shall be considered void.

A political party which has submitted its Letter of Intent may withdraw from the election by giving a Notice of Withdrawal of Political Party as in **Returning Officer Form No. 11** before expiry of the second day after the last date of submission of the Letter of Intent.

Receipt for Withdrawal

The Withdrawal Form contains in its bottom portion a receipt which you have to fill, detach and immediately hand over to the person who delivers the notice of withdrawal. Also fill in the other particulars in the notice of withdrawal below the signature of the candidate. This document will be your record of the withdrawal.

On being satisfied as to the genuineness of the notice and the identity of the person delivering it you must affix a notice of withdrawal at a prominent place in your office.

You must remember that as per the Election Act, except with the written consent of the concerned candidate, no political party is empowered to withdraw the nomination of its candidate once duly nominated by it.

Replacement Candidate

You must after a candidate duly withdraws his nomination give the political party concerned at least five days to nominate a replacement candidate.

Publication of Notices of Withdrawal

You must affix the notice of withdrawal at prominent place in your office, on being satisfied as to the genuineness of the notice and the identity of the person delivering it.

List of Contesting Candidates

On expiry of the date and time fixed for withdrawal of candidatures, draw up a list of contesting candidates who have not withdrawn their candidatures. Immediately after the preparation of the list of contesting candidates, a copy of the list must be affixed in some prominent place in your office. You shall also supply a copy of the list of contesting candidates to each such candidate or his/her election representatives. You are also required to supply a copy to each Presiding Officer to be displayed outside each polling station.

It must be noted that it is necessary to prepare the list of contesting candidates even in the case of uncontested election.

Uncontested Elections

In a *Demkhong* where there is only one Candidate, an uncontested election, in accordance with Sections 575 and 576 of the Election Act of the Kingdom of Bhutan 2008, will be conducted in that *Demkhong*.

The Ballot Paper will have the name and photograph of the candidate with the choice of “Yes” and “No”. A candidate will be elected if “Yes” votes are a majority of the total valid votes cast in the election in that *Demkhong*.

No Candidate

In a *Demkhong* where there is no Candidate, the elections in that *Demkhong* shall be postponed until further notice by the Commission.

CHAPTER 8

RESERVATION OF SYMBOLS

Choice of Symbols by Candidates

While reserving symbols for political parties or candidates, you must strictly abide by the Election Symbols Rules of the Kingdom of Bhutan.

You must reserve for a candidate nominated by a Political Party the symbol exclusively reserved for that party and no other symbol. In view of this, such a candidate need not indicate symbols in order of preference in his nomination paper but must indicate the symbol reserved for the political party.

In the list of contesting candidates for National Assembly Elections, you have to mention the party affiliation of each candidate along with its election symbol and photograph of Candidate. In the case of a candidate for National Council or a Local Government Election, it will be his/her own photograph.

You must inform the Dzongkhag Electoral Officer concerned immediately of the names of the contesting candidates and the symbol reserved for each of them as delays may affect the printing of ballot papers. A copy of the list along with its translation in English must be sent to the Election Commission.

Incorrect Reservation of Symbols

The reservation of a symbol for a candidate shall be final except where it is inconsistent with any direction issued by the Election Commission. In such case, the Commission may revise the reservation in the manner as it thinks fit. You should, therefore, ensure that no mistake occurs in reserving symbols. You may also refer Election Symbols Rules for further guidance in this matter.

Revision of Symbols

Where the reservation of any symbol has been revised by the Commission, you should revise the list of contesting candidates accordingly. If the earlier list has already been published, such revised list should again be published and copies furnished to each contesting candidates.

CHAPTER 9

REPRESENTATIVES

Appointment of Representatives

A political party or candidate can appoint an election representative at any time before the filing of return of elections, counting representative at any time before the commencement of the counting of votes and Polling Representative at any time before the close of the poll.

Every such appointment has to be made by a formal communication by the candidate or the authorized official of the party concerned to you as prescribed in Appointment of Election/Polling/Counting Representative(s) by a political party as in **Returning Officer Form No. 12A** and Appointment of Election/Polling/Counting Representative(s) by a candidate as in **Returning Officer Form No.12B/C**. This Form must be submitted to you in duplicate. While appointing Representatives regard must be paid to the Election Act. One copy of the appointment letter must be given to the election representative after affixing thereon your seal and signature in token of your approval of the appointment.

The letter of appointment of election representative itself should serve the purpose of such identity card. All candidates should be instructed to affix the photographs also of their election representatives on the right top portion of both the copies of their appointment letters. These photographs should also be attested by the Returning Officer.

The Returning Officer must maintain a register-containing list of election, polling and counting representatives so appointed.

Revocation of Appointment of Election Representatives

A candidate may revoke the appointment of election representative at any time by a letter as prescribed in Notice of Revocation of Appointment as in **Returning Officer Form No. 13**. This is to be lodged with you in order to take effect. If an election representative appointment has been revoked or if he/she dies, the candidate may appoint another election representative in his/her place.

