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ELECTION COMMISSION OF BHUTAN

(Ensuring Free, Fair & Democratic Elections & Referendums)



ECB/NOTIF-01/2020/2927

Dated: 16th of October 2020

NOTIFICATION

Bye-Election for National Assembly Member of Chhoekhor_Tang Demkhong of Bumthang Dzongkhag

The Election Commission of Bhutan, in obedience to the Royal Decree of His Majesty The Druk Gyalpo Issued on 14th of October 2020 and in pursuance to Sections 577 and 579 of the Election Act of the Kingdom of Bhutan 2008, hereby issues this notification for Bye-Election to Chhoekhor_Tang National Assembly *Demkhong* under Bumthang Dzongkhag as per the Election Schedule and the details concerning the Nomination of Candidates, Electoral Roll, EVMs, Polling Stations, Polling Officials, Polling Management, Security and other arrangements as follows:

(A) Election Schedule

1. The schedule of dates and time for the Bye-Election shall be as follows:

Table 1: Election Schedule

Date and Time	Event
14 th of October 2020	- Issue of Royal Decree calling the Bye-Election
16 th of October 2020	- Issuance of Notification - Postal Voters to start registering for Postal Ballot
23 rd of October 2020	- Last Date for filing of Nominations of Candidates - Scrutiny of Nomination of Candidates
24 th of October 2020	- Start of application for election campaign fund by candidates - Commencement of election campaign
26 th of October 2020	- Last date for withdrawal of Candidature - Last date for registration of Postal Ballot
27 th of October 2020	- Returning Officer to initiate sending postal ballot
17 th of November 2020	- End of Election Campaign
18 th of November 2020	- Last day for receiving Postal Ballots Package

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334851, 334852 (PABX), 334762 (EA to CEC), Fax: 334763

Website: www.ecb.bt E-mail: cec@ecb.bt

19 th of November 2020	Poll Day and Counting of Results
20 th of November 2020	- Declaration of Results & Submission of the Results to the Druk Gyalpo - Start of Election Petition Period
25 th of November 2020	- Issuance of the Certificate of Election
3 rd of December 2020	- End of Election Petition Period

(B) Filing of Nomination Papers by Candidates

2. The Nomination Papers shall be submitted by a Candidate nominated to contest the Bye-Election with the last date for filing nominations on 23rd of October 2020.
3. The Nomination Papers must be complete, signed and countersigned as required and include the following prescribed Forms:
 - 3.1. Notice of Nomination;
 - 3.2. Nomination form;
 - 3.3. Asset declaration attested jointly by ACC and ECB;
 - 3.4. Tax Clearance Certificate;
 - 3.5. Audit Clearance Certificate for Election;
 - 3.6. Security Clearance Certificate for Election;
 - 3.7. Formal University Degree attested by ECB based on the endorsement of qualification of the BAC;
 - 3.8. Reliving order from concerned agencies (if relevant);
 - 3.9. Married certificate if applicable;
 - 3.10. Office of Profit Form No. 1A (GE);
 - 3.11. VPIC of the candidate;
 - 3.12. CID copy of spouse; and
 - 3.13. Affidavit including non-criminal conviction record and clearance from the Court of Law.
4. A Candidate eligible to contest this Bye-Election shall be a registered Member of the Ruling or Opposition Party before the Election Period of the Bye-Election as provided under Section 209(b) of the Election Act 2008 i.e. before 16th of October 2020.

(C) Scrutiny of Nominations

5. The Returning Officer shall undertake the scrutiny of the Nomination Papers filed by the Candidates under intimation to the Election Commission.

6. The cross-checking of Asset Declarations shall be in line with the *Strategy for Evaluation of the Asset Declaration of the Candidates Contesting Elections, 2018* and the *Guidelines for Implementation of Sections 163-174 of the Election Act of the Kingdom of Bhutan, 2008 relating to Office of Profit, 2009* issued by the Election Commission.
7. The screenshot (webpage) displaying the approved status of the Security Clearance, specified for election purposes, can be printed out and filed to the Returning Officer at the time of submission of Nomination Papers. The Returning Officer shall cross-check such documents submitted.
8. Audit Clearance may be obtained as per the system put in place by the Royal Audit Authority and the print-out copy submitted at the time of submission of Nomination Papers. The Returning Officer shall cross-check such documents submitted.
9. The attestation of the Formal University Degree shall be as per the Guidelines for Interpretation and Implementation of Sections 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*, 2018.

