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ELECTION COMMISSION OF BHUTAN

(Ensuring Free, Fair & Democratic Elections & Referendums)



ECB/NOTIF-01/2021/4521

Dated: 15th May, 2021

NOTIFICATION

Bye-Election for National Assembly Member of Monggar *Demkhong* of Monggar Dzongkhag and Nganglam *Demkhong* of Pema Gatshel Dzongkhag

The Election Commission of Bhutan, in obedience to the Royal Decree of His Majesty The Druk Gyalpo issued on 14th May, 2021 and in pursuance to Sections 577 and 579 of the Election Act of the Kingdom of Bhutan 2008, hereby issue this notification for Bye-Elections to Monggar and Nganglam National Assembly *Demkhongs* under Monggar and Pema Gatshel Dzongkhags, respectively.

The Election Schedule and the details concerning the Nomination of Candidates, Electoral Roll, EVMs, Polling Officials, Polling Management, Security and other arrangements are hereby being notified as follows:

(A) Election Schedule

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

Table 1: Election Schedule

Date and Time	Event
14 th May, 2021	- Issue of Royal Decree calling the Bye-Elections
15 th May, 2021	- Issuance of Notification - Appointment of Electoral Officials - Initiate to register for Postal Ballot

21 st May, 2021	- Issuance of draft Electoral Roll for claims and objections.
24 th May, 2021	- Last Date for filing of Nominations of Candidates
25 th May, 2021	- Scrutiny of Nomination of Candidates - Start of application for election campaign fund by candidates - Commencement of election campaign
27 th May, 2021	- Last date for withdrawal of Candidature - Last date for registration of Postal Ballot
31 st May, 2021	- Freezing of the Electoral Roll - Finalization of the Electoral roll and postal voter list
1 st June, 2021	- Returning Officer to initiate sending postal ballot
14 th June, 2021	- Public Debate for Monggar
15 th June, 2021	- Public Debate for Nganglam
21 st – 25 th June, 2021	- Operation of the Mobile Voting Booth
27 th June, 2021	- End of Election Campaign
28 th June, 2021	- Last day for receiving Postal Ballot Package
29 th June, 2021	Poll Day and Counting of Results
30 th June, 2021	- Declaration of Results & Submission of the Results to the Druk Gyalpo - Start of Election Petition Period
13 th July, 2021	- 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 24th May, 2021.
3. The nomination papers must be complete, signed and countersigned as required and include the following prescribed forms:
 - 3.1. Notice of Nomination of a Candidate;
 - 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 by the BAC;
 - 3.8. Relieving order from concerned agencies (if relevant);
 - 3.9. Marriage certificate, if applicable;
 - 3.10. Office of Profit Form;
 - 3.11. VPIC/CID of the candidate;
 - 3.12. CID copy of spouse, if applicable; and
 - 3.13. Court Affidavit
4. A candidate eligible to contest the bye-election shall be a registered member of the ruling or opposition party provided under Section 209 (b) of the Election Act of the Kingdom of Bhutan, 2008.

(C) Scrutiny of Nominations

5. The Returning Officer shall undertake the scrutiny of the nomination papers filed by the candidates.
6. The candidates contesting bye-elections should get their Asset Declaration attested by the Department of Election before filing nominations to the concerned Returning Officer.

(D) Last Date for Withdrawal of Candidature

7. The last date for withdrawal of candidature shall be 5 p.m. on 27th May, 2021 as per Section 225 of the Election Act of the Kingdom of Bhutan, 2008.

(E) Demkhong

8. The details of the *demkhong* in which the bye-election as called is as follows:

Table 2: Details of Demkhong

Dzongkhag	Demkhong	Sl. No.	Gewog	Details of Returning Officer
Monggar	Monggar	1	Chhaling	Mani Kumar Ghaley, Mobile No: 17268959 Email id: mkghaley@ecb.bt
		2	Drepoong	
		3	Monggar	
		4	Tsakaling	
		5	Tsamang	
Pema GatsHEL	Nganglam	1	Chhoekhorling	Sonam Tobgyal Mobile: 17672062 Email id: stobgyal@ecb.bt
		2	Dechhenling	
		3	Norboogang	

(F) Electoral Roll

9. The qualifying date shall, in relation to the Electoral Roll for the bye-elections to Monggar and Nganglam National Assembly Demkhongs, be on 1st April, 2021. Therefore, any person who attains the age of eighteen years as on 1st April, 2021 shall be deemed to meet the minimum age requirement as a voter under the Electoral Laws.

10. A registered voter who is born on or after 24th May, 1956 and before 24th May, 1996 shall be deemed to meet the maximum (65 years) and minimum (25 years) age requirement for nomination as a candidate for the bye-elections.

11.The draft Electoral Roll for the bye-elections will be issued to the public on 21st May,2021 for claims and objections.

12.The final Electoral Roll shall be published and provided to the Returning Officers and candidates contesting the elections on 31st May, 2021.

(G) Election Code of Conduct

13.The Election Code of Conduct shall come into force from the date of the notification calling for the bye-elections and shall continue to be in force until the completion of the election period i.e., 15th May, 2021 to 30th June, 2021.

