

## **Union of Myanmar**

### **The State Peace and Development Council**

#### **Pyithu Hluttaw Election Law**

**(The State Peace and Development Council Law No 3/2010)**

**The 9th Waxing Moon of Tabaung, 1371 [Burmese Era]**

**(8 March 2010)**

Exercising its rights under Article 443 of the Constitution of the Republic of the Union of Myanmar [Burma], the State Peace and Development Council hereby enacts the following law to elect Pyithu Hluttaw [Lower House -- People's Parliament] members by holding a free and fair multiparty democracy general election.

## **CHAPTER 1**

### **Title and Definition**

1. This Law shall be called the **Pyithu Hluttaw Election Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
  - A. **Constitution** means the Constitution of the Republic of the Union of Myanmar.
  - B. **Hluttaw** means the Pyithu Hluttaw.
  - C. **Hluttaw Representative** means either a representative duly elected to the Pyithu Hluttaw in accordance with this law or a defense services personnel nominated by the Commander in Chief of the Defense Services as Pyithu Hluttaw representative in accordance with the Constitution of the Republic of the Union of Myanmar.
  - D. **Election** means Pyithu Hluttaw election.
  - E. **Constituency** means the Hluttaw constituency.
  - F. **Region or State** means the currently existing division or state.
  - G. **Commission** means the Union Elections Commission.
  - H. **Sub-Commission** means the following formed by the Commission:
    - (1) Nay Pyi Taw Sub-Commission,

- (2) Region or State Sub-Commission,
- (3) Self-Administered Division or Self-Administered Zone Sub-Commission,
- (4) District Sub-Commission,
- (5) Township Sub-Commission,
- (6) Ward or Village Tract Sub-Commission.

I. **Member of a religious order** means the following individuals:

(1) In the case of Buddhists, monks, novices, religious laymen, and nuns serving the Buddhist religious order;

**Explanation:** The expression member of religious order applies to a religious monk or a member of the religious order while he is serving temporarily as such;

(2) In the case of Christians, persons who have been recognized and ordained or assigned duties by the relevant Churches as an individual who has dedicated himself mainly to serving the Christian religious order, persons included in the group of individuals or organization which of their own volition have submitted to the control of the respective head according to the religion professed as organized by religious discipline or vow;

(3) In the case of Hindus, Sanvazi, Mahant or Hindu priests.

J. **Electoral Roll** means the list of persons entitled to vote within the constituencies prescribed for the election.

K. **Convicts** mean persons serving terms of imprisonment under sentence passed by any court. The expression also includes persons who are serving prison terms by the order of the court and pending appeal against the sentence of imprisonment of the Court concerned.

L. **Polling Booth Team** means a team which is assigned by the Township Sub-Commission concerned the duty of taking collective responsibilities in connection with voting at a polling booth within a constituency;

M. **Polling Booth Officer** means the person who is in charge of the Polling Booth Team.

N. **Electoral Right** means the right of a person to stand or not to stand as a Huttaw candidate or to withdraw from being a Huttaw candidate or to vote or refrain from voting at the election.

O. **Corrupt Practice** means any practice mentioned in Chapter 14 of this Law.

P. **Rules** means rules prescribed under this Law.

## **Chapter 2**

### **Formation of the Hluttaw**

3. The Hluttaw shall be formed with a maximum of 440 Hluttaw representatives as follows:

A. Not more than 330 Hluttaw representatives elected prescribing electorate in accord with law on the basis of township as well as population or combining with an appropriate township which is contiguous to the newly-formed township if it is more than 330 townships;

B. Not more than 110 Hluttaw representatives who are the Defense Services personnel nominated by the Commander in Chief of the Defense Services in accord with the law.

## **Chapter 3**

### **Specification of Constituencies**

4. In prescribing the constituencies, the Commission

A. Shall not prescribe more than 330 constituencies in the entire Union including the regions or states and union territories.

B. If the constituencies are less than 330 then one township shall be prescribed at least one constituency.

C. If the number of constituencies has not reached 330 then the population of the townships in the entire Union shall be sorted in a decreasing manner and prescribing one additional constituency for one township beginning with the most populated township until the required number of constituencies is reached.

D. If the total number of townships exceeds 330 due to newly-formed townships then the following should be carried out in prescribing the constituencies -

(1) If the newly-formed township is created by bisecting a township then the newly-formed township should be combined with the original township and prescribed as a constituency

(2) If the newly-formed township is created by extracting areas from more than one township then it should be combined with the township that is least populated and contiguous to the newly-formed township and prescribed as a constituency.

(E) If one of the territories that lie within a constituency is prescribed as a Union Territory then it should be considered as part of the original constituency.

5. A. The constituency prescribed by the Commission is valid only for one Hluttaw term.

B. If a new township is formed after the Commission has prescribed the constituencies for a normal term then that township shall be considered as part of the concerned constituency prescribed for a normal term.

C. The Commission shall prescribe the constituencies for the next Hluttaw term 60 days before the expiry of the Hluttaw term.