Qualification of Representatives

While you authorize the appointment of representatives you must keep in mind that the name of such person is borne on the Electoral Roll of the *Demkhong* concerned. Further, any person who is for the time being not qualified or is disqualified under the Constitution or the Election Act from being elected as a member of parliament or of a Local Government or for voting at elections, shall not be appointed as a representative during the period the disqualification subsist.

CHAPTER 10

ELECTRONIC VOTING MACHINES

Introduction

The Electronic Voting Machine commonly known as an EVM consists of two units namely the “Ballot Unit” and the “Control Unit” which are inter-connected by means of a cable (refer fig 10.1). The two units are supplied in two separate cases, which is easy to transport.

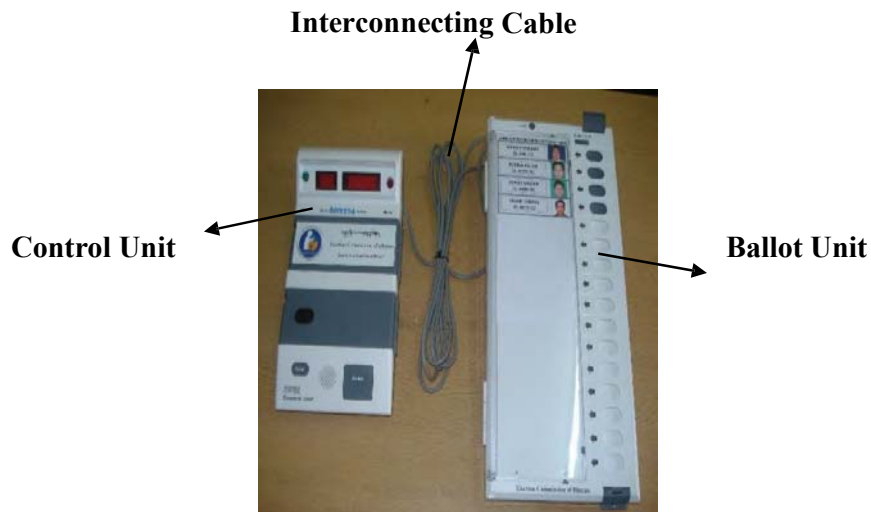


Fig. 10.1: The Electronic Voting Machine

Each of the Ballot unit caters to a maximum of 16 candidates. The Ballot unit has a provision for a ballot paper containing the particulars of the candidate such as the name and photograph of the candidate (refer Fig. 10.2 - 10.7).

The candidate nominated by a political party shall use the name and symbol of its political party. The font size of the letters used for the label shall be a minimum of 8 millimeters and this is sufficiently legible by a person with normal vision from a distance of one meter.

Primary Round of Elections	
WRITE NAME OF POLITICAL PARTY (Both in Dzongkha and English in alphabetical order)	PARTY LOGO
WRITE NAME OF POLITICAL PARTY (Both in Dzongkha and English in alphabetical order)	PARTY LOGO
WRITE NAME OF POLITICAL PARTY (Both in Dzongkha and English in alphabetical order)	PARTY LOGO
WRITE NAME OF POLITICAL PARTY (Both in Dzongkha and English in alphabetical order)	PARTY LOGO

Fig. 10.2: Example of Ballot Paper for Primary Round

GENERAL ELECTION TO NATIONAL ASSEMBLY		
WRITE NAME OF POLITICAL PARTY (Both in Dzongkha and English in alphabetical order)	PARTY LOGO	CANDIDATE PHOTO
WRITE NAME OF POLITICAL PARTY (Both in Dzongkha and English in alphabetical order)	PARTY LOGO	CANDIDATE PHOTO

Fig. 10.3: Example of Ballot Paper for General Election



NATIONAL COUNCIL ELECTION	
WRITE NAME OF CANDIDATE (Both in Dzongkha and English in alphabetical order)	
WRITE NAME OF CANDIDATE (Both in Dzongkha and English in alphabetical order)	

Fig. 10.4: Example of Ballot Paper for National Council



LOCAL GOVERNMENT ELECTION	
WRITE NAME OF CANDIDATE (Both in Dzongkha and English in alphabetical order)	
WRITE NAME OF CANDIDATE (Both in Dzongkha and English in alphabetical order)	

Fig. 10.5: Example of Ballot Paper for *Gewog Tshogde (Local Government)*

Where the similarity in the names of two or more candidates is likely to cause confusion, the names of these candidates may be arranged with an additional description to distinguish them from one another.

The voter to cast vote must press the button placed opposite the name and photograph of the candidate of his/her choice (refer Fig. 10.6). After the button is pressed a red-light glow alongside the button, which will indicate that, the vote has been recorded.