(D) Last Date for Withdrawal of Candidature

10. The last date for withdrawal of candidature shall be 5 p.m. on 26th of October 2020 as per Section 225 of the Election Act of the Kingdom of Bhutan, 2008.

(E) Demkhong

11. The details of the Demkhong in which the Bye-Election is called is as follows:

Table 2: Details of Demkhong and Returning Officer

Dzongkhag	National Assembly Demkhong	Gewog/Thromde	Details of Returning Officer
Bumthang	Chhoekhor_Tang	Chhoekhor	Jambay Dorjee
		Tang	Mobile: 17311539
		Dzongkhag Thromde	Email: kayjay1976@gmail.com

(F) Electoral Roll

12. The Qualifying Date shall, in relation to the Electoral Roll for the Bye-Election to Chhoekhor_Tang Demkhong, be the 1st of October 2020. Therefore, any person who attains the age of eighteen years on 1st of October 2020 shall be deemed to meet the minimum age requirement as a Voter under the Electoral Laws.
13. A Registered Voter who is born on or after 23rd of October 1955 and before 23rd of October 1995 shall be deemed to meet the maximum (65 years) and minimum (25years) age requirement for nomination as a Candidate for this Bye- Election.
14. The draft Electoral Roll for this Bye-Election was issued to the public on 9th of October 2020 for claims and objections. No changes shall be made to the Electoral Roll after 18th of October 2020, thirty days before the date of Poll. However, the Dzongkhag Election Office shall continue to distribute the Voter Photo Identity Cards (VPIC) to those who were unable to collect it earlier even up to the Poll Day.
15. The Final Electoral Roll shall be published and provided to the Returning Officer by 18th of October 2020 and the Candidates will be given their copies on 24th of October 2020.

(G) Election Code of Conduct

16. The Election Code of Conduct shall continue to be in force from 16th of October 2020 until the completion of the Election Period i.e. till the declaration of the Bye-Election Results on 19th November 2020.

17. All election officers, Candidates and voters must comply with the Election Code of Conduct and the provisions of the Electoral Laws, Rules and Regulations and Guidelines.

18. All electoral stakeholders may use the social media for election or campaign purposes but shall ensure to abide generally by the Electoral Laws, Election Code of Conduct and specifically adhere to the requirements under the Social Media Rules of the Kingdom of Bhutan.

(H) Election Campaign

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

20. A Candidate shall conduct the campaign as per the Election Campaign Schedule approved by the Returning Officer and copy endorsed to the Observer.

21. The election campaign shall be conducted strictly as per the Electoral Laws and Standard Operating Procedures (SoP) for National Assembly Bye-Election in Chhoekhor_Tang *Demkhong* amid COVID-19.

22. All those under the laws not eligible to campaign for or against a Candidate or a Party in an election, including all elected position holders in the Local Government, shall ensure that they do not engage directly or indirectly in the election campaigns.

Common Forum for Public Address by Candidates

23. The Returning Officer, in consultation with the Chief Election Coordinator and Security Coordinator shall arrange Common Forum in the chiwogs and Dzongkhag Thromde.

24. The Common Forum shall be conducted strictly as per the requirements set out in the *Guidelines for the Conduct of the Common Forum for Election Campaign, 2018* and Standard Operating Procedures (SoP) for National Assembly Bye-Election in Chhoekhor_Tang *Demkhong* amid COVID-19.

Any other public meetings, door-to-door campaigns, or rallies

25. Any additional public meeting, door-to-door campaign or rallies shall be 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.
26. A door-to-door election campaign shall not be conducted before 6 a.m. and after 6 p.m.

Abnormal Financial Transaction

27. All Banks or financial institutions shall be responsible to report to the Election Commission any abnormal transaction of money, including in the account of a Candidate contesting the Election.

No Freebies

28. A Candidate, Party and all concerned shall neither serve meals or refreshments, nor pay, gift, or reward the general public or voters for attendance of election campaigns or produce, wear and distribute T-shirts and caps.

Past Attributes or Past Achievements

29. A Candidate, Government or Non-Governmental authority, Organisation or any individual shall not screen any audiovisual products or documentary clips or display/distribute any written or pictorial materials which attribute or depict the past achievements of a particular aspiring Candidate whilst in Government or public service or otherwise, including the portrayal of a Candidate in any audiovisual product.

No Travels or Official Tours by a Member of Parliament

30. No travels, Public gatherings or official tours shall be undertaken by any Member of Parliament or Party official to the *Demkhong* during Election Period except for attending offices located in *Chhoekhor_Tang Demkhong* or for a purpose that cannot wait under the Laws but only with prior approval of the Returning Officer.

