

NOTIFICATION

Local Government Elections, 2016:

**Second Phase of Second Local Government Elections under the
Constitution of the Kingdom of Bhutan**

The Election Commission of Bhutan, in pursuance of Section 197 of the Election Act of the Kingdom of Bhutan 2008, and as announced vide letter no. ECB/NOTIF-01/2016/4241 dated 4th of June 2016, that Elections to Local government would be called after 28th of July 2016, herein calls the Second Phase of the Second Local Government Elections.

In obedience to the Supreme Court of Bhutan's Writ No. *Ngon Tho* (54)2016/1561 dated 5th of August 2016, elections shall include the elections to the *Gewog Tshogdes* of 205 Gewogs of the 20 Dzongkhags and *Dzongkhag Thomde Tshogde* of Samdrup Jongkhar *Dzongkhag Thomde*. Elections to the remaining *Dzongkhag Thomdes* and *Yenglag Thomdes* are to be deferred until further Notice.

The Election Schedule and the details concerning *Demkhongs*, Selection Procedure for Nomination of Candidates, Electoral Rolls, EVMs, Polling Stations, Polling Officials, Polling Management, Security and other arrangements are hereby being notified as follows

Election Schedule

1. The Schedule of dates and time for the *Local Government Elections 2016* shall be as follows:

Date and Time	Remarks
9th of August 2016 (Tuesday)	<ul style="list-style-type: none">- Issuance of Notification calling for Elections for 205 <i>Gewog Tshogdes</i> and <i>Samdrup Jongkhar Thromde Tshogde</i>.- Eligible Postal Voters to initiate application for Postal Ballot to respective Returning Officers. (Sending of Postal Ballot Application form to concerned Returning Officer is free of Cost initiated by Bhutan Postal Corporation Limited)
11th of August 2016 (Thursday)	<ul style="list-style-type: none">- Commencement of <i>Zomdu</i> for <i>Gup</i> and <i>Mangmi</i> for 205 <i>Gewogs</i> and <i>Thrompon</i> for <i>Samdrup Jongkhar Dzongkhag Thromde</i>.- Commencement of the signature process by eligible persons for post of <i>Gewog Tshogde Tshogpa</i> or <i>Thromde Tshogpa</i>.
28th of August 2016 (Sunday)	<ul style="list-style-type: none">- Freezing of the Electoral Roll (Section 125 of the Election Act 2008 authorizes temporary embargo on entries in the Electoral Roll for a period of thirty days before the date of poll).
31st of August 2016 (Wednesday)	<ul style="list-style-type: none">- Last Date for filing of Nominations of Candidates for <i>Gup</i>, <i>Mangmi</i>, <i>Gewog Tshogpa</i> for 205 <i>Gewogs</i> and <i>Thrompon</i> and <i>Tshogpa</i> of <i>Samdrup Jongkhar Dzongkhag Thromde</i>.
1st of September 2016 (Thursday)	<ul style="list-style-type: none">- Scrutiny of Nominations of Candidates
3rd of September 2016 (Saturday)	<ul style="list-style-type: none">- Last date for withdrawal of Candidature- Last date for receipt of Application for Postal Ballots by Returning Officer- Commencement of the Election Campaign

	- Returning Officer to initiate sending Postal Ballot to registered Postal Voters
25th of September 2016 (Sunday)	- End of Election Campaign
26th of September 2016 (Monday)	- Last day/ time for receiving Postal Ballots
27th of September 2016 (Tuesday) 9:00 a.m. to 5 p.m.	- Poll Day and Counting of Results
28th of September 2016 (Wednesday)	- Declaration of Results & Submission of the Results to His Majesty the Druk Gyalpo - Start of Election Petition Period
17th of October 2016 (Monday)	- Issuance of the Certificate of Election - End of Election Petition Period.

(B) Polling Hours

2. The polling hours shall be from 9 a.m. to 5 p.m.

(C) Demkhong

3. The Local Government *Demkhongs* and the names to be used shall be as written in the Final Delimitation Order issued for the *Gewog Tshogde Tshogpa Demkhongs* vide **DC/CHAIR/2011/1520 dated 27th of February 2011 and the Revised Atlas of the Local Government *Demkhongs*, 2016.**

4. The Samdrup Jongkhar *Dzongkhag Thromde*, declared as such by decision of Parliament, shall form the *Demkhong* for election of the *Thrompon*.