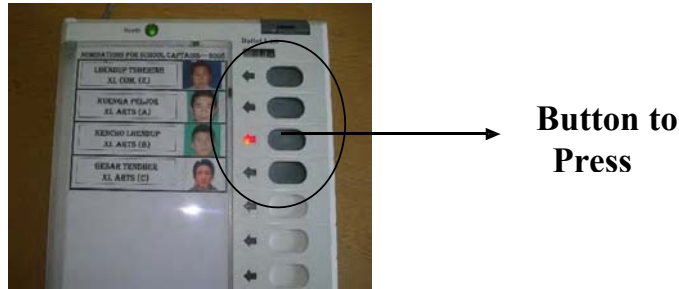


Fig.10.6: Ballot Buttons

Four Ballot unit can be connected to a Control Unit at one time, that is to say a single Control Unit can cater up to 64 candidates.



Fig. 10.7: Example of Ballot Paper for NC and LG Elections

Features on the EVM

On the Control Unit there is a display section. The first compartment, at the top most portion of the Control Unit, contains a button which on being pressed will display information and data recorded in the machine, such as the number of contesting candidates, total number of votes polled, votes polled for each candidate etc. (refer Fig. 10.8).

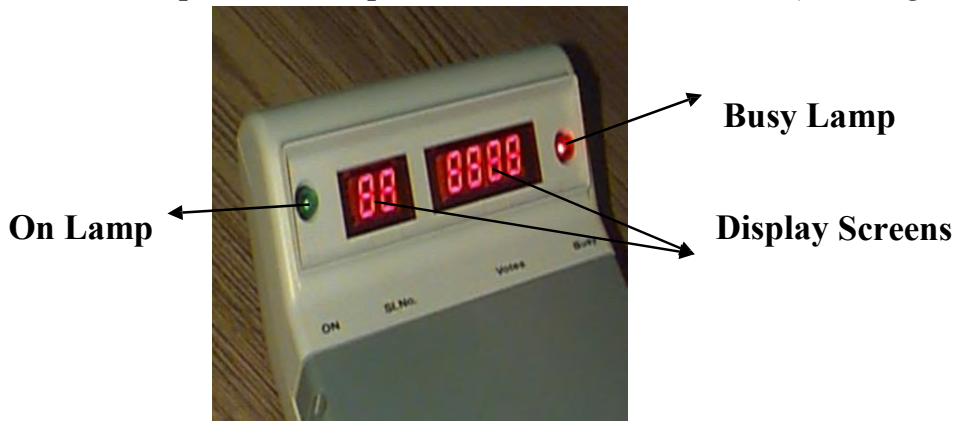
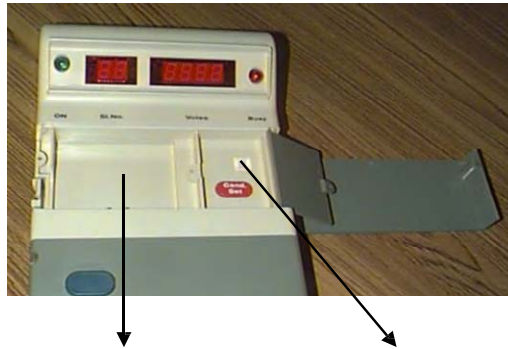


Fig. 10.8: Display Section portion of the Control Unit

Below the display section there is the “Cand Set Section”. The “Cand Set Section” contains two compartments the first compartment is where the batteries are inserted. The compartment containing the “Cand Set Button” is found alongside the battery compartment, which is used for setting the machine for the number of candidates (refer Fig. 10.9).

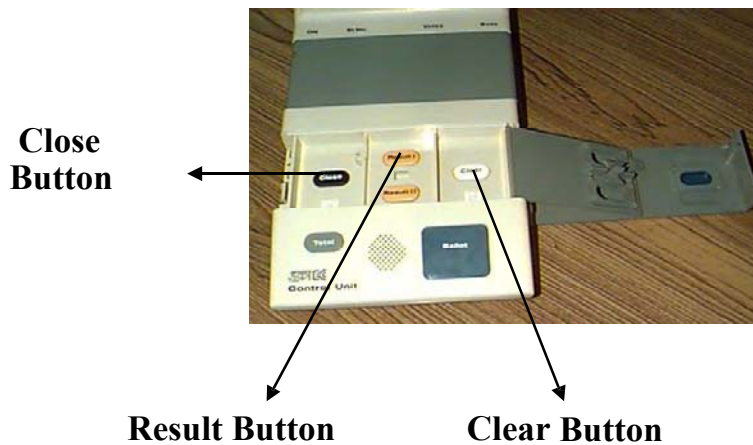


Battery Compartment

“Cand Set” Section

Fig. 10.9: “Candidate Set” Section

Next to the “Cand Set Section” is the “Result Section”. This section contains three buttons namely the “Close Button”, “Result Button” and the “Clear Button”. The “Close Button” is used for closing the poll, the “Result Button” for ascertaining the results, while the “Clear Button” for erasing the data recorded in it. The “Close Button” once pressed will ensure that no further votes can be recorded (refer Fig. 10.10).



Close Button

Result Button

Clear Button

Fig. 10.10: “Result” Sections

On the lower portion of the Control Unit is the ballot section which contains the “Ballot Button” and “Total Button”. The “Ballot Button” when pressed will make the Ballot unit ready for recording vote. The “Total Button” when pressed will display the total votes cast at that point of time, however this will not give the candidate-wise break up (refer Fig 10.11).



