

## **ELECTION COMMISSSION OF BHUTAN**



### **Guidelines for *Dhamngoi Zomdu* of the *Gewog/Dzongkhag Thromde* for National Council elections, 2023**

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## Background

In keeping with the Election Act of the Kingdom of Bhutan, 2008, for the selection of the *Gewog/Dzongkhag Thomde* nominee to contest the National Council elections, the Election Commission of Bhutan hereby adopts and promulgates the Guidelines for *Dhamngoi Zomdu* of the *Gewog/Dzongkhag Thomde* for National Council Elections, 2023.

### 1. Title, Extent, Application and Commencement

- 1.1 These Guidelines shall be called the Guidelines for *Dhamngoi Zomdu* of the *Gewog/Dzongkhag Thomde* for National Council Elections, 2023.
- 1.2 These Guidelines shall extend to the whole of Kingdom of Bhutan;
- 1.3 These Guidelines shall apply to the National Council Elections; and
- 1.4 Extend to the whole of Kingdom of Bhutan in relation to the conduct of *Dhamngoi Zomdu*.

### 2. Definitions

- 2.1 In these Guidelines, unless the context otherwise requires:
  - 2.1.1 “Candidate” means a person whose nomination has been duly accepted by the concerned Returning Officer;
  - 2.1.2 “Commission” means the Election Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;
  - 2.1.3 “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;
  - 2.1.4 “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, Regulations, Guidelines and Orders made there under;
  - 2.1.5 “Nominee” means an eligible person nominated from a *Gewog* or a *Dzongkhag Thomde*, through the *Dhamngoi Zomdu* process, to file nomination as a candidate to contest the National Council elections;
  - 2.1.6 “Observer” means a National Observer or a Micro Observer appointed by the Election Commission and authorised to observe elections;
  - 2.1.7 The words importing the singular number shall include the plural number and vice-versa.

### 3 Legal Provisions

- 3.1 The Constitution of the Kingdom of Bhutan vests upon the Commission the authority and responsibility for the conduct of elections in a free and fair manner.
- 3.2 Section 11 of the Election Act provides for the selection and nomination process of a candidate for the National Council elections.
- 3.3 Section 35(e) of the Election Act provides the Commission with the responsibility of making Rules and notifying these to carry out the purpose of the Election Act.

### 4. National Council *Demkhong* and Nominee for Candidate

- 4.1 Each Dzongkhag shall form a *Demkhong* for the National Council with twenty seats being filled through direct elections.
- 4.2 The 205 *Gewogs* and twenty Dzongkhag *Thromdes* are entitled to select and nominate one nominee each to contest the elections to the National Council in each Dzongkhag.
- 4.3 The selection of the *Gewog/Dzongkhag Thromde* Nominee shall be carried out through a *Dhamngoi Zomdu* called specifically for this purpose.
- 4.4 A registered voter of a said *Gewog* and Dzongkhag *Thromde* who fulfills the criteria as prescribed in the Election Act of the Kingdom of Bhutan 2008 is eligible to be nominated to contest election to the National Council.

### 5. *Dhamngoi Zomdu* to select a Nominee

- 5.1 A *Dhamngoi Zomdu* for the purpose of selecting not more than one Nominee to contest National Council elections as the candidate of a *Gewog* or Dzongkhag *Thromde* shall be held in every *Gewog* and Dzongkhag *Thromde* of each Dzongkhag.
- 5.2 Each Dzongkhag shall, for the National Council elections, prepare and maintain a *Dhamngoi Zomdu* work plan, detailing the number of *Dhamngoi Zomdus* to be conducted, teams to be formed and the itinerary for each team such that all the *Dhamngoi Zomdus* necessary in the Dzongkhag can be conducted within the prescribed timeline after the issuance of Notification by the Commission unless otherwise authorised.
- 5.3 The Dzongkhag Election Authority shall initiate the conduct of *Dhamngoi Zomdus* after the issue of notification and complete them before the last day of filing of nomination by the candidates with the respective Returning Officers.