## **Chapter 4**

### **Persons Entitled to Vote**

6. Persons with the following qualifications are entitled to vote at the election irrespective of sex and religion:

A. Citizens, guest citizens, naturalized citizens or those holding temporary identity certificates who have completed the age of 18 years on the day of commencement of the election and who do not contravene the provisions of this law,

B. Persons whose names have been included on the electoral roll of the respective constituency.

7. The following persons shall not be entitled to vote at the election:-

A. Members of religious orders,

B. Persons serving prison terms,

C. Persons who have been adjudged to be of unsound mind as provided for in the relevant law,

D. Persons who have not yet been declared free from insolvent,

E. Persons prohibited in accord with the Election Law,

F. Foreigners or naturalized citizens of a foreign country.

## **Chapter 5**

### **Persons Entitled to Stand for Election and Those That Have No Right To Remain Entitled**

8. Citizens possessing the following qualifications shall be eligible to stand for election irrespective of sex or religion: -

A. At the time of filing the nomination paper for the purpose of election:

(1) Persons who have attained the age of 25 years and who are not contrary to the provisions of this law,

(2) Persons who have been residing in the Union of Myanmar for at least 10 consecutive years up to the time of being elected as a Hluttaw representative,

**Exception:** The period spent in foreign countries officially with permission of the State is calculated as a period residing in the country.

(3). Persons included in the electoral roll.

B. Citizens born of parents who are both citizens

C. Persons possessing the qualification provisions of this Law.

9. A person having the right to stand for election is eligible to contest the election individually or as a member of a political party.

10. The following persons shall not be entitled to stand for election:-

A. Persons serving prison terms,

B. Persons jailed for acts demeaning the status of a Hluttaw representative or corrupt election practice or failure to adhere to the Election Law before or after the promulgation of the State Constitution and who have not yet been declared free from restriction from standing for election by concerned authorities,

C. Persons adjudged to be of unsound mind as provided for in the relevant law,

D. Persons who have not yet been declared free from insolvent,

E. Citizens born of either one or both parents who are not citizens at the time of birth.

F. Persons who are under any acknowledgement of allegiance or adherence to a foreign power or are subjects or citizens of a foreign government,

G. Persons who are entitled to the rights and privileges of a subject or a citizen of a foreign government,

H. Individuals or members of organizations who obtain and make use of funds, land, house, building, vehicle, property from a foreign government or a religious organization or any other organization or an individual directly or indirectly.

I. Individuals or members of an organization, who use religion as a pretext for political purposes, and utter, deliver speeches, and make declarations to vote or not to vote and who encourage and incite such acts,

J. Members of religious orders,

K. Civil service personnel,

**Exception:** The expression does not include Hluttaw representatives, who are Defense Services personnel, nominated and appointed in the Hluttaws in accord with

the State Constitution and civil service personnel who are nominated and appointed in the organizations of the Hluttaws.

L. Individuals or members of an organization, who obtain and make use of State fund, land, house, building, vehicle, property directly or indirectly,

**Exception:** (1) The expression State fund does not include pension or the official monetary support given by the State for the services rendered for the benefit of the State;

(2) The expression house, building, vehicle, property belonging to the State does not include land, house, buildings and apartments belonging to the State and other buildings and apartments which have been used under any existing law or rented from the State; aircraft, train, boats, and motor cars belonging to the State which have been hired on charges from the State.

M. Guest citizens, naturalized citizens, foreigners or naturalized citizens of a foreign country.

N. Members of an organization declared as an unlawful association according to any existing law; organizations and individuals whom the State has declared to have been engaged in terrorist acts; organizations and members in armed revolt against the State; persons against whom there is sufficient grounds of having links with the said organizations or with its members.

11. After being elected a Hluttaw representative shall have no right to continue to be a Hluttaw representative on infringement of any of the following:-

A. Permanently becoming a member of a religious order,

B. Being adjudged to be of unsound mind as provided for in the relevant law,

C. Being declared a bankrupt by a Court concerned,

D. Being convicted under any prevailing law after being elected a Hluttaw representative,

E. Being declared to cease to be a citizen in accordance with the respective law;

F. Being declared by the authorities concerned as a citizen not born of either one or both parents who are not citizens at the time of birth.

G. Being declared by the Election Tribunal to be under any allegiance or adherence or influence of a foreign government, or a citizen of a foreign country,

H. Being declared by the Election Tribunal to be a person entitled to the rights and privileges of a subject of a foreign government or citizen of a foreign country,

I. Being permitted by the Commission to resign as a Hluttaw representative,

J. Being decided by a court as a person or a member of an organization against whom there is sufficient grounds of having links with members of an organization declared as an unlawful association according to any existing law; organizations and individuals whom the State has declared to have been engaged in terrorist acts, and members of organization in armed revolt against the State,

K. Being decided by the Election Tribunal to be a person or a member of an organization as provided for in Sect 10 Sub-Sections H, I, or L,

L. Being informed by the respective head of civil services body to be a civil service personnel as provided for in Section 10 Sub-Section K.

12. When a complaint against an elected Hluttaw representative on any infringement under Sections 8 and 10 is received, the Commission shall form an Election Tribunal and hear the complaint and decide whether the Hluttaw representative shall have the right to continue to be a Hluttaw representative.