Fig. 10.11: The Lower Portion of Control Unit

For further information on the EVM's, you are required to read the Electronic Voting Machines Rules and Regulations of the Kingdom of Bhutan, 2009.

Safe preservation of Voting Machines

The voting machines when not in use should be stored in a well secured storeroom. Likewise, proper arrangements and storage should be made for their safe custody and preservation after the completion of the election and during the period for which they are required to be so preserved under relevant directions of the Commission.

After the expiry of the period, if no election petition or appeal is pending, the machines may be removed and handed over to the Dzongkhag Electoral Officer.

For the safe and proper storage of voting machines in the secure store room, you can follow the instructions given by the manufacturing companies.

CHAPTER 11

COMMISSIONING OF EVM BY RETURNING OFFICER

Introduction

You must provide for each polling station Two EVMs set ready with the second set marked as “Standby” for use in case of malfunctioning of the first one, and such number of Ballot Units as is to be used at the polling stations having regard to the number of contesting candidates.

Preparation of the EVMs for an election

Each voting machine should be individually tested in advance and if any repairs are needed the same should be carried out, well before use in an election.

You must, before examining and preparing the EVM, mail notices to all candidates notifying the time and place of the examination of the machines.

You must prepare the EVMs for an election with the help of other officials as may be required. You must ensure that the ballot papers are aligned properly on the Ballot Unit.

After preparation for elections you must seal the machines as per the manual provided to you and store it in a secure store room under tight security and then you must record on the register the serial numbers of the Control Unit and Ballot Unit and the numbers of their carrying cases.

Do not in any circumstances issue defective Electronic Voting Machine to any polling personnel. Even one defective machine may invite unnecessary criticism and neutralize all your efforts.

Commissioning of EVM

You have to prepare the machines for use of the Presiding Officers at the polling stations. You shall, at least one week before the date of poll or as the case may be, fix the dates on which the preparation of EVMs is to be taken up by you, give notice of the same in writing to each candidate or his/her election representative intimating them the place (s) where the machines will be so prepared and the date and time at which such preparation will commence.

While fixing the time for preparation of the machines you must give due regard to the

number of machines which have to be so prepared, the time required for transporting such machines to the polling stations and other relevant factors.

The preparation of the machines must be done in the presence of the candidates/representatives. You shall also intimate the candidates the number of representatives that each of them will be permitted to bring with him or her at the aforementioned place or places, depending on the number of machines to be prepared for use.

Ballot Unit

After taking out the Ballot Unit from the carrying case, the top cover of the unit may be opened carefully by pressing simultaneously, towards the right, the latches at the top and bottom on the right edge of the unit, and open the cover up.

The Ballot Unit has to be prepared by:

1. Inserting the Ballot paper;
2. Masking the candidate's buttons, which are not required to be used;
3. Setting the Slide Switch at the appropriate position, i.e. 1, 2, 3 or 4, as the case may be according to the number of Ballot units which are to be used depending upon the number of candidates and the sequence in which, they are to be used; and
4. Sealing the unit.

Opening of Ballot Paper Screen

Open the Ballot Paper Screen, which is a transparent acrylic sheet, hinged to the top cover on the extreme left side. The release latches of the screen are inside the top cover. By pressing the latches simultaneously, first slightly towards right and then pushing them downwards, the Ballot Paper Screen will become free for opening on the upper side of the top cover (refer Fig. 11.1). While opening the screen care should be taken to ensure that it is not damaged.

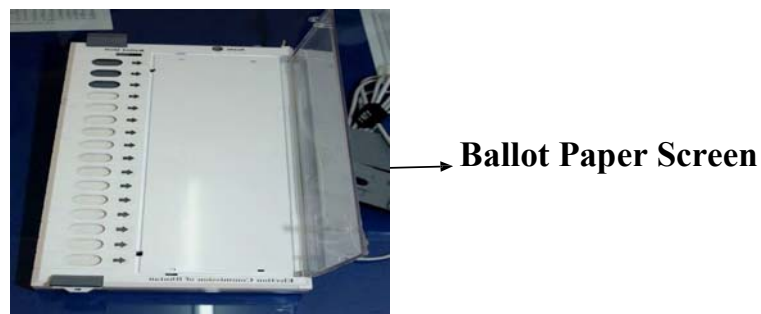


Fig. 11.1: Opening Ballot Paper Screen

Fixing of the Ballot Paper

Place the Ballot paper in the space provided for the purpose on the upper side of the top cover. Align the Ballot paper properly so that each candidate's name and photo are in line with the corresponding candidate's lamp and button. After ensuring this alignment, close and press the Ballot paper screen to secure the Ballot Paper firmly underneath the screen (refer Fig. 11.2).



Fig. 11.2: Fixing of Ballot Paper

After the Ballot paper has been firmly fixed and the Ballot Paper Screen has been pressed on the upper side of the Top Cover, the screen is to be sealed on the inner side of the Top Cover. This is to be done by passing the thread through the two holes on the screen specifically provided for the purpose and by putting the thread seal on the prescribed address tag showing the particulars of the election with the seal of the Returning Officer and the election representatives.

