

འབྲུག་གི་བཅག་འཇུ་ལྷན་ཚོགས།  
Election Commission of Bhutan



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Political Parties Rules of the  
Kingdom of Bhutan, 2009

# **Political Parties Rules of the Kingdom of Bhutan, 2009**

## ELECTION COMMISSION OF BHUTAN

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## **Political Parties Rules of the Kingdom of Bhutan, 2009**

In keeping with the Election Act of the Kingdom of Bhutan, 2008 which provides for the Political Parties to have a system and procedure for effective participation in the National Assembly Elections, the Election Commission of Bhutan hereby adopts the *Political Parties Rules of the Kingdom of Bhutan, 2009*.

### **ARTICLE I**

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

1.1 These Rules shall:

1.1.1 Be called the *Political Parties Rules of the Kingdom of Bhutan, 2009*;

1.1.2 Extend to the whole of Kingdom of Bhutan;

1.1.3 Apply to the formation of Political Parties and their conduct; and

1.1.4 Come into force with effect from 25<sup>th</sup> August 2009 corresponding to 5<sup>th</sup> Day of the 7<sup>th</sup> Month of the Earth Female Ox Year of the Bhutanese Calendar.

#### **2. Definition**

2.1 In these Rules, unless the context otherwise requires:

2.1.1 “Commission” means the Election

Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;

- 2.1.2 “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;
- 2.1.3 “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;
- 2.1.4 “Election Symbol” means a pictorial design or sign, reserved for a political party by the Commission, which represents or identifies a political party or a candidate in the form of a party logo, flag or poster;
- 2.1.5 “Party Leader” means the leader of a political party in the National Assembly duly elected in accordance with the Electoral Laws;
- 2.1.6 “Party President” means the head of a registered Political Party who may or may not be a Party Leader;
- 2.1.7 “Political Party” means an association or body of individual citizens of Bhutan registered with the Commission as a political party under the Election Act; and

2.1.8 The words importing the singular number shall include the plural number and vice versa.



## ARTICLE II

### 3. Registration of Political Party

- 3.1 An application for registration as a political party shall be made to the Commission, in the Political Parties Form No.1 within one month of the formation of the party.
- 3.2 The Registrar of Political Parties shall verify and satisfy himself/herself that the party is appropriately formed after the review of its account of receipts of admissible registration and membership fees collected from the founding members for the first year.
- 3.3 An applicant party shall enjoy the right and privileges of a political party under the Constitution of the Kingdom of Bhutan only upon being duly registered and notified so by the Registrar of Political Parties, Election Commission of Bhutan.
- 3.4 The head of the party must submit to the Commission, the party registration form duly filled and signed by him/her.
- 3.5 The form submitted by a political party must contain the:
  - 3.5.1 Name of the party;
  - 3.5.2 Election symbol which it proposes to register;

- 3.5.3 Name of the Dzongkhag in which its head office is located;
- 3.5.4 Name and address of each Dzongkhag office of a Political Party;
- 3.5.5 Addresses to which its letters and other communication are to be sent;
- 3.5.6 Names and addresses of its President, Secretary, Treasurer and other office-bearers; and
- 3.5.7 Names of registered members from each Dzongkhag as on the day of the submission of the application.

#### **4. Registration of Membership**

- 4.1 A citizen of Bhutan shall be entitled to be a member or be elected as an office-bearer of a political party.

Provided he/she is not a member of the Royal Family, a truelku, lam, any influential religious personality or ordained members of any religion or religious institutions excluding the laity, or a member of the armed-forces or civil service, and has not been disqualified to be a voter under any section of the Election Act.

- 4.2 A person shall not be a member of more than one political party at any given time.
- 4.3 A political party shall carry out registration of new members only in its offices and at the free

will of the interested voters.

- 4.4 A political party shall be discouraged from resorting door-to-door registration of members.
- 4.5 A political party shall be prohibited from registering new members during the National Assembly election period.
- 4.6 A person's name shall be entered in the record of the political party maintained by the Party concerned, upon joining a political party under intimation to the Registrar of Political Parties.

**5. Resignation, Withdrawal or Removal from Membership**

- 5.1 A registered member of a political party may withdraw his/her membership from the party by notifying the party office in writing.
- 5.2 A political party must immediately report any death, resignation or withdrawal of its member to the Commission and notify the general public through the print media.