## **Chapter 6**

### **Preparation of Electoral Roll**

13. The Township Sub-Commissions and the Ward or Village Tract Sub-Commissions shall prepare the electoral roll for those who are entitled to vote in the election of Hluttaw representatives in various constituencies.

14. A. The Ward or Village Tract Sub-Commission shall include in the electoral roll every citizen, guest citizen, naturalized citizen and those holding temporary identity certificates not being contrary to the provisions of this law and residing in the constituency and having completed the age of 18 years on the day of commencement of the election,

B. The Ward or Village Tract Sub-Commission shall include in the respective electoral roll as prescribed, the defense services personnel, diplomats of the Union of Myanmar and members of their household, embassy staff and members of their household, State scholars and members of their household, delegates and members of their household who are outside the country; and those who are outside the country with the permission of the Government and members of their household.

15. A. Every citizen, guest citizen, naturalized citizen and those holding temporary identity certificates whose name is included in the electoral roll of a constituency shall have the right to vote only in that constituency,

B. A person who has the right to vote and wishes to transfer from the electoral roll of one constituency to the electoral roll of another constituency showing sufficient grounds may apply to the respective Sub-Commission as prescribed,

C. Whoever has the right to vote in any constituency shall not be on the electoral roll of any constituency other than that of the constituency concerned at the same time.

16. A list of the names of those persons who are eligible to vote shall be declared in advance as prescribed before the election is held in the respective constituency.

17. A. A person who has the right to vote under this law, but is not included in the respective electoral roll may apply to the respective Ward or Village Tract Sub-Commission in the manner prescribed to be included in the electoral roll,

B. If the Ward or Village Tract Sub-Commission concerned does not insert the name there is a right of appeal to the Township Sub-Commission as prescribed. The decision of that Sub-Commission, apart from the provisions of Section 53, shall be final and conclusive.

18. A. If any person whose name is in the electoral roll objects to the inclusion of any person who is not entitled to vote in the electoral roll of the constituency, objection may be submitted to the Ward or Village-Tract Sub-Commission in the manner prescribed,

B. If that name is not cancelled from the electoral roll by the respective Ward or Village Tract Sub-Commission, there is a right of appeal to the Township Sub-Commission in the manner prescribed. The decision of that Sub-Commission, apart from the provisions of Section 53, shall be final and conclusive,

C. A person whose name is already included in the electoral roll shall not be debarred from voting during the pendency of the appeal with the Township Sub-Commission. A vote cast under such a right shall be valid.

19. The Commission and the Sub-Commissions at different levels in preparing the electoral roll -

A. Shall add, in the supplementary electoral roll, the names which are not included, although eligible,

B. Shall cancel the names found not eligible from the electoral roll.

20. The electoral rolls shall be archived in the manner prescribed by the concerned department, organization, or official.

21. If there arises a situation for any reason where a by-election needs to be held at a constituency during a Hluttaw term, an electoral roll shall be declared with addition, cancellation, and amendment based on the original electoral roll subject to the provisions of Sections 14, 15, and 16.

## **Chapter 7**

### **Nomination of Hluttaw Candidates and Appointment of Election Agent**

22. A person desirous of contesting the election shall file nomination of candidature with the Nay Pyi Taw Sub-Commission, concerned Self-Administered Division Sub-Commission, Self-Administered Zone Sub-Commission, or District Sub-Commission in the manner prescribed.



23. A candidate shall not have the right to file a nomination for candidature at the same time in more than one constituency.

24. The Nay Pyi Taw Sub-Commission, concerned Self-Administered Division Sub-Commission, Self-Administered Zone Sub-Commission, or District Sub-Commission shall scrutinize in the manner prescribed nomination of a person or the Hluttaw candidature as to whether it is in conformity with the stipulations or not, and whether it should be accepted or not.

25. At the time of scrutiny by the Nay Pyi Taw Sub-Commission, concerned Self-Administered Division Sub-Commission, Self-Administered Zone Sub-Commission, or District Sub-Commission under Section 24:-

A. The person concerned having filed nomination for candidature shall have the right to produce the evidence as desired by him,

B. Any competing Hluttaw candidate producing sufficient evidence may object in the prescribed manner that the concerned Hluttaw candidate who has filed his nomination for Hluttaw candidature is not eligible or qualified for the election.

26. The Nay Pyi Taw Sub-Commission, concerned Self-Administered Division Sub-Commission, Self-Administered Zone Sub-Commission, or District Sub-Commission may, after scrutiny as prescribed under Section 24, order one of the following:

A. Declaring the respective person having filed his nomination for Hluttaw candidature as eligible if in conformity with the stipulations,

B. Declaring the respective person having filed his nomination for Hluttaw candidature as not eligible if not in conformity with the stipulations.

27. A. A person dissatisfied with the order issued under Section 26 has the right to appeal to the concerned Self-Administered Division or Self-Administered Zone Sub-Commissions as prescribed.

B. The decision of the concerned Self-Administered Division or Self-Administered Zone Sub-Commissions, apart from the provisions of Section 53, shall be final and conclusive.