Masking of the Candidate Buttons

If the number of Candidates on the ballot paper is less than 16, the white masking tabs should be moved onto the Candidates' buttons not required to be used.

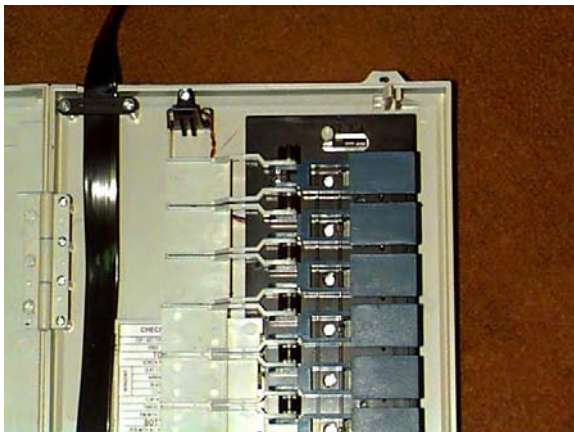


Fig. 11.3: Masking Ballot Buttons

Setting of Slide Switch

Inside the Ballot Unit on the top right side, there is a Slide Switch, which has four positions 1, 2, 3 and 4 (refer Fig. 11.4). If only one Ballot Unit is to be used, set this Switch to the position marked '1'. If two Ballot Units are to be used, set this Switch to the position marked 1 in the Ballot Unit in which the names of the candidates at Serial Nos. 1 to 16 appear, and in the second Ballot Unit set this Switch to the position marked '2', in which the names of the candidates at Serial. Nos. 17 to 32 appears.

Likewise, if the 3rd and 4th Ballot Unit are also to be used if the number of contesting candidates exceeds 32 and 48 respectively, then the Slide Switch will be set to the position marked 3 and 4 respectively in the Ballot Unit.



Fig. 11.4: Setting of Slide Switch

Sealing of Ballot Unit

You must keep in mind that sealing of the EVMs must be properly done (refer Fig. 11.5 and 11.6) and you must make necessary arrangements for the safekeeping of the seals provided to you.



Fig. 11.5: Sealing Control Unit



Fig. 11.6: Sealing Process

Close the Ballot Unit by bringing the top cover back to its original position, pass two threads, one through the three holes, at the top and the other through the three holes at the bottom provided for the purpose and seal each thread, with Retuning Officer's seal and the election representatives (refer Fig. 11.7).



Fig. 11.7: Ready Ballot Unit

Control Unit

The Control Unit is to be prepared by:

1. Installing the power pack;
2. Setting the number of contesting candidates
3. Sealing the “Cand Set” button, compartment; and
4. Sealing the Candidate Set Section.

Power Pack Installation

Open the cover of the Candidate Set Section by pressing slightly inward the latch provided on the left side. Install the Power Pack specially supplied by mating the socket of the power pack to the plug. Ensure that Power Pack is pressed tight (refer Fig. 11.8).

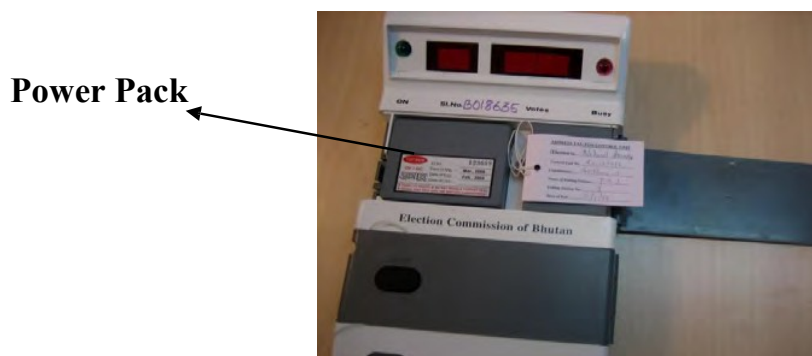


Fig. 11.8: Power Pack Installation

Setting the number of Contesting Candidates

After connecting the Power Pack, open the compartment at the bottom of the Control Unit and proceed as follows for setting the number of contesting candidates:

1. Connect the Ballot Unit to the Control Unit by plugging the connector of the Interconnecting Cable in the plug in that compartment. The connector goes into the socket only one way which can be found out easily by looking at the orientation of the holes and “Top” of the hood. As the pins are delicate, do not force the connector in

such a way as it may damage or bend the pins. The EVM will work only when the connection is made properly;