5. The Samdrup Jongkhar *Dzongkhag Thromde Tshogde Tshogpa Demkhong*, declared as per the Final Delimitation Order issued vide Notification No. DC/CHAIR/2010/697 dated 16th of October 2010 and the Revised Atlas, 2016 shall form the *Demkhong* for election of the respective *Dzongkhag Thromde Tshogpa*.

(D) Selection Process of the *Gewog Tshogde* Candidates

6. The *Gup, Mangmi* and a minimum of five and maximum of eight *Gewog Tshogpas* elected through direct election shall constitute the *Gewog Tshogde*.
7. A registered voter who fulfills the criteria laid down in Section 178 of the Election Act of the Kingdom of Bhutan 2008 is eligible to be nominated as a Candidate for election to the post of *Gup, Mangmi* or *Gewog Tshogpa*.
8. The selection process of the *Gewog Tshogde* Candidates shall be as follows:

Gup/ Mangmi

9. Every *Chiwog* is entitled to nominate one Candidate each to contest the election for *Gup/Mangmi* of the respective *Gewog*.
10. A *Zomdu* will be called by the Dzongkhag Electoral Authority in every *Chiwog* for the purpose of selecting a Candidate to contest in the elections to the post of *Gup/Mangmi*. The *Zomdus* shall be conducted as outlined in the *Strategy for the Conduct of the Local Government Elections 2016* issued by the Election Commission of Bhutan.

Gewog Tshogpa

11. A Registered Voter aspiring to contest the *Gewog Tshogpa* Elections shall produce as evidence of support, the signatures and

details as in the Voter Photo Identity Cards of at least 5 percent of the Registered Voters from the respective *Chiwog* who shall be from at least 5 different *Gungs* with no voter or *Gung* supporting more than one nominee.

12. In the case of small *Chiwogs* with few households with a small (Less) voter population, the above requirement will be reviewed and decided by the Election Commission on a case-by-case basis.

(E) Selection Process of the *Dzongkhag Thromde Candidates of Samdrup Jongkhar Dzongkhag*

13. The *Thrompon* and a minimum of six and maximum of nine *Thromde Tshogpas* elected through direct election shall constitute the *Dzongkhag Thromde Tshogde*.

14. The selection process of the *Thromde Tshogde* Candidates shall be as follows:

Thrompon

15. Every *Tshogpa Demkhong* is entitled to nominate one Candidate each to contest the elections for *Thrompon* in the Samdrup Jongkhar *Dzongkhag Thromde*.
16. A *Zomdu* will be called by the Dzongkhag Electoral Authority in every *Tshogpa Demkhong* for the purpose of selecting a Candidate to contest in the elections to the post of *Thrompon*. The *Zomdus* shall be conducted as outlined in the *Strategy for the Conduct of the Local Government Elections 2016* issued by the Election Commission of Bhutan.

Thromde Tshogpa

17. A Registered Voter aspiring to contest the *Thromde Tshogpa* Elections shall produce as evidence of support, the signatures and details as in the Voter Photo Identity Cards of at least 5 percent of the Registered Voters from the respective *Tshogpa Demkhong* who shall be from at least 5 different *Gungs* with no voter or *Gung* supporting more than one nominee.
18. In the case of small *Tshogpa Demkhong* with few households and small (Less) voter population, the above requirement will be reviewed and decided by Election Commission on a case-by-case basis.

(F) Scrutiny of Candidates Nomination Papers

19. The scrutiny of nominations shall be done by the respective Returning Officer on the day immediately following the last date for filling of nomination, in accordance with the Electoral Laws, Rules and Regulations while keeping the Election Commission informed on the Candidatures and scrutiny.
20. The nomination papers to be submitted by the Candidates contesting for the Local Government Elections 2016 are as follows:
 - (a) Nomination Form and the Notice of Nomination;
 - (b) Affidavit including Non-criminal conviction record-cum- clearance from the Court of Law.
 - (c) Asset Declaration and if holding a taxi or small trade license, he/she shall give an undertaking as in Annexure.....;
 - (d) Special Tax Clearance Certificate;
 - (e) Audit Clearance Certificate (online);
 - (f) Security Clearance Certificate (online);

- (g) Marriage Certificate & Copy of CID, (if applicable)
- (h) Certificate of Functional Literacy and Possession of Required Skills issued by the Election Commission;
- (i) Relieving order issued by Head of the Ministry/Department/ Agency (if applicable);
- (j) Letter of Attestation issued by the Election Commission of Bhutan for his/her Formal University Degree (*Thrompon* Candidates); and
- (k) A declaration by the 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 of the Kingdom of Bhutan 2008 and attested by the Public Election Fund Manager.
- (l) Undertaking Form in case of Trade/Professional Driving License.