28. A person who has filed nomination for Hluttaw candidature has the right to withdraw the nomination as prescribed.

29. A person having filed nomination for Hluttaw candidature in the election shall appoint himself or another person as his election agent in the prescribed manner.

30. A. Only a person who is qualified to be a Hluttaw candidate under this law shall be appointed as an election agent. Such appointment shall be made only with the consent of that person,

B. In the event of resignation or death or revocation of election agency of the election agent appointed under Sub-Section A, the candidate may appoint another person as his election agent.

## **Chapter 8**

### **Defense Services Personnel Hluttaw Representatives**

31. When the Commander in Chief of the Defense Services presents the prescribed list of Defense Services personnel Hluttaw representatives, who are qualified to be Hluttaw candidates and not contrary to this law, to the Commission, the Commission shall announce the list to the public after scrutiny.

32. If any of the Defense Services personnel Hluttaw representatives from the list presented by the Commander in Chief of the Defense Services is found to be in infringement of this law after scrutiny, the Commission shall coordinate with the Commander in Chief of the Defense Services to send a list replacing the said representative with another Defense Services personnel Hluttaw representative.

33. When the Commander in Chief of the Defense Services informs the Commission about his desire to replace a Defense Services personnel Hluttaw representative from his prescribed list of Defense Services personnel Hluttaw representatives, the name list of the replacement representative shall be announced to the public. The original Defense Services personnel Hluttaw representative, who has been replaced, shall be considered as being ceased from being a Hluttaw representative from the date of the announcement.

## **Chapter 9**

### **Holding Elections**

34. The Commission shall:

A. Hold the elections simultaneously on the same day as far as possible;

B. Hold the elections on a public holiday as far as possible;

C. Determine and declare the date of election in advance.

35. Hluttaw representatives, apart from those mentioned in Chapter 8, shall be elected by the eligible voters residing in the respective constituencies directly by secret ballot.

36. The Commission may:

A. Allocate a suitable number of polling booths for the Wards and Village Tracts on the basis of the number of eligible voters and the conditions of the locality or may delegate such powers to the Sub-Commissions at various levels.

B. The Township Sub-Commissions may be assigned the duty of allocating the venue for the polling booths.

37. The Township Sub-Commissions, in allocating the venue for the polling booths, may construct separate rooms within a polling booth for several Hluttaws in accord with the directive of the Commission as the elections is not to elect for only one Hluttaw but several Hluttaws.

38. Arrangements shall be made for the polling booths to be secure and not detrimental to the secret ballot and to build at a place easily accessible to the public. The venue of the polling booths shall be notified to the public in advance.

39. In order to supervise the polling booths at various Hluttaw constituencies, the Township Sub-Commission concerned shall form Polling Booth Teams. In forming the teams, the Township Sub-Commission shall:-

A. Appoint suitable persons from amongst the civil service personnel as polling booth officers;

B. Form polling booth teams consisting of civil service personnel, and citizens, guest citizens, and naturalized citizens who are trusted and respected by the local public, and who is on an electoral roll, and assign duties as prescribed,

C. Prescribe the duties and responsibilities of the polling booth officers and polling booth teams in accordance with this law and rules.

40. On the day of election, each Hluttaw candidate may appoint a polling booth agent and an assistant who are to act on his behalf at the respective polling booth in the constituency where he is contesting. Such agent and assistant shall be in an electoral roll and are eligible voters.

41. A. If there is only a single candidate in a constituency, election for such constituency shall not be held, and the concerned Region or State Sub-Commission shall declare such candidate to be the Hluttaw representative.

B. If there are more than one candidate in a constituency, voting shall be arranged with the ballot boxes and ballot papers as prescribed by the Rules.

42. A. On the day of the election, polling booths shall be kept open from 6 am to 4 pm. However, polling booths may be closed earlier than 4 pm if all eligible voters have cast their votes.

B. When the polling booths close at exactly 4 pm and if there are voters who haven't voted exists among the voters near the premises of the polling booth prior to the closure, then a list shall be taken of such voters and only those in the list shall be allowed to vote although the voting time has passed.

43. Except those that have cast there ballots in advance, eligible voters shall personally draw the ballot papers from the respective polling booths. Such ballot papers shall be cast personally into the respective ballot boxes and not by proxy.

44. Any eligible voter in an election shall have the right only to a single vote to choose the Hluttaw candidate of his choice from among the Hluttaw candidates and shall not have the right to vote more than once.

45. A. The respective Township Sub-Commission shall arrange for the Defense Services personnel, students, trainees, detainees, and inpatients at the hospitals who are away from their constituencies, to vote with advance ballot paper in the respective constituency.

B. The Ward or Village Tract Sub-Commission concerned shall arrange for an eligible voter who is on the electoral roll and who will be away from his constituency on the day of election, to vote with advance ballot paper.

C. If persons residing in the constituency who are unable to come to the polling booth to vote in person due to any of the following reasons wish to vote, the Ward or Village Tract Sub-Commission concerned shall arrange for them to vote with advance ballot papers as prescribed: -

(1) Having contracted leprosy,

(2) Being seriously ill,

(3) Being of old age,

(4) Giving birth at home,

(5) Being detained in a police lockup or in prison,

(6) Taking medical treatment as an in-patient in hospital,

(7) Civil service personnel, Defense Services personnel and members of the Myanmar Police Force who are on duty, away from the area in which they have their electoral roll.