Party Functionaries

31. A Party or a Candidate during the Bye-Election shall carry out all election Campaign activities only upon obtaining Permit from the Returning Officer.
32. A Party Worker or supporters appointed by a Candidate or a Party to carry out Election Campaign activity must bear in person two identity cards; one issued by his/her Party and the other by the Returning Officer.
33. Any unauthorized person carrying out election campaign activities must be reported to an election officer or election security on duty to be prosecuted for violation of Electoral Laws.

Conduct of Representatives or Supporters

34. A Candidate shall be liable for all acts of commission and omission of their election representatives and Leyjepa/Jabchorpa which may include any interference in the conduct of lawful electoral works and/or disturbing peace and order undermining free and fair election.

No Usage of Title, Sign, Insignia or Symbol

35. No Candidate shall use the title, designation, rank, Kabney/Rachu, Pata/Geyntag, or any other sign, insignia or symbol of an office held earlier, on person, car or any personal effects as may be used during the campaign period by the Party, Candidate, representatives or supporters.
36. A Candidate shall bear responsibility for the conduct of their representatives or supporters.
37. The Office of the Returning Officer and venue of the election events shall be at locations that do not require the wearing of formal insignia or symbol of an office.

Prohibition on Election Campaign 48 hours Before Poll

38. Election Campaign must stop 48 hours before the hour fixed for commencement of Poll.

Election Campaign Finance

39. A Candidate shall, upon acceptance of his/her nomination by the Returning Officer, be eligible to receive Election Campaign Fund at the rate of Nu. 150,000/-.
40. A Candidate cannot exceed his/her election campaign expense beyond the ceiling fixed by the Election Commission i.e. total of Nu. 150,000/- being provided by the State and up to an equivalent amount being permitted to be spent from the Party's resources, raised from the permissible sources.
41. A Candidate shall ensure that no funds received directly or indirectly from sources other than the ones permitted and spend funds for admissible electoral purposes and within the approved ceilings.

Election Campaign Returns

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

Public Debate

43. Public debates shall be arranged and conducted in collaboration with the BBSC TV as per the *Guidelines for Conduct of Public Debates during Parliamentary Elections, National Assembly 2018*.

Election Advertising

44. Election advertising, to be financed by the State, shall be done as set out in the *Strategy for the Implementation of the Election Advertising Regulations*.

(I) Remaining Above Politics and Apolitical

Religious or Government Events in the Demkhong

45. No religious or government events involving public gathering shall be organized or conducted during the Bye-Election Period in the *Demkhong*.

46. Religious events such as the wrathful practices and rituals such as tordog, torphang etc. will be prohibited, in particular by the Political Parties or Candidates and/or their representatives and supporters.

47. Religious Personalities shall neither vote in the elections nor participate directly or indirectly in the Bye-Election.

Religious Organisations & Civil Society Organisations

48. Religious Organisations and Civil Society Organisations shall not participate, directly or indirectly in the Bye-Election.

Civil Servants

49. A Civil Servant, his/her spouse and dependents shall cast their votes either in person at the designated Polling Stations or by Postal Ballot.

50. A Civil Servant shall not be allowed to participate or attend any campaign events or meetings except to carry out duties of an election officer appointed under the Electoral Laws.

Midhey Gothrips

51. An Elected Local Government functionary shall not participate directly or indirectly except to cast his /her ballot in the Bye-Election.

(J) Postal Ballots

52. The Schedule for the Postal Ballot process are as given in the Election Schedule in Table 1 above.

53. A Voter wishing to vote by post must register for Postal Ballot to the Dzongkhag Election Officer with full details before 26th of October 2020.

54. A person who registered for Postal Ballot cannot 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.

(K) Polling Stations

55. The Polls for this Bye-Election shall be conducted in a total of 11 Polling Stations, the details of which are indicated in the Final Electoral Roll.

(L) Voter Photo Identity Card (VPIC)

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

(M) Poll Day

57. The Poll Day, **19th of November 2020** for the Bye-Election to Chhoekhor_Tang Demkhong shall be declared a Holiday in the concerned Demkhong.

58. The Electronic Voting Machine (EVM) shall be used for polling in all Polling Stations.

59. Quality indelible ink shall be applied on the **LEFT INDEX FINGER**.

60. The Polling Hours shall be from **8 a.m. to 4 p.m.** However, those voters already in the queue at 4 p.m. shall be allowed to vote with the last voter present at that time in the queue being given Token No. 1.

