

འབྲུག་གི་བཅག་འཇུ་ལྷན་ཚོགས།

Election Commission of Bhutan



འབྲུག་གི་བཅག་འཇུ་འི་དོ་རྟགས་བཅའ་ཡིག་

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**Election Symbols Rules of the
Kingdom of Bhutan, 2009**

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ELECTION COMMISSION OF BHUTAN

Publisher : **Election Commission of Bhutan,**
Post Box 2008,
Thimphu: Bhutan.

E-mail : cec@election-bhutan.org.bt

Visit us at : www.election-bhutan.org.bt

Phone : (00975) 2 334 851/2

Fax : (00975) 2 334763

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Election Symbols Rules of the Kingdom of Bhutan, 2009

In keeping with the Election Act of the Kingdom of Bhutan, 2008 relating to specification, approval and reservation of symbols for Political Parties and in the interest of conduct of free and fair elections, the Election Commission of Bhutan hereby adopts and promulgates the *Election Symbols Rules of the Kingdom of Bhutan, 2009*.

1. Short Title, Extent, Application and Commencement

1.1 These Rules shall:

- 1.1.1. Be called the *Election Symbols Rules of the Kingdom of Bhutan, 2009*;
- 1.1.2. Extend to the whole of the Kingdom of Bhutan;
- 1.1.3. Apply to specification, approval and reservation of election symbols for political parties registered with the Election Commission of Bhutan, and candidates at elections to National Assembly; and
- 1.1.4. Come into force with effect from 25th August 2009 corresponding to 5th Day of the 7th Month of the Earth Female Ox Year of the Bhutanese Calender.

2. Definitions

2.1. In these Rules, unless stated otherwise:

- 1.1.1 “Commission” means the Election Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;
- 2.1.1. “Election” means an election to any House of Parliament or a Local Government conducted by the Commission under the Electoral Laws;
- 2.1.2. “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;
- 2.1.3. “Election Symbols” means a pictorial design or sign, reserved for a political party by the Commission, which represents or identifies a political party and its candidate in the form of a party logo, flag or otherwise;
- 2.1.4. “Political Party” means an association or body of individual citizens of Bhutan registered with the Commission as a political party under section 131 of the Election Act;
- 2.1.5. “Reservation” means approving an election symbol for use by a political party and its candidate during the elections or as a logo and flag of the party;
- 2.1.6. “Symbol” means an election symbol;
and

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

3. Reservation of Symbols for Political Parties

- 3.1. Every political party shall, at the time of its application for registration as a political party under section 131 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.
- 3.2. 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.

4. Reserved Symbols

- 4.1. A symbol shall be considered “Reserved” upon approval and publication by the Commission under section 6.1 of these Rules.
- 4.2. A reserved symbol is a symbol which has been reserved under section 4.9 for a political party for exclusive use by that party and its contesting candidates.
- 4.3. The Commission shall, at the time of registration of the political party reserve for it, under section 4.1, 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.

- 4.4. The reservation of the symbol for the party applied for by it under section 4.9 shall be subject to such modifications as the Commission may direct.
- 4.5. 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.
- 4.6. 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.

- 4.7. 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.

- 4.8. 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.
- 4.9. The decision of the Commission as to specification, reservation and modification of symbols to political parties shall be final and binding on them.

5. Design and Specification of Symbols

- 5.1. Every symbol shall be as per the specifications issued by the Commission from time to time.
- 5.2. No symbol shall:
 - 5.2.1. Be a Royal seal of the Druk Gyalpo or the Royal Government;
 - 5.2.2. Be or resemble any national symbols and personalities, national monuments, religious signs and symbols, names of historic and religious figures;
 - 5.2.3. Contain any religious messages;
 - 5.2.4. Identify with a community or region;
 - 5.2.5. 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;
 - 5.2.6. Be a symbol or resemble the name or symbol of another political party which is already registered with the Commission; and
 - 5.2.7. Be indecent or derogatory.

6. Notification of Lists of Election Symbols

- 6.1. 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.

7. Use of Symbols by Candidate

- 7.1. A candidate nominated by a political party at any election shall use the symbols reserved for that party, and no other symbol.
- 7.2. No symbol shall be required to be used by the candidates contesting the National Council and Local Government Elections.

8. Reservation of Symbols for Break-Away Groups

- 8.1 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 the symbol of the original party.

9. Reservation of Symbol for Merged Political Party

- 9.1. 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.

10. Power of the Commission to Issue Instructions and Directions

10.1. The Commission may issue instructions and directions:

10.1.1. For the clarification of any provisions under these Rules;

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

10.1.3. 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.

11. Penalties

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

12. Authority of Interpretation and Amendment

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

12.2. 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 18th Day of the 8th Month of the Year 2009 corresponding to the 28th Day of the 6th Month of the Earth Female Ox Year in the Bhutanese Calendar.

Election Commissioner

Election Commissioner

Chief Election Commissioner