D. Rules shall be prescribed as regards the manner of voting by persons having difficulties in making entries on the advance ballot paper or ballot paper on their own.

46. Except the voters mentioned in Section 45, Sub-Section B and Sub-Section C (7), for the voters who will be away from their constituencies for various reasons including civil service personnel who are working on other regional projects, industrial enterprises, agriculture and livestock breeding enterprises, and other economic enterprises and away from their constituencies, to have the right to vote -

A. If they wish to vote for the Hluttaw candidates in the constituency with the electoral roll at their permanent address then the following shall be followed,

(1) Go to the permanent address prior to the voting day and cast an advanced ballot at the Ward or Village Tract Sub-Commission during the prescribed days,

(2) Go to the polling booth prescribed to your permanent address on voting day and cast the ballot in person.

B. If the voters do not wish to go to their permanent address to vote and for them to have the right to vote for the Hluttaw candidates at their current constituencies, the inclusion of names in the electoral roll, to vote with advance ballot paper, and to vote at the polling booth with a ballot shall be arranged according to prescribed procedures.

47. A. The Commission shall make arrangements to enable the diplomats of the Union of Myanmar and members of their household, embassy staff and members of their household, State scholars and members of their household, delegates and members of their household, and those who are outside the country with the permission of the Government and members of their household at the time of holding election to vote in advance for their respective constituencies,

B. The Ministry of Foreign Affairs shall take the responsibility of communicating with those who are outside the country and who have the right to vote to enable them to vote in advance.

## **Chapter 10**

### **Counting of Votes and Declaring Confirmation**

48. A. The Ward or Village Tract Sub-Commission shall hand over the advance ballot papers already cast under Section 45, Sub-Sections B and C, and Section 46 and the list of those who have voted with advance ballot papers in connection with the various polling booths to the respective polling booth officer before the opening of the polling booths on election day.

B. Immediately after the ballot papers are cast in each constituency, the polling booth officer or a member of the polling booth team assigned by him shall count the votes in the polling booth in the presence of the members of the polling booth team, the polling booth agents, and the public. In counting, valid votes and invalid votes are to be differentiated in accordance with the Rules. List of number of votes counted shall be made as prescribed and the Schedule List of votes shall be sent to the Ward or Village Tract Sub-Commission. One copy shall be sent to the Township Sub-Commission.

C. The Ward or Village Tract Sub-Commission shall supervise the dispatch of the voting list schedules compiled by polling booth officers in its area in prescribed manner to the Township Sub-Commission as fast as possible to reach there in time.

D. The Township Sub-Commission shall, before 4 pm on election day, count all advance ballot papers already cast under Section 45 Sub-Section A and Section 47 in the presence of Hluttaw candidates or election agents and the public and shall combine the voting list schedules for each Hluttaw constituency in the manner prescribed.

49. A Should there be more than one Hluttaw candidate in a constituency, the Township Sub-Commission shall announce the number of valid votes each candidate has received. To declare the candidate with the highest number of valid votes to be the elected candidate and to enable the election to be held again in case of a tie of highest votes, the Township Sub-Commission shall submit the results to the Region or State Sub-Commission as soon as possible. Copies shall be sent to Nay Pyi Taw Sub-Commission, concerned Self-Administered Division Sub-Commission, Self-Administered Zone Sub-Commission, or District Sub-Commission.

B. The Region or State Sub-Commission shall declare the name of the elected candidate as per the lists submitted by the Township Sub-Commission under Sub-Section A.

C. On submission under Sub-Section A, where there is more than one Hluttaw candidate in a constituency, that there is a tie of valid votes the Region or State Sub-Commission shall scrutinize the matter and present it to the Commission with remarks. If the Commission instructs to hold a new election, the Sub-Commission at various levels shall proceed to hold a new election in accordance with this Law. Only the candidates whose votes are tied are eligible to stand for election.

## **Chapter 11**

### **Powers of Commission**

50. The Commission

A. May postpone the election in certain constituencies in which elections could not be held due to natural disasters till such a time as the disaster is over.

B. May postpone the election in a constituency where preparation of list of voters or balloting is not possible due to lack of security.

C. May decide to hold election in some areas within the constituency where the situation permits and may decide not to hold election in some areas within the constituency where the situation does not permit. It may also decide to transfer the polling booth to secure places. However, if 51 percent of all the voters in the electoral roll have cast their votes, a valid election shall be deemed to have been held. Should it be the opinion of the Commission that free and fair election cannot be held, it may postpone the decision in the entire constituency.

51. The Commission may delegate the powers to postpone election and to transfer the venue of polling booths to secure places to the Sub-Commissions as it deems suitable.

52. In a constituency where there is only a single candidate if, before the election is held, that candidate dies or is found that he is not entitled to stand for election, the election for that constituency shall start afresh from the stage of the nomination of the candidate.

53. In election matters the Commission has the power to call for the proceedings and documents suo motu of each Sub-commission as it deems fit and study and decide accordingly. This decision shall be final and conclusive.