- 5.4 The team must make sure that the gap between the first and last *Dhamngoi Zomdu* as well as the last date of filing of nominations are well drawn so that nominated candidates from respective *Gewogs* do not resort to unnecessary campaign mode.
- 5.5 The Dzongkhag Election Authority, with information to concerned *Gups* and *Thrompons*, shall call for a *Dhamngoi Zomdu* for the purpose of selecting not more than one nominee to contest as a candidate for National Council in every *Gewog/Dzongkhag Thromde*.
- 5.6 The Dzongkhag Election Authority may conduct *Dhamngoi Zomdu* in more than one designated venue for the larger *Gewogs* with widely scattered settlement to ensure equal participation and representation of distant and remote voters by forming more than one *Dhamngoi Zomdu* teams. The teams must ensure to declare the results on the same day after the close of the *Dhamngoi Zomdu* poll unless otherwise authorized for two separate *Dhamngoi Zomdus* days.
- 5.7 The Dzongkhag Election Authority or an authorized officer shall at the start of the *Dhamngoi Zomdu* make a brief introduction on the purpose.
- 5.8 The Team leader (Presiding Officer) shall read out the prescribed criteria to the public during each *Dhamngoi Zomdu* and inform the public that a selected nominee shall become candidate only upon acceptance of his/her nomination by the Returning Officers after scrutiny.
- 5.9 The qualification and disqualification for a candidate are as follows:
- 5.9.1 A person shall be qualified to be elected as a member of the National Council, if he/she:
- Is a citizen of Bhutan as evidenced by the Citizenship Identity Card;
  - Is a registered voter of that constituency;
  - Is of the minimum age of twenty-five years and not more than maximum age of sixty five years at the time of filing of nomination;
  - Possesses a formal university degree; and
  - Has served in an office in the public/private sector with exemplary conduct and performance for 10 years of work experience;
  - Does not belong to a Political Party
- 5.9.2 A person shall be disqualified as a candidate or a member holding an elective office under the Constitution, if he/she:
- Has been convicted for any criminal offence and sentenced to imprisonment;

- b. Has been found guilty of corrupt practice at an election;
- c. Has been dismissed or removed from public service or the corporate sector;
- d. Has failed to lodge account of election expenses within the time and in the manner required by law and has no good reason or justification for the failure;
- e. Has solicited or resorted to any form of fund raising for campaigning in an election to Parliament or Local Governments from private individuals or any agency.
- f. Is married to a person who is not a citizen of Bhutan;
- g. Has been accused of felony in a pending case and the competent Court has taken cognisance and charges have been framed against him/her;
- h. Is in arrears of taxes or other dues to government;
- i. Has an existing contract with the government which has not been fully performed;
- j. Is working as a civil servant;
- k. Holds any office of profit as prescribed under Chapter 9 of this Act;
- l. Has resigned from the elective office without reasonable necessity as determined by the Commission;
- m. Has record of Non-Performing Loans and Integrity Assessment; and
- n. Is so disqualified under this Act.

5.10 The candidate participating in the *Dhamngoi Zomdu* must produce the following documents to the Team Leader. The candidate failing to produce any of the following documents shall not be permitted to stand as nominees in the selection procedure.

5.10.1 Asset Declaration attested jointly by ACC and ECB;

5.10.2 Tax Clearance Certificate for Election;

5.10.3 Audit Clearance Certificate for Election;

5.10.4 Security Clearance Certificate for Election;

5.10.5 Integrity Assessment Certificate;

5.10.6 Non-Performing Loan (NPL) Status Report;

5.10.7 Documents certifying minimum of 10 years work experience;

5.10.8 CID copy of the candidate;

5.10.9 Marriage Certificate & CID copy of spouse, if married;

- 5.10.10 Letter of Attestation issued by Election Commission of Bhutan on endorsement of qualification;
- 5.10.11 Relieving order issued by Head of the Ministry/ Department/ Agency (if relevant)
- 5.10.12 A declaration from a candidate declaring that he/she is not a member of a political party, or has resigned membership at least a year ago in the manner specified in Section 206 (d) of the Election Act of Kingdom of Bhutan; and
- 5.10.13 Affidavit including Non-criminal conviction record and clearance from the Court of Law.

## 6. Venue of the *Dhamngoi Zomdu*

- 6.1 The venue for a *Dhamngoi Zomdu* must be centrally located for the convenience of the maximum number of voters.
- 6.2 The venue and details must be made widely known within the concerned *Demkhong*.