14.All election officers, political parties, candidates and voters must comply with the Election Code of Conduct and the provisions of the Electoral Laws, Rules and Regulations and Guidelines.

(H) Election Campaign

15.The campaign period for the bye-elections shall commence from 25th May, 2021 onwards and must end at 8 a.m. of 27th June, 2021 i.e., 48 hours before the commencement of poll on the poll day.

16.A candidate shall campaign strictly as per the campaign schedule approved by the concerned Returning Officer and a copy endorsed to the National Observer.

17.No travels, public gatherings or official tours shall be undertaken by any Member of Parliament or Party officials to the two *Demkhongs* during election period except for a purpose that cannot wait under the Laws but only with prior approval of the Returning Officer.

18.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.

19. The campaign schedule shall be intimated to the voters through mass media and notice on the election advertising boards. In so doing, it must be ensured that no coercion or deterrence is exercised to compel or prevent attendance at such events.
20. 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 candidate, representatives or supporters.
21. A civil servant, except in the capacity of an election official mandated to fulfill a required electoral function, should not campaign or attend campaign meetings.
22. All banks or financial institutions shall report to the ECB of any abnormal transaction of money, including in the account of a candidate contesting the bye-elections in the respective *demkhong*.
23. A door-to-door election campaign shall not be conducted before 6 a.m. and after 6 p.m.
24. Any unauthorized person carrying out election campaign activities must be reported to an election officer or election security personnel on duty to be prosecuted for violation of Electoral Laws.
25. A candidate shall be liable for all acts of commission and omission of their election representatives and *Godenpas/Layjepas/Jabchorpas* which may include any interference in the conduct of lawful electoral works and/or disturbing peace and order, undermining free and fair election.

26. A party or a candidate during the bye-elections shall carry out all election campaign activities only upon obtaining permit from the Returning Officer.

27. 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.

28. A candidate, party and all concerned shall neither serve meals and refreshments nor pay money give gifts and reward the general public or voters for attendance of election campaigns or produce, wear and distribute T-shirts and caps for campaigning.

(I) Election Campaign Finance

29. 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/-.

30. A candidate cannot exceed his/her election campaign expenses 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.

Election Campaign Returns

31. A candidate must submit weekly accounts of campaign expenses and file Election Returns as per the prescribed procedures set out in the Public Election Fund Rules and Regulations of the Kingdom of Bhutan, 2018.

Public Debate

32. Public debates shall be arranged and conducted in collaboration with the BBSC TV as per the Guidelines for Conduct of Public Debates for the Bye-Elections of Monggar and Nganglam *Demkhongs*, 2021.

(J) Remaining Above Politics and Apolitical

33.No religious events, involving public gathering, shall be organized or conducted during the election period.

34.Religious personalities shall neither vote in the elections nor participate directly or indirectly in the elections.

Civil Society Organisations (CSOs)

35.CSOs shall not participate, directly or indirectly, or give grounds to reasonably construe support, opposition or dislike of any candidate contesting the bye-elections.

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36.An Elected Local Government functionary shall not participate directly or indirectly except to cast his /her ballot in the bye-election.

(K) Postal Ballots

37.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 marked as 'PB' in the voters' list sent to the polling station by the Returning Officer.

Voter Photo Identity Card (VPIC)/ Citizenship Identity Card (CID)

38.The ECB shall accept either the Citizenship Identity Card (CID) or Voter Photo Identity Card (VPIC)for the purpose of identification of the voter on the poll day.

(L) Electronic Voting Machine (EVM)

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

(M) Indelible Ink

40. Indelible ink shall be used during the bye-elections and marked from top of the nail to the bottom of the first joint of the RIGHT index finger.

(N) Poll Day

41. The poll day for the bye-elections shall be on 29th June, 2021.

42. The poll day shall be declared as a public holiday in the respective *demkhongs*.

43. All employers are required, by law, to grant the required number of days as leave of absence for a 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 voters residing outside the demkhongs are encouraged to register and vote through postal ballots.

(O) Election Result Counting, Consolidation and Declaration

44. 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 ECB Headquarters.

45. 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.

(P) Election Officials

Chief Election Coordinator

46. The Dzongdag shall be appointed as the Chief Election Coordinator; Dzongrab and Dungpa as the Deputy Chief Election Coordinator; and the concerned Gewog Administrative Officers as the respective Gewog

Election Coordinators responsible for carrying out the roles, responsibilities and duties as provided in the Electoral Laws and Appointment Order issued by the Election Commission of Bhutan for the conduct of the bye-elections.

National Observer

47. The Election Commission shall depute senior officers from the Civil Service as National Observers in the *Demkhongs*, vested with the authority, roles, and responsibilities as per the provisions in the Electoral Laws, Rules, Regulations and in particular the relevant provisions contained in the Guidelines for National and International Observers and the Appointment Order.

Returning Officer

48. The Election Commission shall appoint Returning Officers in the two *Demkhongs*, vested with full authority, roles and responsibilities as per the provisions in the Electoral Laws, Rules, Regulations and Handbook for Returning Officers and the Appointment Order.