54. The Commission may take measures as necessary for the successful holding of free and fair election.

## **Chapter 12**

### **Election Expenses**

55. The election agent shall keep accounts of the expenses of the elections concerned systematically as prescribed. He shall submit the accounts of the expenses as prescribed to the Nay Pyi Taw Sub-Commission, concerned Self-Administered Division Sub-Commission, Self-Administered Zone Sub-Commission, or District Sub-Commission.

56. The maximum scale of expenses, the number of persons employed and equipment used with payment for the Hluttaw candidate shall be as prescribed by the Rules.

## **Chapter 13**

### **Election Offenses and Penalties**

57. A person's right to vote and to stand for election shall not be violated by force, threat, undue influence, cheating, and taking or giving of bribes to any person. Whoever sits in contravention, if convicted, shall be punishable with imprisonment for a term not more than one year or with fine which may not exceed 100,000 kyat or with both.

58. No person shall contravene or encourage another to contravene any of the following prohibitions. Whoever contravenes or abet such contravention, if convicted, shall be punishable with imprisonment for a term not more than one year or with fine which may not exceed 100,000 kyat or with both.

A. Obtaining the electoral right by unlawful means or after obtaining such right committing bribery and corruption by way of money, goods, foodstuff, position or service transfer, or committing bribery and corruption by using other means.

B. Threatening a Hluttaw candidate or a voter to prevent him from freely exercising his electoral right,

C. Making speeches, making declarations, and instigating to vote or not to vote on grounds of race and religion or by abetment of such,

D. Making speeches at meetings, instigating, writing, distributing, using posters or other methods to either disrupt the voting or the election.

59. No person shall contravene or cause another to contravene any of the following prohibitions. Whoever contravenes or abet such contravention, if convicted, shall be punishable with imprisonment for a term not more than one year or with fine which may not exceed 100,000 kyat or with both.

- A. Intentionally destroying or making illegible the list, notices or other election documents published by the Commission and Sub-Commissions,
- B. Intentionally destroying or making illegible the electoral roll, ballots or advanced ballot papers, the envelope or pouch used in sending them,
- C. Giving the ballot or advanced ballot paper to another person in an unfair manner,
- D. Inserting into the ballot box an article other than a ballot paper,
- E. Opening the ballot box in use without authorization or destroying the ballot or advanced ballot paper,
- F. Voting in an election at more than one constituency,
- G. Voting more than once in an election in your prescribed constituency;
- H. Impersonating another person to obtain and cast a ballot or advanced ballot paper,
- I. Entering the polling booth without permission while the election is in progress,
- J. Putting one or more counterfeit ballot papers into the ballot box.

60. Whoever is found guilty of disturbing any eligible voter so as to prevent him from casting the vote on election day or whoever is found guilty of abetting such an act shall be punishable with imprisonment for a term not more than one year or with fine which may not exceed 100,000 kyat or with both.

61. Any person committing any of the following acts inside the polling booth or within the radius of 500 yards from the polling booth on election day, if convicted, shall be punishable with imprisonment for a term not more than one year or with fine which may not exceed 100,000 kyat or with both.

- A. Canvassing,
- B. Soliciting or persuading a voter to vote for a certain Hluttaw candidate,
- C. Persuading either to vote or not to vote in the election,

**Explanation:** This section does not apply to sticking or hanging campaign posters and other documents and papers regarding the election in any places other than the polling booth.

62. Any person, on election day, causing disturbance to the voters or the polling booth officer and members of the polling booth team on duty by using loud speakers



or by such equipment which amplify the human voice or by other undisciplined acts such as shouting, inside the polling booth or within 500 hundred yards radius from the polling booth, if convicted, shall be punishable with imprisonment for a term not more than one year or with fine which may not exceed 100,000 kyat or with both.

63. Whoever acts in an improper manner inside the polling booth during polling hours or who disobeys the lawful orders of the polling booth officer shall be evicted from the polling booth by a member of the Myanmar Police Force on duty or by any security personnel on duty under the order by the polling booth officer or by the member of the polling booth team authorized by the polling booth officer. Any person who is evicted from the polling booth and who returns to the polling booth without the permission of the polling booth officer, if convicted, shall be punishable with imprisonment for a term not more than one year or with fine which may not exceed 100,000 kyat or with both.

64. Whoever dishonestly and fraudulently lodges any criminal proceedings against any person regarding offences relating to the election, if convicted, shall be punishable with imprisonment for a term not more than three years or with fine which may not exceed 300,000 kyat or with both.

65. A. The offences in this chapter are considered as police cases.

B. Regarding offences relating to the election, any voter of the constituency concerned or any Hluttaw candidate or any election agent or a member of a Sub-Commission concerned or any member of the polling booth team, having sufficient evidence, may file a complaint in accordance with law before the election or during the election or within 15 days from the election.