21. For the purpose of ascertaining the age eligibility of Candidate which as per the Electoral Laws must be minimum of 25 years and maximum of 65 years, a Candidate for this Election must be born on or before 31st of August 1991 but not before 31st of August 1951.

(G) Electoral Roll

22. The qualifying date shall, in relation to the preparation of the Electoral Roll for the *Local Government Elections 2016*, be the 1st of July 2016. Therefore, all those who are not younger than

eighteen years of age as on 1st of July 2016 shall be deemed to meet the minimum age requirement to be a voter.

23. A voter whose *Mitsi* is confirmed to be registered in the constituency as of 1st of July 2015 shall be considered to meet the *Mitsi* durational requirement to vote in that constituency and/or be nominated as a Candidate for the Second Local Government Elections.
24. The Draft Electoral Roll for the *Local Government Elections 2016* was issued vide Notification No. ECB/NOTIF-1/2016/79 dated 20th of July 2016 till 30th of July 2016 for public inspection for Claims and Objections. This *Draft Electoral Roll*, along with any supplementary list issued by the Election Commission shall be used for the Zomdu process.
25. No changes shall be made to the Electoral Roll of the *Local Government Demkhongs* after 27th of August 2016, i.e. thirty days before the date of poll. However, the respective Dzongkhag Election Office shall continue to distribute the Voter Photo Identity Cards to those who were unable to collect it earlier even up to the Poll Day.
26. The Final Electoral Rolls for the Elections shall be published and provided to the Returning Officers by 31st of August 2016 and the Candidates will be given their copies on 5th of September 2016.

(H) Election Campaign

27. A Candidate shall have up to 22 days for campaigning, which must stop 48 hours before the start of Poll. The campaign shall be conducted strictly as per the schedule approved by the concerned Returning Officer. Any changes in the Schedule shall be only with the approval of the Returning Officer.

28. The Campaign Schedule shall be intimated to the voters through mass media and notice on the Election Advertising Board while it must be ensured that no coercion or deterrence is exercised for attendance by the voters to the meetings.
29. Door-to-doors campaigns or rallies are subject to the provisions of the law, code of conduct and as per the campaign schedule and use of vehicles as approved by the Returning Officer. Specifically, door-to-door campaign shall not be conducted before 6 a.m. and after 6 p.m.
30. Except in the capacity of an Election Official, a civil servant should not campaign or attend campaigns or political meetings.
31. No Ministers Member of Parliament, Official or Member of Political Party shall campaign directly or indirectly for any Candidate. No trips or official tours shall be undertaken by a Minister or Member of Parliament to a *Demkhong* during the Election Period except to cast their votes on the Poll Day should they wish not to use the Postal Ballot facility extended to them and their spouse under Section 331 of the Election Act of the Kingdom of Bhutan 2008.
32. No official or a member of Political Party shall campaign directly or indirectly for any candidate in the Local Government Elections.
33. All Banks or Financial Institutes will report any abnormal transaction of money, including in the account of a candidate contesting the Local Government Elections in the 205 *Gewogs* and *Dzongkhag Thromde* of Samdrup Jongkhar Thromde to the Election Commission.

Election Campaign Finance

34. A Candidate for the *Local Government Elections* and *Dzongkhag Thromde* of Samdrup Jongkhar cannot exceed his/her election campaign expense beyond the ceiling fixed in Section 59 of the Public Election Fund Act 2008 i.e. total of Nu. 50,000/-.
35. A Candidate shall, as required by section 65 of the Election Act of the Kingdom of Bhutan, during an election period ensure that no individual or organization sponsor meals, entertainment, donations or activities of any kind which may be construed as coercion or inducement or prohibited under the Electoral Laws.
36. The offering or purchase of gift or donations for office, individuals, business units or any organization for any other purposes is prohibited.