## 7. Participation in the *Dhamngoi Zomdu*

- 7.1 Participation shall be open to all registered voters of the concerned *Gewog* or *Thromde*.
- 7.2 The elections in the *Dhamngoi Zomdu* will be conducted on the basis of the draft Electoral Roll of that *Gewog* and VPIC/CID shall be the sole document for identification of a voter during the conduct of *Dhamngoi Zomdu*.
- 7.3 A registered voter must arrive at the *Dhamngoi Zomdu* venue before the close of the poll to cast his/her vote through EVM to choose the nominee as per the prescribed procedure. In case of a single nominee, the Yes/No decision shall be taken through the EVM.
- 7.4 Each person interested to contest shall be given the opportunity to participate in the *Dhamngoi Zomdu* upon production of documents listed under section 5.10 of this documents and those voters present at the *Dhamngoi Zomdu* shall cast votes as per the prescribed procedures. The person with the highest number of votes shall be the *Gewog* or the Dzongkhag *Thromde*'s nominee to contest the National Council election in the Dzongkhag.
- 7.5 The candidate selected at a *Dhamngoi Zomdu* shall complete and file before the last date of nomination, with the concerned Returning Officer, all the nomination documents duly countersigned by the *Gup*, *Mangmi* and *Tshogpas* as required in

the case of a *Gewog* nominee and *Thrompon* in the case of the *Thromde* nominee with Chief Election Coordinator in both the cases.

## 8 Conduct of the *Dhamngoi Zomdu*

- 8.1 The Dzongkhag Electoral Officer shall be responsible for setting up an operational polling station for each *Dhamngoi Zomdu* along-with the updated and authorised voter's list for the polling station.
- 8.2 The *Gewog* Administrative Officers shall have the responsibility for facilitating the *Dhamngoi Zomdu* in the *Gewogs* and the *Thromde* Offices shall facilitate the *Dhamngoi Zomdu* in the *Thromde*.
- 8.3 The time frame for conduct of *Dhamngoi Zomdu* is 9 a.m. to 3 p.m. unless otherwise specified and communicated by the respective conducting authorities.
- 8.4 The general public shall be notified that all aspiring candidates must be present at the venue of *Dhamngoi Zomdu* by 9 a.m. of the specified date along with his/her photo measuring 2.3 cm x 2.3 cm for use on the EVM.
- 8.5 In the absence of any registered voter interested to contest, the *Dhamngoi Zomdu* shall submit a Statement as in **Annexure I (Returning Officer Form No.: 5)**.
- 8.6 The team leader shall make sure to relay the Results countersigned by aspiring candidate/s right after the conduct of each *Dhamngoi Zomdu* to Department of Election and Civic Education for timely submission to the Commission;
- 8.7 The *Dhamngoi Zomdhu* Team shall comprise of minimum of three officials. The roles and responsibilities of each official shall be as hereunder;

### 8.3.1. Presiding Officer

1. Should also Act as Team Leader;
2. Brief the public gathered on the objectives of the *Dhamngoi Zomdu* and the qualification and disqualification criteria of a candidate;
3. Remind the voters not to leave before the close of the poll and declaration of the results;
4. Invite aspiring candidates to address (***campaign***) the *Dhamngoi Zomdu* in alphabetical order of their names for 10 minutes each in Dzongkha;
5. Prepare the Ballot Unit as per the procedure;
6. Demonstrate the EVM before the commencement of poll to satisfy them that no votes are already recorded therein;
7. Verify the identity of voter and his/her VPIC or CID against the Draft Electoral Roll issued by the Election Commission;



8. Seal the EVM as per procedure;
9. Declare the results of *Dhamngoi Zomdu* at the end of Poll;
10. Ensure the *Dhamngoi Zomdu* Result Forms (2 B) is signed by all stakeholders including the aspiring candidates and ask if anybody would wish to have a recount of the EVM result as it would be cleared thereafter for use in the next *Dhamngoi Zomdu*;
11. Immediately relay the *Dhamngoi Zomdu* report to the Department of Election and Civic Education; and
12. Ensure the safe custody of the EVMs and all election materials.