## **Chapter 14**

### **Corrupt Practices**

66. The following practices are deemed to be corrupt practices:

A. Hluttaw candidate either by himself or by his election agent or any person with the approval of one of them commits the following offences:

- (1) Giving or taking bribes,
- (2) Interfering with the electoral right,
- (3) Impersonation,
- (4) Making verbal or written false declaration,
- (5) Signing false statement,

B. Casting of vote more than once in one constituency or in more than one constituency when elections are simultaneously held, which will be to the advantage of a candidate he favors,

C. A Hluttaw representative or his election agent has incurred or consented to incur authorized expenditure contrary to the stipulations during the election,

D. Failure to account for the election expenses on the part of the election agent,

E. With the prompting or consent of the Hluttaw candidate or his election agent committing the following:

(1) Whoever accepts bribe or agrees to accept bribe, either with the intention or in gratitude of participating or not as a Hluttaw candidate in the election or resigning as Hluttaw representative,

(2) Whoever accepts bribe for himself or for another person or agrees to accept such bribe, with the intention of inducing or trying to induce a voter to either vote or abstain,

F. Submission of false accounts of the election expenses or declaring the false accounts to be true or failure to submit the election expenses as prescribed,

G. Any person who is not a Hluttaw candidate or an election agent of that Hluttaw candidate, without the permission of such candidate, convenes a meeting, or distributes papers and documents or incurs or consents to incur expenses in any other way, with a view to making him win election as a Hluttaw candidate or abets for such purpose,

H. Publishing and distributing announcements, papers, and posters without mentioning names and addresses of printers and publishers for the benefit of the Hluttaw candidate whom he favors,

I. Any person who takes away the ballot paper from the polling booth with the prompting or consent of the Hluttaw candidate or his election agent,

J. Any Hluttaw candidate or his election agent or any person with the consent of one of them, obtains help from a civil service personnel, or abets or attempts in obtaining help from such civil service personnel so that a Hluttaw candidate may be elected,

K. Use of religious emblem in the election campaign, or making use of nationality or religion for the purpose of inducing to vote or not to vote with a view to getting a Hluttaw candidate elected,

L. Resorting to violence, making and writing false accusation and creating public disorder to a party or a person, with a view to getting a Hluttaw candidate elected.

## **Chapter 15**

### **Decisions on Objections Concerning Elections**

67. If objection is desired to be made as regards being elected, it shall be made by paying the fees and in forms prescribed in accordance with the provision in this Chapter.

68. A. Objections to being elected a Hluttaw representative may be made as prescribed by any Hluttaw candidate or any voter with appropriate reasons, other than matters which have been decided by the Commission under Section 53, to the Commission.

B. The applicant may file objection against an elected Hluttaw representative. If he intends to seek a declaration that only he has obtained the majority votes and he should be elected, he is to base his objections on one of the following:

(1) The reason that only the applicant did in fact obtain the maximum valid votes,

(2) The reason that if votes obtained by the elected Hluttaw representative did not include votes obtained by corrupt practices, the applicant could obtain the maximum valid votes.

69. A. For inquiry into objections regarding the election the Commission may form the following Election Tribunals -

(1) An Election Tribunal with one Commission member as Chairman and another two Commission members,

(2) An Election Tribunal with one Commission member as Chairman and another two suitable citizens who are legal experts.

B. Members of the Election Tribunal must not be any political party member.

C. Remuneration for members of the Election Tribunal, who are not members of the Commission, shall be prescribed by the Commission.

D. All matters concerning election objections shall be taken up by the Election Tribunals.

E. If more than one objection is raised in respect of the election held for one constituency, the Commission shall assign all the objections to only one Election Tribunal formed for that constituency. Such tribunal may inquire into the objections separately or collectively.

F. If an appointed member of an Election Tribunal cannot carry out his duties as a member of the tribunal or is unable to carry them out during an inquiry, the Commission shall appoint a substitute member. The reconstituted Election Tribunal may make fresh inquiry of the pending objections, if it so desires.

70. While the objections in connection with elections are being heard, the tribunal, if necessary, may invite the Attorney General and seek legal advice. If the Attorney General is unable to come to the tribunal, he may depute a suitable person not below the rank of Law Officer Grade-1 from the Attorney General's Office to act on his behalf.

71. The Election Tribunal may decide the election of the Hluttaw representative to be void if it finds that the elected Hluttaw representative has infringed any of the following:-

A. That it is apparent the elected Hluttaw representative received the majority votes by corrupt practice; or by inducement or the result of the election is due to corrupt practice,

B. That it is apparent corrupt practice has been committed for the benefit of the elected Hluttaw representative,

C. That it is apparent the election is not free and fair,

D. That it is apparent the election is not free because of bribery and interference with the exercise of electoral rights, or that the success in the election is due to such acts,

E. That it is apparent he is an individual or a member of any association in Section 10, Sub-Sections F, G, H, I, and L.

72. A. After objections have been exercised, the Election Tribunal shall report to the Commission whether the person elected as the Hluttaw representative or the person who objects and states that he himself should be declared elected should be elected.

B. All members of the Election Tribunal shall sign and submit the report of their decision to the Commission as early as possible.