Election Campaign Returns

37. A candidate must submit accounts of campaign and file Election Returns as per the prescribed procedures set out in the Guidelines for Monitoring Campaign Expenditures of Candidates for Elections to Local Government 2015.
38. A National Observer and the Micro-Observer shall serve as the Expenditure Observer.
39. A Candidate must submit accounts of campaign to the National Observers for his/her scrutiny and file Election Returns within thirty days of declaration of the Election Result as per the prescribed procedures.

Common Forum for Public Address by All Candidates

40. Common Forum shall be conducted for the Candidates whose nominations have been duly accepted by the respective Returning Officer.

41. The Returning Officer, in consultation with the respective Election Coordinator and Security Coordinator shall arrange a Common Forum in each *Chiwog and Thromde Tshogpa Demkhong* of Samdrup Jongkhar to provide the Candidates of the concerned *Gewog* and Samdrup Jongkhar *Thromde* equal opportunity to address the electorate eliminating the necessity to call for public meetings in a *Chiwog, Gewog* and *Samdrup Jongkhar Thromde* by each candidate separately and thereby avoiding inconvenience to voters of attending multiple sessions.

(I) Postal Ballots

42. The schedule for the Postal Ballots Process for the *Local Government Elections 2016* shall be as given below:

Date and Time	Remarks
9th of August 2016 (Tuesday)	- Eligible Postal Voters to initiate application for Postal Ballot to respective Returning Officer, (Sending of Postal Ballot Application form to concerned Returning Officer is free of Cost initiated by Bhutan Postal Corporation Limited)
3rd of September 2016 (Saturday)	- Last date of receipt of Application for Postal Ballots by Returning Officer - Returning Officer to commence sending Postal Ballot to registered Postal Voters
26th of September 2016 (5 PM) (Monday)	- Last day/ time for receiving Postal Ballots
27th of September 2016 (Tuesday)	- Poll Day and Counting of Results

43. A person who applied for Postal Ballot shall not be allowed to vote in person as his/her name will be included in the Postal Voters’

List and struck off from the Voters' List sent to the Polling Station by the Returning Officer. However, if applications are not accepted by the Concerned Returning Officer, the applicant shall be intimated to be allowed to vote in person on Poll Day.

(J) Voter Photo Identity Card (VPIC)

44. Voter Photo Identity Card (VPIC) issued by the Election Commission of Bhutan shall be the valid document for identification of voters at the polling stations during the Elections.

45. However, all voters must carry with them the Citizenship Identity Card issued by the Ministry of Home and Cultural Affairs. In the event of any dispute related to the VPIC, the Citizenship Identity Card will form the basis for taking decision by the Presiding Officer.

(K) Electronic Voting Machines

46. The Electronic Voting Machine (EVM) shall be used for polling in all *Demkhongs*.

(L) Indelible Ink

47. Quality indelible ink shall be used during the elections and care must be taken in applying the indelible ink on the nail of the **left thumb**.

(M) Polling Stations

48. The List of Polling Stations for Local Government Elections 2016 shall be as indicated in the Revised Atlas of the Local Government

Demkhongs 2016 and in the Final Electoral Roll for the Local Government Elections 2016.

(N) Election Officials

Chief Election Coordinators

49. The *Dzongdags* shall be appointed as the Chief Election Coordinators, *Dzongrabs/ Drungpas* as the Deputy Chief Election Coordinators and the *Gewog Administrative Officers* as the Assistant Chief Election Coordinators for the respective *Dzongkhag, Dzongkhag Thromde* and *Gewog*. They shall be responsible for carrying out the roles, responsibilities and duties as provided in the Electoral Laws and in accordance with the Appointment Order issued by the Election Commission of Bhutan on 9th of August 2016.

National Observers

50. The Election Commission shall appoint a total of 58 National Observers for observing and reporting on the process of the Elections.

51. Observers are vested with the authority, roles and responsibilities as per the provisions in the Electoral laws, Rules, Regulations and Handbook for Observers.

Returning Officers

52. The Election Commission shall appoint a total of 58 Returning Officers for the *Local Government Elections 2016*.

53. Returning Officers are vested with the authority, roles and responsibilities as per the provisions in the Electoral laws, Rules, Regulations and Handbook for Returning Officers.