### 8.3.2. Polling Officer I

1. Obtain the signature or thumb impression of the voter on the register of voters.
2. The serial number as given in the marked copy of the voters' list;
3. In the event of a voter refusing to put his/her signature and thumb impression on the register of voters, an entry such as "Refused to Vote" should be made in the remarks column of the register and signed by the Presiding Officer and the voter; and
4. Assist the Presiding Officer to ensure safety of EVMs and election materials and proper conduct of the *Dhamngoi Zomdu*.

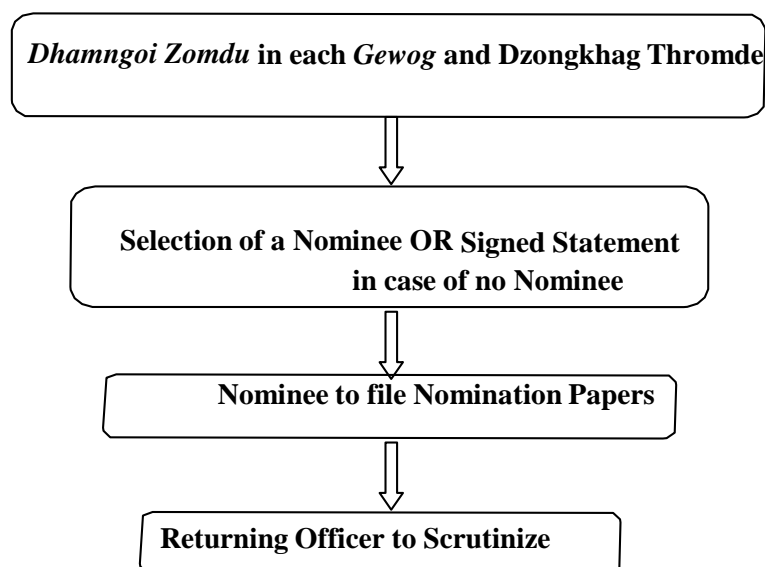
### 8.3.2. Polling Officer II

1. Clean the thumb of the voter with the cloth/towel to avoid stamp pad ink spreading on the candidate's button of the ballot unit;
2. Ensure to place the magnifying strip in the voting compartment;
3. Release the ballot button of the control unit;
4. Direct the voter to the voting compartment to cast his/her vote; and
5. Assist the Presiding Officer to ensure safety of EVMs and election materials and proper conduct of the *Dhamngoi Zomdu*.

8.8 The proceedings of the *Dhamngoi Zomdu* must be well documented and a copy submitted to the concerned Returning Officer by the convening election authority.

8.9 The Nomination Procedures for National Council Candidates shall be as graphically presented in **Fig. 1** below.

**Fig. 1:** Overview of the Nomination Procedures for National Council Candidates



## 9 Equality of Votes

9.1 In case of equality of votes during the *Dhamngoi Zomdu*, re-polls shall be conducted forthwith. In case of equality of votes in the re-polls, a draw of lot shall be forthwith conducted in accordance with the provisions of the Guidelines for the Implementation of Section 464 of the Election Act of the Kingdom of Bhutan 2008 *Relating to the Equality of Votes in a Re-Elections, 2013*.

## 10 Complaints

10.1. A voter who wish to file a complaint regarding any matter related to a *Dhamngoi Zomdu* shall submit it in the Election Dispute Settlement Form No.1 within five days of the said *Dhamngoi Zomdu* with the National/Micro Observer, Returning Officer, Chief Election Coordinator or the Chief Election Commissioner.

10.2. A complaint so filed shall be decided as per the dispute settlement process outlined in the *Election Dispute Settlement Rules and Regulations of the Kingdom of Bhutan, 2018*.

## 11 Penalty

10.3. Any person or organisation found guilty of violation of these Guidelines shall be dealt in accordance with the Election Act.

## 11 Power of the Commission to Issue Instructions and Directions

### 11.1 The Commission may issue instructions and directions:

11.1.1 For the clarification of any of the provisions of these Guidelines;

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

11.1.3 In relation to any matter with reference to the *Dhamngoi Zomdu* of the *Gewog/Dzongkhag Thromde* for National Council elections, for which these Guidelines make insufficient provision in the opinion of the Commission.