2. After plugging the connector properly, push the “Power” switch to “ON” position. It will give a beep sound and the “ON” lamp on the Display Section of the Control Unit will glow GREEN;
3. After the “ON” lamp glows GREEN, press the “Cand Set” button in the Candidate Set Section. There upon the 2-digit Display Panel in the Display Section will now flash the letters “Cd” and the 4 digit Display Panel will flash the sign “_ _ _ _”;
4. When the letters “Cd “_ _ _ _” start flashing on the Display Panel on the Control Unit, press the Candidate's button against the last contesting candidate in Ballot Unit. For example, if there are 3 contesting candidates, press the 3rd candidate's button. On that button being pressed, the Display Panels will stop flashing the letters “Cd “_ _ _ _”. Instead, the full panel will start displaying the following information sequentially; “Cd = 3”. This way the machine is set for 3 contesting candidates; and
5. Switch OFF the EVM by pushing the “Power” switch downwards to “OFF” position. Then switch “ON” the EVM and confirm that the number of contesting candidates is as per the set value. Next, switch “OFF” the EVM and disconnect the Interconnecting Cable from the Control Unit. For this purpose, the spring type clips on both sides of the connector hood should be pressed inward simultaneously and then the connector pulled out. Then close the cover of the bottom compartment of the Control Unit.

Sealing the “CAND SET” Button compartment

Close the flap which houses the “Cand Set” button and pass a thread through the two holes provided on the left side and seal with the seal of the Returning Officer. While sealing take care that direct flame does not come in contact with the Control Unit and molten wax does not fall on any part of the Control Unit.

Sealing the Candidate Set Section

Close the Candidate Set Section. Pass a thread through the two holes provided on the left side and seal with the seal of the Returning Officer and the election representatives. Put back the Ballot Unit and the Control Unit in their respective carrying cases (refer Fig. 11.9). They are ready for transportation to the Polling station.



Fig. 11.9: Ballot Unit and the Control Unit in their respective Carrying Cases

CHAPTER 12

ARRANGEMENTS FOR POLL

Introduction

As soon as the list of contesting candidates has been published, you should calculate exactly the number of EVMs and other polling materials required for conducting polls. You should at this stage make final arrangements and check that everything is ready for conducting polls.

Preparing for the poll

The period between the withdrawal of candidatures and the poll will be the busiest time for you. Maintain a checklist of things to be done, updated from time to time with remarks and status of the activities.

During the preparation, you will have to carry out the following tasks, among others:

1. Review your requirements of EVMs and other election materials in light of the actual number of contesting candidates, eligible voters and the total number of polling stations;
2. Liaise with the Authorized PB Administration on the Postal Ballot for those outside Bhutan and for arrangements of Postal Ballots for the Facilitation Booths and Mobile Polling Booths.
3. Dispatch postal ballot papers in-accordance with the Postal Ballot Rules and Regulations of the Kingdom of Bhutan, 2018;
3. Supply contesting candidates with (1) lists of polling stations and coverage of such station (2) forms for appointment of polling and counting representatives and (3) the correct voters list prepared polling station-wise;
4. You should ensure the adequate training and briefing as well as the formal appointment of the Presiding Officer and Polling Officers for each polling station in your Dzongkhag is made in time;
5. Provide sufficient publicity within the Dzongkhag and in all the concerned constituencies so that the voter knows his/her polling station and the date of poll;
6. Arrange for the delivery of EVMs and all other materials required to each Presiding Officer in time according to the scheme of operation in your *Demkhongs*; and

7. Arrange in advance for the return of the polling team after the poll and the receipt of the EVMs and other election materials and papers.

Observance of the Code of Conduct

Code of Conduct prescribed in the Election Act comes into operation from the day of the announcement of election. This will ensure that a peaceful atmosphere for a smooth conduct of election should prevail during the election period. The most potent cause which may mar the conduct of the election and disturbs the atmosphere of friendly rivalry is the violation of statutory provisions of Electoral laws relating to corrupt practices, electoral offences and non-observance of the Code of Conduct by some or the other candidate or their workers.

Therefore, for clean, free and fair elections, you should draw attention of the contesting candidates by a notice in writing to the provisions relating to the corrupt practices and electoral offences in the Election Act and offences relating to elections contained in Bhutan Penal Code. You should also make special appeal to the candidates and their representatives to co-operate in the observance of the code of conduct and to take active steps to ensure that no one oversteps the limits laid down by law.

In case any violation of the code of conduct or the Election Act is brought to your notice, you should seek the co-operation of the police in dealing with such election offences. The Commission should also be kept informed immediately of the violation of the code of conduct and the provisions of the Election Act.

Election security personnel to accompany Polling Team

You should speak to the Superintendent of Police of the Dzongkhag prior to polling day to discuss arrangement required for the attendance of police personnel at or near polling stations and at the counting centers.

You must also ensure that necessary police escort arrangement for the Presiding Officer and his polling team are made, while transporting the election material to and from the polling station. The Election Security Focal Officer must be informed of the election schedule in your *Demkhong* so that the police arrangements are synchronized with the movement of the polling team.

Transport for Polling Team

You will have to arrange transport for polling team and election security personnel accompanying election materials. Take stock of the vehicles at your disposal and requisition for more vehicles if necessary from the Chief Election Coordinator and Dzongkhag Electoral Officer. Further, maintain vehicles reserves to meet any unforeseen emergencies.

