

ELECTION COMMISSION OF BHUTAN



Forty-Eight Hour No Campaign Period before Commencement of Poll and the Poll Day Rules, 2018

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Forty-Eight Hour No Campaign Period before Commencement of Poll and the Poll Day Rules, 2018

In keeping with the Election Act of the Kingdom of Bhutan, 2008 and to help election officials on polling duty to ensure that the activities and events during Forty-Eight Hour before commencement of Poll and on the Poll Day are carried out in accordance with the laws in a smooth, free and fair manner, the Election Commission of Bhutan hereby adopts and promulgates Forty-Eight Hour No Campaign Period before Commencement of Poll and the Poll Day Rules, 2018

1. Title and Extent of Application

1.1 These Rules shall:

- 1.1.1 Be called the *Forty-Eight Hour No Campaign Period before Commencement of Poll and the Poll Day Rules, 2018*.
- 1.1.2 Be applicable for conduct of Parliamentary Elections, Local Government Elections and National Referendums in the Kingdom.
- 1.1.3 Come into force with effect from 15th of February 2018 corresponding to 30th Day of the 12th Month of the Fire Female Bird Year of the Bhutanese Calendar.

2. Objective

2.1 The objectives of the Rules shall be to:

- 2.1.1 Provide a voter a period of at least Forty-Eight Hour No Campaign Period before the commencement of Poll and to weigh the merits and demerits of Political Parties or contesting Candidates so that he/she can make up his/her mind in a tranquil and balanced frame of mind, without any undue interference and interruption as to which Political Party or Candidate to vote for; and

- 2.1.2 Prevent campaigning by a political party or a candidate or the supporters during the Forty-Eight Hour No Campaign period before the commencement of the Poll and on the Poll Day when the polling process is still in progress.

3. Definition

3.1 In these Rules, unless the context otherwise requires:

- 3.1.1 “Campaign Period”, means the period commencing from the date of issue of notification as announced by the Commission and ending Forty-Eight Hour No Campaign Period prior to the hour fixed for commencement of the poll;
- 3.1.2 “Campaigning” means any activity taken up during the Campaign Period to further the prospects of a Political Party or Candidates which may include holding up signs, speaking on behalf of a Political Party or Candidate, trying to sway voters, handing out fliers, or parking a vehicle with a sign supporting the Candidate near the polling station;
- 3.1.3 “Commission” means the Election Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;
- 3.1.4 “Dissemination” means communication to the general public through publication in any newspaper, magazine, telephone, mobile or landline, journal or periodical, display on electronic media, or circulation by means of any pamphlet, poster, placard, handbill or any other document;
- 3.1.5 “Election Act” means the Election Act of the Kingdom of Bhutan 2008;
- 3.1.6 “Electoral Laws” means the Election Act of the Kingdom of Bhutan, 2008, Public Election Fund Act of the Kingdom of Bhutan, 2008 and National Referendum Act of the Kingdom of Bhutan, 2008 and all Rules and Regulations made there-under;

- 3.1.7 “Election Officer” means a public servant including Officers of the Commission, National Observers, Returning Officers, Presiding Officers, Polling Officers, and Election Security Officers etc. appointed or assigned under authority of the Commission to carry out duties during an election;
- 3.1.8 “Forty-Eight Hour No Campaign Period” means the time period between the end of campaign period and commencement of Poll;
- 3.1.9 “Illiterate Voter” means a Registered Voter who is unable to read or write or who has difficulty in deciphering written materials;
- 3.1.10 “New Media” means Electronic media including telephone, SMS, MMS, internet websites, blogs, twitter, emails, Radio and Television covering Satellite, Terrestrial and Cable Channels that has great potential of being used by Political Parties and Candidates during an election for campaigning and propaganda but not easy to monitor and has to be left to good faith of those involved;
- 3.1.11 “Observer” means Observers as defined in the *Election Observation Guidelines of the Kingdom of Bhutan, 2018*.
- 3.1.12 “Physically Challenged Voter” means a Registered Voter who is blind, deaf or mute or a person with physical incapacities that restrict use of his/her limbs or faculties partially or completely. This definition may be extended to include the elderly as well as persons with partial visual impairment who need assistance from others but will NOT include people who are mentally unsound and not able to make a sound decision as provided under section 102 (b) of the Election Act of the Kingdom of Bhutan 2008 and further clarified in the *Guideline for Implementation of Section 323 of the Election Act of the Kingdom of Bhutan 2008 regarding the Physically Challenged and Remote Area Voters, 2018*;
- 3.1.13 “Polling” means the process of casting votes at the Polling Booth;

3.1.14 “Remote Areas” means a place which is more than a day’s walk from the nearest motorable road and people living in such areas will be considered Remote Area Voters as detailed in the *Guidelines for Implementation of Section 323 of the Election Act of the Kingdom of Bhutan, 2008 regarding the Physically Challenged and Remote Area Voters, 2018*.