61. All employers are required by law to grant required number of days as leave of absence for reasonable period as is necessary to enable him/her to vote at the election subject to the exceptions made in Sections 339 and 341. However, due to COVID-19 pandemic, **all are encouraged to vote through Postal Ballots.**

62. No one shall carry any sort of audio/photo/video recording device in and around a Polling Station on Poll Day except those authorized to do so.

63. No one shall carry any arms or weapons which can be used to cause bodily harm on Poll Day except by those who are authorized under the Electoral Laws for security duty.

64. A permitted media agency or journalist shall be allowed into a Polling Station but not have access to the voting compartment when a voter is inside it and be escorted out of the Polling Station after a few minutes.

(N) Election Result Counting, Consolidation and Declaration

65. After the close of Polls, the Polling Stations shall become the Counting Centres where the EVM Results shall be counted immediately, as per the set procedure, and relayed to the Returning Officer and the National Counting Centre in Headquarters.
66. The voter turn-out reports, as well as the results at the end of Polls, shall be communicated vide SMS based Result Relaying System.
67. The Postal Ballots shall be counted by the Returning Officer who shall consolidate it with the EVM results received from the Counting Centres and after verification submit it to the National Results Centre in the required Forms.
68. Candidates or their representatives can witness and observe all stages of the polling and counting procedures but shall not make public statements on estimates and guesses before the Results of Election are officially declared.

(O) Election Officials

Chief Election Coordinator

69. The Dzongdag shall be appointed as the Chief Election Coordinator; Dzongrab as the Deputy Chief Election Coordinator; and the concerned Gewog Administrative Officers as the respective Gewog Election Coordinators for the conduct of the Bye-Election.
70. The Election Coordinators shall be responsible for carrying out the roles, responsibilities and duties as provided in the Electoral Laws, Handbooks of Election Coordinators and in accordance with the Appointment Order issued by the Election Commission of Bhutan.

National Observer

71. The Election Commission shall appoint a National Observer in the *Demkhong*, vested with the authority, roles, and responsibilities as per the provisions in the Electoral Laws, Rules, Regulations and Handbook for Observers to observe the Bye-Election.

Returning Officer

72. The Election Commission shall appoint, a Returning Officer in the *Demkhong*, vested with full authority, roles and responsibilities as per the provisions in the Electoral Laws, Rules, Regulations and Handbook for Returning Officer.

Presiding and Polling Officers

73. The appointment of Presiding and Polling Officers for the Bye-Election be as per the Appointment Orders issued by the Returning two days before the day of Poll, unless otherwise authorized.
74. Presiding and Polling Officers are vested with the authority, roles and responsibilities as per the provisions in the Electoral laws, Rules, Regulations and Handbook for Presiding Officers and the Handbook for Polling Officers, respectively.

Counting Supervisors & Counting Assistants

75. 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.

Media Arbitrator

76. The Media Arbitrator appointed for the Bye-Election shall be vested with the authority and be responsible for fulfilling the roles and responsibilities as provided in the Electoral Laws, Rules, Regulations, and the Appointment Order.

Legal Officer

77. A Legal Officer of Election Commission of Bhutan shall assist the Central Dispute Settlement Body, and the Dzongkhag Legal Officer of Bumthang Dzongkhag shall assist Dzongkhag Dispute Settlement Body for the Bye-Elections.

Accounts Officers

78. Dzongkhag Administration, Bumthang shall identify and appoint Accounts Officer to be responsible for managing and keeping the accounts for all expenditures related to the Bye-Election, except for the Public Election Campaign Fund which shall be handled directly by the Public Election Fund Division of the Election Commission.

79. The finance and expenditure records and accounts shall be maintained in line with the *Guidelines for the Maintenance of Financial Records and Accounts for an Election in the Kingdom of Bhutan*.

Assignment of Duty Stations

80. The National Observer, Returning Officer, 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.

Authorisation to Record Election Related Events

81. The general public are hereby notified that the Officials appointed on election duty are being officially authorized to photograph, videograph and/or record any election-related event or activity which may be used as evidence in the Election Dispute Settlement System.

(P) Election Control Rooms

82. Control Rooms shall be established in the Office of the Returning Officer and at the Election Commission Headquarters and function in the manner detailed in the Manual for Election Control Room Parliamentary Election, 2018.

