

ELECTION SYMBOLS RULES OF THE KINGDOM OF BHUTAN

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ELECTION COMMISSION OF BHUTAN

ELECTION SYMBOLS RULES OF THE KINGDOM OF BHUTAN

In keeping with the provisions of the Election Act of the Kingdom of Bhutan, in relation to specification, approval and reservation of symbols for Political Parties and candidates in the interest of free and fair elections, the Election Commission of Bhutan hereby adopts and promulgates the Election Symbols Rules of the Kingdom of Bhutan.

Short Title, Extent, Application and Commencement

1. These Rules shall be called the Election Symbols Rules of the Kingdom of Bhutan;
2. These Rules shall extend to the whole of the Kingdom of Bhutan;
3. These Rules shall apply to specification, approval and reservation of election symbols for political parties registered with the Election Commission of Bhutan, and candidates at all elections to Parliament and Local Governments; and
4. These Rules shall come into force with effect from

Definitions

5. In these Rules, unless stated otherwise:
 - a) “Commission” means the Election Commission of Bhutan;
 - b) “Election” means an election to any House of Parliament or of a Local Government, where a poll is taken;
 - c) “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;
 - d) “Election Symbols” means a pictorial design or sign, reserved for a political party, or a candidate by the Election Commission, which represents or identifies a political party or a candidate in the form of a party logo, flag or otherwise;

- e) “Independent Candidate” means a candidate other than a candidate affiliated to a political party who is eligible to contest elections to the National Council or Local Governments;
- f) “Reservation” means approving an election symbol for use by a political party or a candidate during the elections or as a logo and flag of the party;
- g) “Political Party” means an association or body of individual citizens of Bhutan registered with the Election Commission as a political party under section 128 of the Election Act;
- h) “Symbol” means an election symbol;
- i) The words importing the masculine gender shall include feminine gender; and
- j) The words importing the singular number shall include the plural number and vice versa, unless the context otherwise requires.

Reservation of Symbols for Political Parties

- 6. Every political party shall, at the time of its application for registration as a political party under section 121 of the Election Act, provide the name and pictorial design of the election symbol which it proposes to be reserved for it by the Commission.
- 7. The pictorial design of the election symbol must be of the size specified by the Commission and the name must be provided both in Dzongkha and English.

Reserved Symbols

- 8. A symbol shall be considered “Reserved” upon approval and publication by the Commission under section 19.
- 9. A reserved symbol is a symbol which has been reserved under section 16 for a political party or candidate for exclusive use by that party and its contesting candidates, or independent candidate.

10. The Commission shall, at the time of registration of the political party under section 128 of the Election Act, reserve for it, under section 8, a symbol, if in the opinion of the Commission the symbol applied for fulfils all criteria laid down under the Election Act and these Rules.

Provided that there is no reasonable ground for refusing the reservation of such symbol for the party.

11. The reservation of the symbol for the party applied for by it under section 6, shall be subject to such modifications as the Commission may direct.
12. A symbol once reserved for a political party shall not be reserved for any other political party, as long as that political party is in existence.
13. No two political parties shall have the same symbol reserved for them.

Provided that where two or more political parties propose the same symbol, the political party which submitted its application for registration first as recorded in the register maintained in this regard shall have that symbol reserved for it.

14. A political party may apply to the Commission for changing its symbol, either before it has been reserved for it by the Commission or at any time after such reservation.

Provided that such change in a symbol shall not be effected during an election period.

15. The Commission may permit the change in the symbol reserved for a party on the request of that Party, if the Commission is satisfied that such change is not in contravention of any of the provisions of the Election Act or of these Rules.
16. The decision of the Commission as to specification, reservation and change of symbols to political parties shall be final and binding on them.

Design and Specification of Symbols

17. Every symbol shall be as per the specifications issued by the Commission from time to time.

18. No symbol shall:

- a) Be a Royal seal of the Druk Gyalpo or the Royal Government;
- b) Be or resemble any national symbols and personalities, national monuments, religious signs and symbols, names of historic and religious figures;
- c) Contain any religious messages;
- d) Identify with a community or region;
- e) Be or resemble any other registered logos and trademarks or patented designs of other entities and individuals under the laws of the Kingdom of Bhutan.
- f) Be a symbol, or resemble the name or symbol, of another political party which is already registered with the Commission; and
- g) Be indecent or derogatory.

Notification of Lists of Election Symbols

19. The Commission shall, by one or more notifications, publish a list of Reserved Symbols, along with the names of the political parties for whom those symbols have been respectively reserved.

Reservation of Symbols for Candidate

20. Different symbols shall be reserved for different candidates at an election in the same constituency.
21. A candidate nominated by a political party at any election shall choose the symbols reserved for that party, and no other symbol.
22. An independent candidate shall provide the name and pictorial design of the election symbol which he proposes to reserve for him by the Election Commission.

Provided that an independent candidate may apply for permission to use his own photograph as his symbol.

23. The Election Commission shall reserve for the independent candidate the symbol applied for him if in the opinion of the Commission, it fulfils all the criteria specified under these Rules.

Reservation of Symbols for Break-Away Groups

24. The Commission shall, in the case of a political party splitting into two or more groups and where each such group claims to be that party, after taking into account all available facts and hearing their representatives, decide that one or none of such groups be entitled to use that symbol.

Reservation of Symbol for Merged Political Party

25. The Commission shall, when two or more political parties merge either to form a new political party or unify in one of those parties, after taking into account all available facts, hearing their representatives and having regard to the provisions of these Rules, decide either to reserve one of the symbols previously reserved for those merging parties or reserve a new symbol.

Power of the Commission to Issue Instructions and Directions

26. The Commission may issue instructions and directions:
 - a) For the clarification of any of the provisions of these Rules;
 - b) For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
 - c) In relation to any matter with respect to the reservation of symbols, for which these Rules make insufficient provision, and clarification is necessary in the opinion of the Commission for the smooth and orderly conduct of elections.

Penalties

27. Any political party or candidate found guilty of violation of these Rules shall be dealt in accordance with the Election Act.

Authority of Interpretation and Amendment

28. The Commission shall, in case of differences in meaning, be the final authority on interpretation of these Rules.
29. The Commission shall have the power to amend by way of addition, variation, or repeal the provisions of these Rules.

Done under our hands and seal of the Election Commission of the Kingdom of Bhutan (ECB) on this...Day of the ...Month of the Year... corresponding to the...Day of the... Month of the ...Year in the Bhutanese calendar.

Election Commissioner

Election Commissioner

Chief Election Commissioner