4. Polling Station

- 4.1 No person shall display or distribute campaign material, including wearable such as t-shirts, shawls, pins, caps or hats with election message, within 100 meters of the entrance of a Polling Station.
- 4.2 No sign advocating for or against a measure, Political Party or Candidate shall be permitted within 100 meters of all Polling Stations on Poll Day.
- 4.3 Election official shall have the full authority to remove any such signs or materials in section 4.2.
- 4.4 A member of public shall have the right to report any violations of these Rules.
- 4.5 No person shall be allowed to park his/her vehicle near a Polling Station that would cause any obstruction or inconvenience or security threat to the polling stations, polling officials or voters.
- 4.6 Presiding Officer shall ensure that no curtain/screen, hood or partition is added to the structure approved for Voting Compartments.
- 4.7 No one shall use a loud speaker in the vicinity of a Polling Station.
- 4.8 No person shall carry or serve food and drink within 100 meters of the Polling Station except those whose duty necessitates taking essential meals and is authorized to do so.

5. Conduct of Political Parties/Candidates or their Supporters

- 5.1 No Political Party or Candidates or their Supporters shall, other than those authorized by the Commission, enter the Polling Stations except to cast his /her vote.
- 5.2 A Political Party or Candidates or their Supporters shall extend co-operation to the officers on election duty in order to ensure peaceful, free and fair Polling.
- 5.3 No Political Party or Candidates or their Supporters shall display to the public, any election matter by means of cinematography, television or other similar apparatus, during the period after the end of Campaign Period and before the hour fixed for the closure of the Poll.
- 5.4 A Political Party, Candidate or their Supporters shall for their routine Text messaging during the period defined under these Rules include the text:
“If this message concerns or appears to you as an election campaign it is your duty to report it to the Election Authorities. A Political Party or Candidate or their offices and Supporters shall not use telecommunication or online social networking sites, such as Face-book, twitter etc. for the purpose of campaigning during the period under these Rules.
- 5.5 The Election Security shall impose restriction on outside campaigners to be in a constituency, after the deadline marking the end of the campaign period.

6. Public Opinion Survey Results

- 6.1 A forecast or prediction relating to the probable result of an election based on the information provided by or obtained from voters or Observers shall not be transmitted before the closure of the poll in all the *Demkhongs* so that no Political Party or Candidate suffers adversely or gains an undue advantage, because of the above.

6.2 No result of any opinion survey or exit poll conducted at any time shall be published, publicized or disseminated in any manner by print, electronic or any other media at any time or during the period of Forty-Eight Hour No Campaign Period ending with the hour fixed for closing of poll in an election held in a single phase.

7. New Content on Websites

7.1 A Political Party or Candidate or their offices and Supporters shall not upload or add any new content on their websites or related facilities or online activity to attract visitors while previous campaign advertisement may remain during the period under these Rules.

8. Advertising

8.1 No person including persons on election duty and observing elections shall carry out any activity which is of the nature of election campaigning in favour of or against a Political Party or a Candidate.

8.2 No person or a Political Party or Candidate shall, with the view or intent to promote or oppose a contesting Political Party or a Candidate after campaign period ends and till the closure of poll, transmit election advertising or resort to election advertising or discuss a position on an issue by means of new media.

8.3 No Political Party, Candidate or Representative shall resort to use of any media during the Forty-Eight Hour No Campaign Period and Poll Day period that would affect voters making up their minds to vote or not to vote for a certain Political Party or Candidate.

- 8.4 A Candidate/Party shall not be required to remove the campaign materials allowed by the Retuning Officer for the campaign period, however, no new/additional materials be allowed to be displayed.
- 8.5 Polling Officers shall remove or cause to remove any election campaign material displayed after the restrictions under these Rules come into effect.
- 8.6 Any person shall report to the election security, any means of campaigning that is apparent by common sense as a deliberate effort by a political party or candidate or an individual to circumvent the restriction, to be dealt in accordance with the laws.