73. The Election Tribunal, in reporting that the elected Hluttaw representative is guilty of corrupt practice due to the acts of a person other than the election agent, and is of the opinion that it is due to any of the following, the Commission may decide that the election of the said Hluttaw representative is not void -

A. That the corrupt practice has been committed without the consent of the Hluttaw candidate and his election agent,

B. That the Hluttaw candidate and his election agent have prevented, to the best of their ability, corrupt practices in the election,

C. That the corrupt practices are of trivial nature and have not affected the election,

D. That the election has been free from corrupt practices of the Hluttaw candidate and his election agent.

74. A. An applicant or a person named by the applicant, who is not satisfied with the decision of the Election Tribunal citing legal irregularities, shall apply to the Commission for review in accord with the prescribed procedures during the prescribed period. Application under this Section is allowed only if there is a legal issue.

B. If the review is not applied to the Commission during the prescribed period according to Sub-Section A, the Commission shall publish the decisions of the Election Tribunal or Tribunals in the Myanmar Gazette.

75. A. If an application according to Section 74 is received, the Commission may examine either the applicant or a person named by the applicant, or their lawyers or representatives as needed and may pass one of the following decisions -

(1) Endorse the decision of the Election Tribunal,

(2) Reject the decision of the Election Tribunal.

B. The decision of the Commission according to Sub-Section A shall be final and conclusive. The decision of the Commission shall be published in the Myanmar Gazette.

76. If there is any difference of opinion among the members of the Election Tribunal on the report or on any other matter concerning objections in connection with the election, the opinion of the majority shall prevail. If there is any member who has a difference of opinion, the summary of his opinion shall be included in the report and he has the right to sign it.

77. The Election Tribunal shall have all the powers of the Court in which powers under the Code of Civil Procedure are vested. It may on its own volition summons and examines any person who it considers to be in a position to give crucial material evidence.

78. In examining the objections concerning the election, the Election Tribunal shall have the right to utilize and apply the provisions of the Evidence Act.

79. Any document not duly stamped or not duly registered as prescribed shall not be inadmissible as evidence.

80. In an inquiry the witness shall answer the argument questions in respect of the relevant issues. However,

A. The witness shall not be questioned to reveal for whom he has voted,

B. The answer to a question provided by a witness, who is compelled to answer, shall not be used as evidence in any criminal proceedings, except for perjury.

81. An applicant himself or a person named by the applicant himself, or his lawyer or representative acting on his behalf may appear before the Election Tribunal. Nevertheless, should the Election Tribunal order him to appear in person, he shall do so accordingly.

## **Chapter 16**

### **Miscellaneous**

82. Any person discharging duties in connection with the election including the Sub-Commission at different levels shall abide by the following provisions -

A. To accurately prepare and maintain the lists, schedules and records regarding elections,

B. To assist and safeguard secret voting,

C. All matters, with the exception of those permitted to be published by the Commission, shall be kept confidential,

D. Acting rightfully, not canvassing votes and not showing partiality, in favor of any Hluttaw candidate, during the election.

83. Whoever is found guilty of committing an offense or continue to commit an offense according to the provisions of this Law, the polling booth officer may order a member of the Myanmar Police Force on duty or any security personnel on duty to arrest that person.

84. The Commission and Sub-Commissions may obtain necessary assistance from Government departments and organizations or other organizations and individuals.

85. Whoever carries out the duties of a member of the Commission or Sub-Commissions, or carries out the duties of the Election as an employee shall be deemed to be carrying out the duties of the State.

86. No Court has jurisdiction on the acts and decisions made by the Commission and Sub-Commissions at various levels and the Election Tribunals according to the provisions of this Law.

87. No civil or criminal action shall be taken against the Commission and members of the Commission, Sub-Commissions at various levels and their members, Election Tribunals and members of the Election Tribunals, members of the polling booth teams including polling booth officers, who discharge their duties according to law in good faith and to the best of their ability.

88. A Hluttaw representative whose election was made void according to Section 74, Sub-Section B or Section 75, Sub-Section B and the Commission has published the decision in the Myanmar Gazette; a Hluttaw representative or an election agent who has been found in contravention of failure to account for the election expenses and the election made void by the Election Tribunal which the Commission has also endorsed; a Hluttaw representative after being elected as such was convicted according to an existing law and the Commission has declared that the Hluttaw representative has no right to stand as a Hluttaw representative; a Hluttaw representative or a Hluttaw candidate convicted according to provisions under Section 13 of this Law and the Commission has declared that the person has no right to stand as a Hluttaw representative or a Hluttaw candidate, shall be barred from contesting the election as a Hluttaw candidate for the current Hluttaw tenure and the next Hluttaw term from the date of the declaration.

89. If a Hluttaw representative seat becomes vacant in the Hluttaw for any reason a by-election shall be held in accordance with law to replace the seat.

90. The Commission is empowered to make rules, procedures, notifications, orders and directives for the successful implementation of the provisions of this Law.

91. A. Pyithu Hluttaw Election Law (The State Law and Order Restoration Council Law No 14/89) is repealed by this Law.

B. The Multiparty Democracy General Elections held in accordance with the law repealed by this law is not relevant anymore with the Constitution and the results of the elections shall be considered automatically void.

Signed: Than Shwe

Senior General

Chairman

The

Union of Myanmar

The State Peace and Development Council