## 12 Authority of Interpretation and Amendment

12.1 The Commission shall be the competent authority to interpret the provisions of these Guidelines.

12.2 The Commission shall have the power to amend these Guidelines by way of addition, variation or repeal, provided that no such amendments shall be made in contravention to the provisions of the Election Act.



## **NATIONAL COUNCIL ELECTIONS**

### **Declaration of Conflict of Interest**

I, ....., bearing CID No.....&  
EID No....., hereby declare that I am ☐ ready to ☐  
/cannot (*tick as appropriate*) serve as a team member for the conduct of *Dhamngoi Zomdu*  
for National Council Election  
of.....Gewog under  
.....Dzongkhag as:

☐ I do NOT have or anticipate any Conflict of Interest. I shall notify the Authorities concerned immediately in the event of such interests arise before or in the course of discharging my duty;

**OR**

☐ I do have Conflict of Interest in view of the following reason(s):

- Family Member.....
- Close Relative: .....
- Close Friend.....
- Related through Marriage.....
- Enmity.....
- Others:.....

I hereby confirm that the above information is true to the best of my knowledge. In the event the above declaration is found to be incorrect, I shall be liable for administrative/legal action.

**Signature of Declarant**

**Place:**

**Date:**

**Dzongkhag Electoral Officer**

**(Name & Signature)**



*Dhamngoi Zomdu Form No.2B*

**EVM Result Sheet for *Dhamngoi Zomdu***

**Place of *Dhamngoi Zomdu*:**.....

**Gewog/Thromde/Chiwog:**.....

**Dzongkhag:**.....

Sl. No	Name of Nominees	VPIC/CID No.	Sex	DoB	Age	Total Votes	<b><u>'SELECTED'</u></b> (for the highest votes secured)
1							
2							
3							
4							
5							

**Name and Signature of Nominees**

Signature: ..... Signature: .....

Signature: ..... Signature: .....

Signature: ..... Signature: .....

**Signature of Polling Official:**

Name and Signature: .....

**Seal and Signature of Team Leader**



**Uncontested *Dhamngoi Zomdu* EVM Result Sheet**

**Place of *Dhamngoi Zomdu*:**.....***Gewog/Chiwog***.....

**Dzongkhag:**.....

Name of Nominees	VPIC No.	Sex	DoB	EVM Votes secured		Total Votes Cast	SELECTED for highest <b>YES</b> votes <b>or</b> NOT SELECTED for highest <b>NO</b> votes
				YES	NO		

**Name and Signature of Nominees**

Signature: ..... Signature: .....

Signature: ..... Signature: .....

**Signature of Polling Official:**

Name and Signature: .....Name and Signature: .....

Name and Signature: .....

**Seal and Signature of Team Leader**

**Statement Declaring No Nominee**

This is to declare that, during the *Dhamngoi Zomdu* held on ..... (date) for nomination of a Candidate for the National Council Elections, no Registered Voter was interested to contest the election from ..... *Gewog/Thromde* of ..... *Dzongkhag*.

In testimony of the above and in full knowledge of the fact that appropriate actions may be taken as per the provisions of the Election Act of the Kingdom of Bhutan 2008 if any dispute arises, we, hereby, give our signatures below:

Sl. No	Name	VPIC No.	Signature/Right Thumb Impression

*(Use additional sheet if necessary)*

Countersigned by

Team member

Team Leader

Dzongkhag Election Authority



RO Form No. 3 B

## NATIONAL COUNCIL ELECTIONS

### NOTICE OF NOMINATION OF A CANDIDATE

The ..... Gewog/Thromde, hereby, nominates Mr./Ms.  
.....bearing

<b>VPIC No:</b>											
-----------------	--	--	--	--	--	--	--	--	--	--	--

to contest in the National Council Elections from ..... Dzongkhag.

I, hereby, issue this Notice as the Team Leader of the Dzongkhag Election Authority responsible for the conduct of the *Dhamngoi Zomdu* conducted on ..... /...../..... to select the Candidate.

#### Signature of Polling Official:

Name and Signature: .....

Name and Signature: .....

Name and Signature: .....

#### Name and Signature of Team Leader

#### Designation