9. Observers

- 9.1 An Observer shall be allowed inside the Polling Station where he/she must abide strictly by the Rules governing conduct in the Polling Station.
- 9.2 An Observer shall not make disruptive comments while in the polling areas.
- 9.3 An Observer shall not touch or handle any ballot, envelope, containers or equipment.
- 9.4 An Observer shall not carry out any act that impedes, interferes or interrupts the normal process of voting and counting.
- 9.5 An Observer shall not remove materials posted inside the polling place or write off any such information.
- 9.6 An Observer shall not be allowed to enter or remain in a Polling Station if he/she is found:
- 9.6.1 Engaging in any electioneering;
 - 9.6.2 Wearing campaign materials of any party or Candidate;
 - 9.6.3 Entering places not assigned or authorized;
 - 9.6.4 Being within the immediate area of the voting compartments;

- 9.6.5 Removing materials posted at the entrance or inside the polling place;
and
- 9.6.6 Disrupting or interfering with the process in any way.

10. Duty of a Polling Officer

- 10.1 The Polling Officers shall be responsible to monitor the election campaign and media in the locality on the commencement of the Forty-Eight Hour No Campaign period before start of Poll.
- 10.2 A Polling Officer shall, besides the individual responsibility assigned to him/her, report violation of any of these Rules or non-compliance by an Observer or a representative to the Presiding Officer to prevent the prohibited activity from being continued.
- 10.3 A Presiding Officer shall, if the person argues or persists with the activity, require the election security to apprehend such a person and report to the Returning Officer.

11. Physically Challenged and Remote Area Voters

- 11.1 The Polling Officers shall take utmost care to treat physically challenged and remote area voters as per the *Guidelines for Implementation of Section 323 of the Election Act of the Kingdom of Bhutan 2008 regarding the Physically Challenged and Remote Area Voters, 2018*.

12. Media

- 12.1 All media agencies shall be required to abide by the conditions set-forth in these Rules.

- 12.2 All media agencies must be sensitive to the security concerns and priority of the voters and the Polling Officers.
- 12.3 No media or media agency shall report on any activity, the publicity of which would directly result in compromising the security of the election or election personnel.
- 12.4 The Presiding Officer shall ensure that the accredited media personnel are permitted inside a Polling Station for a maximum of five minutes and then escorted out.
- 12.5 The Media shall be permitted to take pictures or run a television camera inside the polling place provided they respect the voter's privacy and does not interfere with the voting process.
- 12.6 No one shall be allowed to take photograph of a voter casting his/her vote inside the Voting Compartment.
- 12.7 The Media Unit of the Commission shall make and distribute a list of accredited media personnel available for reference of the Media Arbitrator, Dzongkhag Election Authorities, election security and the Returning Officers, National Observers and Presiding Officers.
- 12.8 The Media shall speak to voters only outside the Polling Station and at a distance of 100 meters or more from the entrance to the place of polling.
- 12.9 The Polling Officers shall treat the Media with due courtesy and respect but with firmness.
- 12.10 Media shall not broadcast or re-broadcast debates of Candidate upon the commencement of Forty-Eight Hour No Campaign Period and Poll Day.

13. New Media

- 13.1 Any election campaigning through new media shall be prohibited during the Forty-Eight Hour No Campaign period and the Poll Day.
- 13.2 The Media shall be prohibited from covering any activity by Political Parties or Candidates during the period between end of Campaign Period and the closure of Poll.

14. Counting Centre

- 14.1 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.
- 14.2 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.

15. Unauthorized Transmission of Election Results

- 15.1 Any person who transmits results of voting in a *Demkhong* prior to the declaration of the results by the Commission shall be guilty of an offence punishable under the Election Act.

16. Security

- 16.1 Any person who violates *Election Security Rules and Regulations of the Kingdom of Bhutan, 2012* at the place of Poll shall be removed from the premises.
- 16.2 Intimidation of an Election Official on duty by a Political Party, Candidate or Supporters shall be treated as a serious offence.

17. Housekeeping Rules

- 17.1 The Presiding Officer shall ensure that a Polling Station has basic amenities essential for voters and election officials on duty such as first aid facility, restrooms and drinking water.
- 17.2 The Presiding Officer shall ensure that proper directions indicating where such services and facilities are available are put up.
- 17.3 A Presiding Officer shall not allow anyone to take a camera, cell phone or pager inside the Polling Station except as authorized by the Returning Officer.