CHAPTER 13

THE POLL

Introduction to Polling station

Poll is the most important event in the election process. It is through the poll that the voters express their choice of their candidate to represent them. Any irregularity in the conduct of poll may vitiate the election and, therefore, you should ensure that the poll is conducted strictly in accordance with the law and the prescribed procedure.

Poll will be taken at the polling stations located at different places spread all over the Demkhongs. You should ensure well in advance of the date of poll that all arrangements for the setting up of polling stations at the places approved by the Commission have been made.

You must obtain a copy of the final list of polling stations approved by the Commission and a map demarcating the polling stations. The name of each village covered by the polling area and the number of voters in it should be shown.

You must, at the earliest, supply a copy of the finally published list of polling stations to every candidate contesting the elections. A copy must also be given to the Superintendent of Police of your Dzongkhag.

Polling Station Arrangements

The polling station should be as spacious as possible, so that there is no congestion inside the polling station and it must be well-lit and have at least one entry and an exit point, for the smooth and orderly conduct of poll.

Further, the polling stations will be arranged in the following manner:

1. Voting compartment must be properly lighted and is placed in such a manner so as to prevent anyone from seeing voter casting his/her vote;
2. Polling station demarcation tapes/ ropes are used along the perimeter of the polling station to guide the movement of voters;
3. Notice is displayed at the gate or entrance to the polling station;
4. Ensure unencumbered access for voters and also clear view of the polling booth for effective supervision;
5. Election advertisement found within 100 meters of the polling station are removed;

and

6. Posters containing the following information are properly displayed:
 - 6.1. Name and number of *Demkhong* and the polling station;
 - 6.2. Directions for the guidance of voters; and
 - 6.3. Names and Symbols of Candidates in the pre-printed authenticated pattern.

Distribution Day

You must ensure that all the polling teams have been supplied with the necessary polling materials, including the EVM with the ballot paper affixed and sealed on it. The Presiding Officers must be instructed to take care of the safety and security of the EVM and they should be warned that they will be held personally responsible for any damage or loss of these EVMs on account of their negligence. For further details, you must refer the EVM Rules and Regulations of the Kingdom of Bhutan.

A signed copy of the voter's list to be used at each polling station must be supplied to each Presiding Officer.

Law and Order and Free and Fair Elections

You must ensure, in consultation with the Superintendent of Police, that law and order is maintained in and around the polling stations so that free and fair poll takes place. Adequate measures should be taken to provide full security to the polling personnel, the EVMs and other election materials.

However, the presence of election security personnel at the Polling station should not under any circumstances intimidate the voters.

After the Poll

In addition to the EVM or counted ballot papers, the Returning Officer must forward to the Dzongkhag Electoral Officer the following documents:

1. Rejected ballot papers (in a suitably endorsed sealed envelope);
2. Unused ballot papers (ordinary and provisional) with their counterfoils;
3. Spoilt ballot papers;

4. Used provisional ballot papers;
5. Ballot paper accounts;
6. Provisional votes list;
7. List of physically challenged voters along with the declarations made by the companions of the physically challenged voters;
8. Contents of the receptacles for Declarations of Identity Certificate for votes rejected;
9. Postal ballot paper envelopes and the postal ballot papers marked “rejected”;
10. Spoilt postal ballot papers and the declarations of identity and ballot paper envelopes accompanying them; and
11. Unopened covering envelopes to postal ballot papers received after the close of poll or returned as undelivered.
12. Proper handing taking with the respective DzEOs must be done as per Returning Officer Form No.2.

CHAPTER 14

COUNTING OF VOTES

Introduction

The counting of votes for the Parliamentary and Local Government elections will be done immediately after the close of poll. You must therefore, appoint and authorize the Presiding Officer of the polling station concerned to act as the Counting Supervisor.

Where the counting of votes is done at the polling station itself, the Presiding Officer of the polling station may be authorized by you to act as the Counting Supervisor for that place of counting.

Counting

Counting of votes is one of the most important aspects of the election procedure. The result of the entire election may be nullified by wrong, irregular or careless counting and consolidation of the results. You should be particularly careful when the periphery of difference between the two candidates securing the largest number of votes is comparatively narrow.

It is quite essential that being entrusted with this important work, you should exercise great vigilance on the work of the counting supervisors and also in maintenance of discipline. If counting is done properly and carefully, there will be no request for recounting. To ensure that a proper, systematic and accurate counting and consolidation of result is observed see that the counting supervisors and counting assistants are imparted proper training and they carry out their duties as per the Handbook for the Counting Officer.

Counting Postal Ballot

The counting of Postal Ballot will precede counting of votes of the EVMs.

Adequate number of counting centers for counting Postal Ballots must be setup, along with counting teams, to ensure that the Postal Ballots received would be counted reliably and without error before the end of poll on poll day.

The Counting Supervisors shall permit the counting representatives to examine the seal on the ballot box before it is opened. He/she shall open Envelope B, under your or your authorized representatives' superintendence and direction. The Counting Supervisor shall, after the counting of all Postal Ballots, record in a prescribed Result Sheet as in **Postal Ballot Form No.12** the total number of Postal Ballots cast in the *Demkhong*, the

number of Postal Ballots rejected as invalid and valid votes secured by each of the candidates or political parties.