(Q) Replacement Candidate

83. In case of cancellation or death of Candidate, the replacement Candidate may be nominated or polls in that *Demkhong* postponed in accordance with Sections 233 to 237 of the Election Act, 2008.

(R) Uncontested Election

84. An uncontested Election shall be conducted as provided under Sections 575 and 576 of the Election Act 2008 if there is only one contesting Candidate.

(S) Law and Order & Deployment of Forces

85. The Chief Election Coordinator and the Gewog Election Coordinator in the Gewogs shall serve as the Focal Points for all administrative matters in the Dzongkhag and Gewogs respectively for the election period.

86. The Chief Election Coordinator and the Gewog Election Coordinator shall be responsible in ensuring that their respective jurisdictions are conducive and congenial for the conduct of free and fair Election.

87. The Royal Bhutan Police shall deploy security as per the *Election Security Rules and Regulations of the Kingdom of Bhutan*.

88. Election Security personnel shall be fully empowered and authorized, under Section 38 of the Election Act, to detain any individual or group on sufficient grounds to suspect that he/she/group is a threat to peace and harmony and free and fair election are likely to be undermined.

(T) Election Dispute Settlement System

89. The Central Election Dispute Settlement Body (CEDSB) and the Dzongkhag Election Dispute Settlement Body (DEDSB) shall be appointed for the Bye-Election for adjudication of election disputes in accordance with the Electoral Laws, *the Election Dispute Settlement Rules and Regulations* and the *Election Dispute Settlement Manual*.

90. Election Disputes may be filed with a Returning Officer, Observer, Chief Election Coordinator, or the Chief Election Commissioner but must contain all details as in Election Complaint Form.

(U) International Observers & Media Relations

91. The Policy and Planning Division of the Election Commission shall coordinate and liaison all matters that concern the International Observers, National and International Media permitted to observe the Bye-Election as provided in the National and International Observers Guidelines, Media Coverage of Elections Rules and Regulations and the Social Media Rules .

(V) Other Reference

92. Election Officials shall, besides the Electoral Laws, Rules, Regulations, Guidelines, Handbooks, Orders and Notifications, Standard Operating Procedure (SoP) also refer to the Strategy for the Conduct of the Bye-Election in Chhoekhor_Tang *Demkhong* of Bumthang Dzongkhag 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 Bye-Election and all matters relating to it.

Issued on the Thirtieth Day of the Eight Month of the Male Iron Rat Year corresponding to the 16th of October 2020.


Chief Election Commissioner of Bhutan

Copies to

1. Hon'ble Prime Minister, Royal Government of Bhutan, Kingdom of Bhutan.
2. Hon'ble Chief Justice of Bhutan, Royal Court of Justice, Supreme Court of Bhutan, Thimphu.
3. Hon'ble Speaker, National Assembly, Parliament of Bhutan, Thimphu, Bhutan.
4. Hon'ble Chairperson, National Council, Parliament of Bhutan, Thimphu, Bhutan.
5. Hon'ble Opposition Leader, National Assembly, Parliament of Bhutan, Thimphu, Bhutan.
6. Hon'ble Secretary to His Majesty the King of Bhutan, His Majesty's Secretariat, Tashichhoedzong, Thimphu.
7. Hon'ble Secretary to His Majesty, Secretariat of Druk Gyal Zhipa, Thimphu.
8. Hon'ble Acting Chief Justice, Royal Court of Justice, High Court of Bhutan, Thimphu.
9. Hon'ble Chairperson, Royal Civil Service Commission, Thimphu, Bhutan
10. Hon'ble Chairperson, Anti-Corruption Commission, Thimphu, Bhutan.
11. Hon'ble Auditor General, Royal Audit Authority, Thimphu, Bhutan.
12. Hon'ble Cabinet Secretary, Royal Government of Bhutan, Tashichhoedzong, Thimphu.
13. All Hon'ble Secretaries to the Royal Government of Bhutan.

14. Hon'ble Chief of Police, Royal Bhutan Police, Thimphu, Bhutan.
15. Hon'ble Election Security Focal Officers, RBP and RBA
16. Dzongdag, Bumthang Dzongkhag Administration.
17. Drangpon, Royal Court of Justice, Bumthang Dzongkhag Administration
18. Director General, Road Safety and Transport Authority, Thimphu
19. Managing Director, Bhutan Post.
20. Election Security Coordinator, Royal Bhutan Police, Thimphu
21. Dzongkhag Electoral Officers, Bumthang Dzongkhag Administration.
22. Gewog Administrative Officer, Chhoekhor & Tang Gewog Administration.