18. Closure of Shops and Firms

- 18.1 An Election Security personnel shall have full authority to close the establishment and detain a person who violates the restrictions imposed on private trade and commerce on the day of Poll and the matter prosecuted under the Electoral Laws and the *Trade Rules and Regulations*.

19. Performing of Religious Activities

- 19.1 No religious rituals of any denomination shall be conducted by a member of Political Parties, Candidate or their Supporters before or during this period.

20. Public Transport

- 20.1 Road Safety and Transport Authority shall ensure the availability, safety and the fixation of reasonable rates for public transport in the period covered under these Rules as per the provisions in the *Public Transport for Elections Regulations of the Kingdom of Bhutan, 2012*.

21. Duty of Dzongkhag Election Officials

- 21.1 Dzongkhag Election Officials shall be equally responsible to report any electoral fraud detected during the Forty-Eight Hour No Campaign Period and the Poll

Day period to appropriate authorities for necessary actions to be taken against the guilty person.

22. Spokesperson

22.1 Chief Election Coordinator, Dzongkhag Election Officer and the Returning Officer/Assistant Returning Officer shall serve as the competent authority to speak/liaise with the media on matters pertaining to electoral activities during the period for the respective Dzongkhag/*Demkhong*.

23. Accountability

23.1 A Political Party or Candidate shall be held responsible for the actions of themselves and their supporters where they are deemed to have been reasonably capable of controlling the actions of the Supporters.

24. Penalties

24.1 Any person, Political Party or Candidate found guilty of violation of these Rules shall be dealt in accordance with the Election Act.

25. Power of the Commission to Issue Instructions and Directions

25.1 The Commission may issue instructions and directions:

25.1.1 For the clarification of any of the provisions of these Rules;

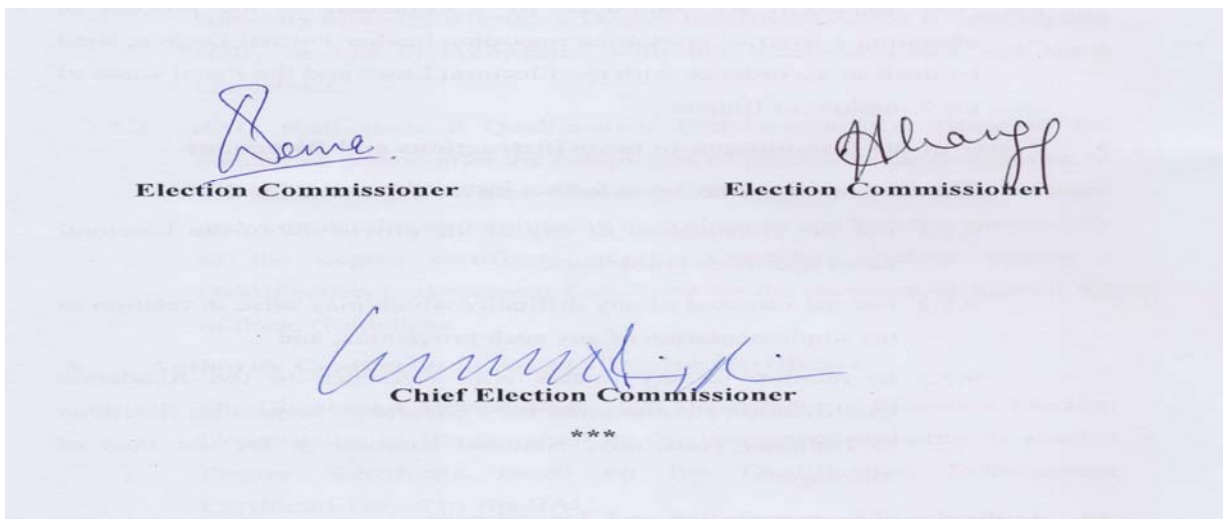
25.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

25.1.3 In relation to any matter for which these Rules make insufficient provision, and clarification is necessary in the opinion of the Commission.

26. Authority of Implementation and Amendment

- 26.1 The Commission shall, in case of differences in meaning, be the final authority on interpretation of these Rules.
- 26.2 The Commission shall have the power to amend by way of addition, variation, or repeal the provisions of these Rules.

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



The image shows three handwritten signatures in blue ink on a light-colored background. The top left signature is for an Election Commissioner, the top right signature is for another Election Commissioner, and the larger signature in the center is for the Chief Election Commissioner. Below each signature is the printed name of the respective official. At the bottom center, there are three asterisks (***) indicating the end of the document.

Election Commissioner **Election Commissioner**

Chief Election Commissioner