Damage or Loss of Ballot Papers before Completion of Counting

If any ballot paper or EVM used at a polling station are unlawfully taken out of the custody of the lawful authority or are accidentally or intentionally destroyed or lost or are damaged or tampered with to an extent that the result of the poll at that polling station cannot be ascertained, you must forthwith report the matter to the Commission. Thereafter, you will proceed only on the direction of the Commission.

It also should be noted that following measures should be taken at the Counting Center to avoid unauthorized access and premature dissemination of information:

1. Counting Centre shall be open to the media, but care must be taken to ensure that the process is not disrupted by frequent movement between multiple centers.
2. The security personnel shall ensure that no mobile phones are allowed in the Counting Centers, except for the authorized election officials involved in the Centers with due permission from Returning Officer can use mobile for official purpose only;
3. No one shall communicate the information on number of votes secured or move documents related to the counting out of the Counting Centers except under the authority of the respective In-charge;
4. Observers will attend the Counting of the Votes to monitor the counting but shall not divulge any information to anyone;
5. A person shall be allowed entry at Counting Centers only if he/she carries the photo identity card specifically issued by the Commission except for the security personnel designated for the place;
6. No person shall make public any information related to the counting of votes unless authorized in writing by the Chief Election Commissioner;
7. A dedicated security personnel shall guard the entrance and the exit to a Counting Center;
8. The Security shall ensure that there is no movement of persons in and out of a Counting Center except those that are specifically authorized while counting of Votes is in process; and
9. Access to the Counting Center shall be restricted except for the authorized officials responsible for counting, the Counting Representatives of the Candidate, Observers and other Election Officials.

CHAPTER 15

DECLARATION AND PUBLICATION OF RESULT

Formal Declaration of Result

As a Returning Officer, you must consolidate and record the result of election in the constituency in the Final Result Sheet and announce the result for National Assembly, National Council and Local Governments.

The date to be given in the announcement should be the date on which the result of the election is announced by the Counting Supervisor. Even if an occasion arises when you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was announced.

However, before declaration of results by the Commission, you must verify and satisfy yourself that there is no case of any kind which requires to be referred to the Commission for its directions and that there are no general or special direction from the Commission to withhold the declaration of result in your constituency.

National Assembly Results

On the receipt of the Final Result Sheet transmitted by the Counting Supervisor, you have to make a formal announcement of the result. Thereafter, a duly authenticated copy of the said Final Result Sheet must be transmitted to the Commission.

The Commission from its Head Office, in the case of Primary Round, on receipt of the Final Result Sheets from all the Returning Officers, will declare the names of the two registered political parties which have secured the highest and the next highest number of valid votes cast throughout Bhutan.

In the case of General Election, the Commission on receipt of the Final Result Sheets from you will declare the names of the candidates who have secured the highest number of valid votes in their respective Parliamentary constituencies as having been duly elected from those constituencies to the National Assembly.

National Council and Local Governments Results

On the receipt of the Final Result Sheet transmitted by the Counting Supervisor, you have to make a formal announcement of the result. Thereafter, a duly authenticated copy of the said Final Result Sheet must be transmitted to the Commission.

The Commission on receipt of the Final Result Sheets will declare the names of the candidates who have secured the highest number of valid votes in their respective constituencies.

Announcement of Result and submission to the Commission

The Returning Officer shall, after consolidating and recording the result of election in the constituency in the Final Result Sheet and its announcement, transmit a duly authenticated copy of the said Final Result Sheet to the Commission.

Equality of votes

The Commission, if two or more candidates contesting for an election happen to secure votes in equal numbers, shall order for a re-election between the candidates.

You should, if a re-election again results in an equality of votes, decide between those candidates by draw of lots in the presence of parties, candidates or their representatives as per the *Guidelines for Implementation of Section 464 of the Election Act of the Kingdom of Bhutan 2008 Relating to Equity of Votes in Re-Elections, 2013*.

Authorities to whom Copies of Announcement should be sent

Immediately after the announcement of result, you should send copies of the declaration of result, as the case may be, to the:

1. Election Commission;
2. Dzongkhag Electoral Officer;
3. Contesting candidates and political parties

Authorities to whom Return of Election Expenses should be sent

In order to ensure that all candidates and political party comply with the requirements of the law relating to maintenance of accounts of election expenses from the dates of their nominations and filing of their returns of election expenses in the manner and within the time required by law, you must invite the attention of each candidate to the legal provisions in writing.

Dispute Settlement

Any election-related complaints during the elections may be lodged to the Chief Election Coordinator or the Chief Election Commissioner.

The Returning Officers shall therefore immediately forward any complaint received by him/her to the Chief Election Coordinator. However, in case of an allegation concerning the

Chief Election Coordinator, the case must be directly forwarded to the Chief Election Commissioner.

**Done under the seal of the Election Commission of Bhutan on this 15th of February 2018
Corresponding to the 30th Day of the 12th Month of the Fire Female Bird Year in the
Bhutanese Calendar.**