### **ARTICLE III**

#### **6. Charter of the Political Party**

- 6.1 A registered party shall have a written Charter, declaring that the party:
  - 6.1.1 Bears true faith and allegiance to the Constitution of the Kingdom of Bhutan;
  - 6.1.2 Upholds the sovereignty, national security, unity and integrity of the Kingdom;
  - 6.1.3 Is broad-based with cross-national membership and support in all the Dzongkhags;
  - 6.1.4 Is committed to national cohesion and stability;
  - 6.1.5 Commits to the advancement of democracy and the social, cultural, political and economic growth of Bhutan;
  - 6.1.6 Will not restrict its membership based on region, gender, language, religion, or other status;
  - 6.1.7 Will hold intra-party elections of its office-bearers;
  - 6.1.8 Will resort to fund raising strictly in

accordance with the electoral laws;

6.1.9 Will not misuse the party funds; and

6.1.10 Will abide by the provisions of the Election Act, Public Election Fund Act, National Referendum Act and all Rules and Regulations made there-under.

## **ARTICLE IV**

### **7. Party Structure**

- 7.1 A party shall have a President who shall be the head of the party.
- 7.2 The highest decision-making body of a party shall be an Executive Committee with elected members.
- 7.3 A political party shall, in addition to its President, have the following office bearers:
  - 7.3.1 Secretary responsible for the management and administrative affairs of the party;
  - 7.3.2 Treasurer responsible for keeping detailed records of everything received and disbursed and filing of annual accounts and election returns to the Election Commission;
  - 7.3.3 Internal Auditor responsible to check legalities of all election receipts and expenses.
- 7.4 A political party shall conduct elections at regular intervals within a political party to elect the party leader and other office-bearers.
- 7.5 A political party shall submit to the Commission, the results of intra-party election, with details of the total number of votes cast and the number of

votes secured by each contestant for all of its party office-bearers, and a copy of the party's notifications declaring the results of the election.

7.6 Political parties elected to Parliament shall elect their Leaders in Parliament through intra-party election.

7.7 A Political Party shall not appoint more than:

7.7.1 One member as the Coordinator for each Dzongkhag;

7.7.2 One member as the Coordinator for each National Assembly *Demkhong*;

7.7.3 One member as the Coordinator for each Gewog; and

7.7.4 One member as the Coordinator for each Chiwog.

## **8. Dissolution of a Political Party**

8.1 A political party shall stand dissolved by declaration of the Supreme Court:

8.1.1 If the objectives or activities of the political party are in contravention to the provisions of the Constitution of the Kingdom of Bhutan;

8.1.2 If it has received money or assistance from foreign sources or has acted against the sovereignty, national security, unity and integrity of the

Kingdom of Bhutan;

8.1.3 If it has solicited or resorted to collection of funds from private individuals or any agency other than from its registered members; or

8.1.4 On any other ground as prescribed by Parliament.

8.2 The Commission shall remove a political party's name from the Register of Political Parties, if:

8.2.1 It has obtained registration through means of fraud or forgery;

8.2.2 It has contravened the Election Code of Conduct prescribed in the Election Act;

8.2.3 It has amended its name or charter in contravention of provisions of the Election Act;

8.2.4 It has intimated its desire to the Commission to be struck off the Register of Political Parties;

8.2.5 It has failed to secure at least ten percent of the total valid votes cast at two successive Primary Rounds of elections to the National Assembly; or

8.2.6 There exists a ground where an enquiry is not required to be made by the Commission.



8.3 The National Assembly shall be dissolved and fresh elections held if the ruling party is dissolved under the provisions of the Election Act.

**9. Disqualification**

9.1 The name and the symbol of a political party which has been dissolved by the Supreme Court shall not be permitted to be used by any political party and in any subsequent elections.

9.2 The Commission shall refuse an application to register a political party, if in its opinion:

9.2.1 Charter of the party does not conform to the provisions of the Election Act;

9.2.2 Name or symbol of the party identifies with a community, region or religion;

9.2.3 Party is a business concern;

9.2.4 Party has a military or para-military structure;

9.2.5 Name or symbol of the party is the name or symbol, or resembles the name or symbol of another political party which is already registered with the Commission; or

9.2.6 Party does not conform to the *Election Symbols Rules of the Kingdom of Bhutan, 2009*.

9.3 The Commission shall, in the case of refusal of

an application for registration, communicate its decision to the applicant party after giving it a reasonable opportunity to be heard.

**10. Obligation of Political Parties**

10.1 A political party shall communicate to the Commission any change in its head office, office-bearers, address, or change in any other relevant information without delay.

10.2 A registered political party shall make an application to the Commission in the Political Parties Form No.2A for changing the name of the party to a name specified in the application or Political Parties Form No. 2B for changing any provision in its Charter.

10.3 A registered political party shall submit to the Commission other particulars, such as, the name list of its members, political principles on which it is based, the policies, aims and objectives it pursues or seeks to pursue.