Presiding and Polling Officers

49. Returning Officers shall appoint the Presiding and Polling Officers from the list of government officials working in the same Dzongkhag, provided by Dzongkhag Election Office.

50. 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.

Counting Supervisors & Counting Assistants

51. The Returning Officers shall authorize the Presiding Officer and Polling Officer III in a polling station to function as the Counting Supervisor and the Counting Assistant to count the results after the close of Poll.

52.Counting Supervisors and Counting Assistants shall be vested with the authority, roles and responsibilities as per the provisions in the Electoral Laws, Rules, Regulations and Handbook for Counting Supervisor and Counting Assistant.

Media Arbitrator

53.The Media Arbitrator appointed for the bye-elections 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.

Assignment of Duty Stations

54.National Observers, Returning Officers, Presiding Officers, Polling Officers, Counting Supervisors and Counting Assistants shall ensure that he/she is not being placed in the Dzongkhag where his/her *Gung* or *Mitsi* is registered, unless authorized otherwise.

(Q) Election Control Rooms

55.For the purpose of monitoring, supervision and direction of the conduct of elections, election Control Rooms shall be set up in the Office of the Returning Officers at the *Demkhong* level and at the Election Commission headquarters for the national level.

(R) Uncontested Election

56.If there is no Candidate after the last date for filing of nomination of Candidates notified herein, the election will be postponed till further notice.

57.The *Demkhong* with only one candidate after the last date of filing of nomination of Candidates announced herein will be conducted as ‘Uncontested Election’ in accordance with Sections 575 and 576 of the Election Act of the Kingdom of Bhutan, 2008.

(S) Law and Order & Deployment of Forces

58. The Royal Bhutan Police shall be responsible for deploying security personnel at every polling station as per the *Election Security Rules and Regulations of the Kingdom of Bhutan, 2012*.
59. Security personnel shall ensure that he/she is not being placed in the Dzongkhag where his/her *Gung* or *Mitsi* is registered, unless authorized otherwise.
60. The Election Security Focal Officers shall work in close coordination and cooperation with the election officers as a team towards conducting the elections smoothly.
61. Desuups shall be mobilized as per requirements to supplement and complement the efforts of the RBP and to enforce the COVID-19 health safety protocols.

(T) Election Dispute Settlement System

62. The Central Election Dispute Settlement Body (CEDSB) and the Dzongkhag Election Dispute Settlement Body (DEDSB) shall be appointed for the bye-elections for adjudication of election disputes in accordance with the Electoral Laws, the Election Dispute Settlement Rules and Regulations and the Election Dispute Settlement Manual.
63. Election Disputes may be filed with a Returning Officer, National Observer, Chief Election Coordinator, or the Chief Election Commissioner but must contain all details as in Election Complaint Form.

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-elections and all matters relating to it.

Issued on the Fourth Day of the Fourth Month of the Iron Female Ox Year corresponding to the 15th of May, 2021.

Chief Election Commissioner of Bhutan

Copies to:

1. Hon'ble Prime Minister, Royal Government of Bhutan, Thimphu.
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.
4. Hon'ble Chairperson, National Council, Parliament of Bhutan, Thimphu.
5. Hon'ble Opposition Leader, National Assembly, Parliament of Bhutan, Thimphu.
6. Hon'ble Zimpon, Office of the Gyalpoi Zimpon, Tashichhoedzong, Thimphu.
7. Hon'ble Secretary to His Majesty the King of Bhutan, His Majesty's Secretariat, Tashichhoedzong, Thimphu.
8. Hon'ble Secretary to His Majesty the Druk Gyal Zhipa, Thimphu.
9. Hon'ble Chief Justice, Royal Court of Justice, High Court of Bhutan, Thimphu.
10. Hon'ble Chief Operations Officer, Royal Bhutan Army, Thimphu.
11. Hon'ble Chief of Police, Royal Bhutan Police, Thimphu.
12. Hon'ble Commandant, Royal Body Guards, Dechencholing, Thimphu.
13. Hon'ble Chairperson, Anti-Corruption Commission, Thimphu.
14. Hon'ble Chairperson, Royal Civil Service Commission, Thimphu.
15. Hon'ble Auditor General, Royal Audit Authority, Thimphu.

16. Hon'ble Cabinet Secretary, Cabinet, Royal Government of Bhutan, Thimphu.
17. All Hon'ble Secretaries to the Royal Government of Bhutan. Thimphu.
18. Dzongdag, Dzongkhag Administration, Monggar and Pema Gatshel.
19. Drangpon, Royal Court of Justice, Monggar and Pema Gatshel.
20. Election Security Coordinator, Royal Bhutan Police, Thimphu.
21. Director, Department of Law and Order, Ministry of Home and Cultural Affairs, Thimphu.
22. Director, Road Safety and Transport Authority of Bhutan, Thimphu.
23. Chief Executive Officer, Bhutan Post, Thimphu.
24. Dungpa, Dungkhag Administration, Nganglam, Pema Gatshel.
25. Returning Officers, Monggar and Nganglam *Demkhongs*.
26. National Observers, Monggar and Nganglam *Demkhongs*.
27. Dzongkhag Electoral Officer, Monggar and Pema Gatshel.