Presiding Officers

54. The appointment of Presiding Officers for the Elections shall be as per the Appointment Orders issued by the concerned Returning Officer on or after **24th of September 2016** i.e. three days before the day of Poll, unless otherwise authorised.
55. Presiding Officers are vested with the authority, roles and responsibilities as per the provisions in the Electoral laws, Rules, Regulations and Handbook for Presiding Officers.

Polling Officers

56. The appointment of Polling Officers for the Elections shall be as per the Appointment Orders issued by the concerned Returning Officer on or after **24th of September 2016** i.e. three days before the day of Poll.
57. Polling Officers are vested with the authority, roles and responsibilities as per the provisions in the Electoral laws, Rules, Regulations and Handbook for Polling Officers.

Counting Supervisors & Counting Assistants

58. The Presiding Officers shall serve as the Counting Supervisors and a Polling Officer as the Counting Assistant authorized as such in the Appointment Orders issued by the concerned Returning Officer.

59. Counting Supervisors and Counting Assistants are vested with the authority, roles and responsibilities as per the provisions in the Electoral laws, Rules, Regulations and Handbook for Counting Supervisors and Counting Assistants.

Assignment of Duty Stations

60. The Observers, Returning Officers, Presiding Officers, Polling Officers and Counting Supervisors and Counting Assistants shall not be posted to the Gewog where his/her *Gung* or *Mitsi* is registered.

(O) International Observers & Media Relations

61. The Policy and Planning Coordination Division and Legal and Communication Division of the Election Commission shall coordinate and liaison on all matters that concern the International Observers, National and International Media permitted to observe the Elections as provided in the National and International Observers Guidelines and Media Coverage of Elections Rules and Regulations.

(P) Law and Order & Deployment of Forces

62. The *Dzongdags* of all twenty *Dzongkhags* and the Gewog Administrative Officers in the *Gewogs* shall serve as the Focal Points for all administrative matters in the *Dzongkhags* and *Gewogs* respectively for the election period.
63. The *Dzongdags* and the Gewog Administrative Officers shall be responsible in ensuring that their respective jurisdictions are conducive and congenial for the conduct of free and fair Local Government Elections 2016.

64. The Royal Bhutan Police and the Royal Bhutan Army shall deploy security as per the Election Security Rules and Regulations of the Kingdom of Bhutan.
65. They shall deploy adequate numbers of men and officers so that there is no possibility of any security threat to the electoral process.
66. The Election Security Focal Officers of the concerned Dzongkhag shall work in close coordination and cooperation with the election officers as a team towards conducting the elections smoothly.

(Q) Election Control Rooms

67. Control Rooms shall be established in the Office of the Returning Officers and at the Election Commission Headquarters to effectively supervise, direct, monitor and backstop the conduct of elections.
68. The Control Rooms shall be set up and function in the manner detailed in the *Manual for Control Rooms*.
69. All concerned officials shall be provided with a copy of the Bhutan Election Directory to facilitate effective communications during the elections.

(R) Election Code of Conduct

70. The Election Code of Conduct shall continue to be in force until the completion of the Election Period i.e. from **9th of August 2016** to **17th of October 2016**.
71. All election officers, Candidates and voters must comply with the Election Code of Conduct and the provisions of the Electoral Laws and requirements thereof.

(S) Poll Day - A Public Holiday

72. The Poll Day, **27th of September 2016**, shall be declared a national holiday in the 20 Dzongkhags. All employers are required by law to grant required number of days as election leave for any voter wishing to go to vote in person.

(T) Demkhong with No or Only One Candidate

73. In a *Demkhong* where there is no Candidate after the last date for filing of nomination of candidates notified herein, the election will be postponed till further notice by the Election Commission of Bhutan.
74. In a *Demkhong* where there is only one candidate after the last date of filing of nomination of candidates announced herein, 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*.

(U) References

75. Election Officials shall, besides the Electoral Laws, Rules, Regulations, Guidelines, Handbooks, Orders and Notifications, also refer to the “*Strategy for the Conduct of the Local Government Elections 2016*” for additional information and guidance in the conduct of the Elections.

Now, thereof, from the day of issue of this Notification, the Election Commission of Bhutan notifies the general public on the Election Schedule of the Local Governments Elections 2016 and all matters relating to it.

Issued on the Sixth Day of the Seventh Month of the Fire Male Monkey Year corresponding to 9th of August 2016.