10.4 A political party shall, in such form as prescribed under the Public Election Fund Act of the Kingdom of Bhutan, submit to the Commission a consolidated statement of annual accounts of the political party audited by the Royal Audit Authority containing:

10.4.1 Annual income and expenses;

10.4.2 Sources of its funds;

10.4.3 Assets and liabilities; and

#### 10.4.4 Campaign accounts after an election.

## **ARTICLE V**

### **11. Conduct of Political Parties**

- 11.1 A political party, candidates and supporters shall follow the Code of Conduct as laid down under Election Act and these Rules.
- 11.2 A political party, candidates and supporters shall not:
  - 11.2.1 Propagate any opinion, or act in a manner prejudicial to the principles enshrined in the Constitution of the Kingdom of Bhutan;
  - 11.2.2 Undermine the sovereignty or integrity of the nation;
  - 11.2.3 Undermine public order or public morality or indulge in any criminal activity;
  - 11.2.4 Promote sectarian or regional discord;
  - 11.2.5 Indulge in any activity, which may create ill-will, differences or cause tension between different communities, religious or linguistic groups;
  - 11.2.6 Permit their supporters to make use of any public property or private property, without the approval of the Commission and owner's written permission, for purposes of erecting flag-staffs, cut-

outs, suspending banners, pasting election posters and notices; and

11.2.7 Impart any military or para-military training to its members or any other persons.

11.3 A political party or candidate organizing a meeting shall give advance intimation and receive approval from the appropriate authorities of the venue and time of the proposed meeting and their campaign schedule and instruct their members and supporters that no dangerous article that can be used to cause injury be brought to a political meeting or any other political function and take steps to ensure that there is no blockage or hindrance to traffic and no cause is given for any other public inconvenience.

11.4 A political party, its candidates, representatives or workers shall not obstruct or break up meetings organized by other parties and candidates.

11.5 No elected representative in Parliament, including Ministers, or Members of Local Government shall combine his/her official visit with electioneering work or make use of official machinery or personnel during the electioneering work or use any government transport, for the furtherance of the interest of any party or candidate at an election.

11.6 A political party, candidates and supporters shall, in the event of any disturbances and obstruction

during such meetings, seek the assistance of the police for taking action against the persons or bodies responsible for disturbances, instead of taking the matters into their own hands.

- 11.7 A political party, its candidates, representatives or workers shall not use public properties during the Election Period without prior approval of the Commission.
- 11.8 A political party, candidates and supporters shall not affix posters or banners of any size as a part of election campaign, other than on the Election Advertising Boards or as may be specified and allowed by the Commission.
- 11.9 A political party, candidates and supporters shall not hoist or fix party flags on any public property or at any public place, except in places so designated by the Commission.
- 11.10 The respective political party and candidate shall be responsible for the removal and proper disposal of all campaign materials put up during the campaign period.
- 11.11 A political party, candidates and supporters shall not set up an election camp on any road or place meant for the use of the public.
- 11.12 A political party, candidates and supporters may use loud speakers for its election campaign only at the time of election meetings during the hours and places specified by the Commission.
- 11.13 A political party, candidates and supporters shall

be allowed to take out a procession only at places and routes designated for the purpose by the Superintendent of Police of the concerned Dzongkhag.

- 11.14 A political party, candidates and supporters shall ensure that only vehicles authorised by the Commission display party logos, symbols, posters or flags.
- 11.15 A political party and candidate shall ensure that no outside campaigners are in a constituency, after the deadline marking the end of the campaign period.
- 11.16 No worker of a political party or its representatives, other than those authorized by the Commission on election duty, shall enter the polling stations.
- 11.17 A political party and candidates shall refrain from making insensitive comments on international issues that may embitter the Royal Government's relations with other countries.
- 11.18 A political party, candidates and supporters shall avoid criticism of other political parties, their leaders and candidates having no bearing on their public activities.
- 11.19 A political party, candidates and supporters shall confine its constructive criticism or comments to policies and programmes of other parties.
- 11.20 A political party, candidates and supporters shall ensure that the speeches and slogans used by it

are dignified and based on principles of decency and decorum.

- 11.21 A political party, candidates and workers shall refrain from deliberate dissemination of false and malicious information.
- 11.22 A political party, candidates and supporters shall not indulge and resort to forgery or disinformation or use of abusive language with an objective to defame other political parties and their leaders.
- 11.23 A political party, candidates and their workers shall extend co-operation to the officers on election duty in order to ensure peaceful, free and fair polling.
- 11.24 A political party, candidate and their workers shall not indulge in offering gifts to induce any voter or another candidate to stand or not to stand as a candidate or to withdraw or not to withdraw his/her candidature.
- 11.25 A candidate or a political party shall not exceed the limit of election expenses fixed by the Commission.
- 11.26 A member of political party shall, on being elected to the National Assembly, not defect either individually or en bloc.
- 11.27 A political party, candidates and supporters shall not resort to using regionalism, ethnicity, religion, and religious personalities to incite voters for political gains.



11.28 A political party shall not resort to or allow its candidates or supporters to conduct door-to-door election campaigns after 8.00 p.m. or before 7 a.m.

11.29 A political party or candidate shall, during an election period, not serve meals, entertain or make donations or carry out activity of any kind which may be construed as coercion or inducement or a prohibited electoral practice under laws.

**12. Registration Fee**

12.1 A political party can impose registration fee which shall be a one time payment made by a person intending to register himself/herself as a member of that political party.

12.2 A political party shall provide for the fixation of the registration fee in its charter.

**13. Membership fee**

13.1 A political party may provide for the fixation of the membership fee in its charter.

**14. Voluntary Contributions**

14.1 A political party shall be entitled to accept voluntary contributions, financial or in kind, made by any of its registered members provided the total value of such contributions does not exceed the ceiling prescribed by the Commission from time to time.

- 14.2 No individual or organization shall, during an election period, sponsor meals, entertainment, make donations or activity of any kind which may benefit or damage the electoral prospects of any party or candidate.
- 14.3 A political party must submit its accounts, and the contesting candidates their election returns, in the manner required under the Electoral Laws.

## **ARTICLE VI**

### **15. Participation in Election**

- 15.1 All registered political parties shall be eligible to participate in the Primary Round of elections to the National Assembly.
- 15.2 Two parties obtaining the first and second highest number of votes in the Primary Round are eligible to contest in the General Election to the National Assembly.

### **16. Ruling and Opposition Parties**

- 16.1 A party that wins the majority of seats in the General Election shall be declared as the ruling party and the other as the opposition party in the National Assembly.
- 16.2 An opposition party, if it gains majority of seats in the National Assembly after any bye-election, shall be declared as the ruling party.

### **17. Nomination of Candidates**

- 17.1 The Executive Committee of a party shall make the nomination of candidates for election to the National Assembly after a decision of the party taken with simple majority votes of the members during an Executive Committee meeting organised for the purpose.
- 17.2 A party shall nominate candidates not more than the number of seats in the National Assembly.

- 17.3 A candidate so nominated shall be required to declare his/her asset and liabilities in the Political Parties Form No.3 and in the manner prescribed by the Commission.
- 17.4 A candidate shall be deemed to have been nominated at an election by a political party, if:
- 17.4.1 He/she has made declaration to this effect in his/her nomination paper;
  - 17.4.2 He/she is a member of that political party and his/her name is borne on the list of members of the party;
  - 17.4.3 He/she is a member of a registered political party which could not qualify for the General Elections but is admitted as a member and nominated as a candidate by a political party to contest in the General Election and that his/her membership in the original political party is forfeited;
  - 17.4.4 A notice in writing to that effect under section 17.4.3 above, in the Political Parties Form No.4, has, not later than 5.00 p.m. on the last date for making nominations, been delivered by the party to the Returning Officer of the constituency;
  - 17.4.5 The said notice signed by the President, Secretary or such other office bearer is authorized by the party to send the notice;

- 17.4.6 The notice containing the name and specimen signature of such office bearer or authorized person of the party under section 17.4.5 above are communicated to the Returning Officer of the constituency and the Commission, not later than 5.00 p.m. on the last date for making nominations; and
- 17.4.7 The forms, referred to in sections 17.4.4 and 17.4.5 above, are signed personally by the said office bearer or person authorized by the party.

**18. Penalty**

- 18.1 Violation of any of the above Rules shall be dealt in accordance with the electoral laws.

**19. Power of the Commission to Issue Instructions and Directions**

- 19.1 The Commission may issue instructions and directions:
  - 19.1.1 For the clarification of any of the provisions of these Rules and Regulations;
  - 19.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
  - 19.1.3 In relation to any matter with respect to formation of Political Party and its

conduct for which these Rules make insufficient provision, and clarification is necessary in the opinion of the Commission.

**20. Authority of Interpretation and Amendment**

20.1 The Commission shall, in case of differences in meaning, be the final authority on interpretation of these Rules.

20.2 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 the Kingdom of Bhutan on this 18<sup>th</sup> Day of the 8<sup>th</sup> Month of the Year 2009 corresponding to the 28<sup>th</sup> Day of the 6<sup>th</sup> Month of the Earth Female Ox Year in the Bhutanese Calendar.

**Election Commissioner**

**Election Commissioner**

**Chief Election Commissioner**

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