

The Union of Myanmar
The State Peace and Development Council

The Union Election Commission Law

(The State Peace and Development Council Law No. 1/2010)

The 9th Waning Day of Taboung, 1371 M.E.

(8th March, 2010)

Preamble

The State Peace and Development Council hereby enacts the following Law to enable the formation of the Union Election Commission for supervising the exercise of the right to elect or to be elected to Hluttaws by every citizen of the Union of Myanmar and for supervising political parties in accord with Section 443 of the Constitution of the Republic of the Union of Myanmar.

Chapter I
Title and Definition

1. This Law shall be called **the Union Election Commission Law**.
2. The following expressions contained in this Law shall have the meaning given hereunder:
 - (a) **Hluttaw** means the followings:
 - (i) Pyithu Hluttaw;
 - (ii) Amyotha Hluttaw;
 - (iii) Region or State Hluttaw;
 - (b) **Hluttaw representative** means Hluttaw representative who is elected to any Hluttaw or Hluttaw representative who is a Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with law;
 - (c) **Election** means the Pyithu Hluttaw Election, the Amyotha Hluttaw Election and the Region or State Hluttaw Election;
 - (d) **Constituency** means the Pyithu Hluttaw Constituency, the Amyotha Hluttaw Constituency, the Region or State Hluttaw Constituency designated by the Commission in accord with law to elect a Hluttaw representative;

- (e) **Voting Roll** means the roll of eligible voters prepared for the constituencies;
- (f) **Commission** means the Union Election Commission formed in accord with this Law to enable supervision of the works relating to election and supervision of the political parties;
- (g) **Sub-commission at various levels** means the followings:
 - (i) Nay Pyi Taw Sub-commission;
 - (ii) Region or State Sub-commission;
 - (iii) Self-Administered Division or Self-Administered Zone Sub-commission;
 - (iv) District Sub-commission;
 - (v) Township Sub-commission;
 - (vi) Ward or Village-tract Sub-commission;
- (h) **Political Party** means the political organization registered in accord with the Political Parties Registration Law;
- (i) **Election Tribunal** means the body formed by the Commission in accord with this Law to hear and examine the dispute relating to the election and the objection relating to the election and appointment of the member of the leading body of Self-Administered Division or Self-Administered Zone.

Chapter II

Formation

3. The State Peace and Development Council shall form the Union Election Commission to enable the holding of elections to the first Hluttaw and to supervise the political parties. In so forming, at least five members including the chairman of the Commission may be appointed and assigned duty thereof.
4. The chairman and members of the Commission shall:
 - (a) be persons who have attained 50 years of age;
 - (b) be a person who is considered as eminent by the State Peace and Development Council;
 - (c) be a person who has dignity and is experienced;
 - (d) be a person who is loyal to the State and citizens;
 - (e) not be a member of a political party;
 - (f) not be a person who accepts any other position that entitles salary, allowance or money.
5. The chairman or member of the Commission may, when he desires to resign from office on his own accord due to any reason before the expiry of the term of office, resign by submitting in writing to the State Peace and Development Council that he so desires.

6. If the office of the chairman or member of the Commission becomes vacant due to resignation, removal from office or any other reason, the State Peace and Development Council may appoint and assign duties to a new chairman or member of the Commission in accord with this Law. The term of office of the chairman or member of the Commission so appointed and assigned duties shall only be for the remaining term of the Commission.
7. The term of the Commission so formed shall be until the President has formed a Commission under the Constitution of the Republic of the Union of Myanmar.

Chapter III

Duties and Powers

8. The duties and powers of the Commission are as follows:
 - (a) holding the Hluttaw elections;
 - (b) supervising and causing to supervise the Hluttaw elections;
 - (c) forming, causing to form, supervising and causing to supervise the Sub-commissions at various levels;
 - (d) designating and amending the constituencies;
 - (e) preparing, causing to prepare, amending and causing to amend the voting rolls;
 - (f) postponing and cancelling the elections in constituencies in which free and fair election could not be held due to natural disaster or situation of regional security;
 - (g) issuing certificate of recognition as a Hluttaw representative;

- (h) forming election tribunals in accord with law to enable examination of dispute relating to election;
- (i) in electing and appointing a member in the leading body of the Self-Administered Division or Self-Administered Zone under Sub-section (h) of Section 276 of the Constitution, forming election tribunals to enable examination and decision on objections, if any, in respect of the person so elected and appointed;
- (j) allocating the fund for Sub-commissions at various levels, supervising and causing to supervise the expenses;
- (k) supervising, causing to supervise and guiding the political parties to carry out in accord with law;
- (l) performing duties assigned by any law.

9. The decisions and performances of the Commission relating to the following matters shall be final and conclusive:

- (a) works relating to election;
- (b) appeals and revisions relating to the decisions and orders of the election tribunals;
- (c) performances under the Political Parties Registration Law.

Chapter IV
Miscellaneous

10. The expenditures of the Commission and Sub-commissions at various levels and the expenditures relating to holding of election shall be borne from the State budget.

11. The Commission may, to enable holding of the elections successfully, request necessary assistance from relevant departments, organizations and individuals.

12. The ongoing works of the Multi-party Democracy General Election Commission and Sub-commissions at various levels shall devolve on the Commission and the relevant Sub-commissions at various levels formed under this Law.

13. The Commission may, in implementing the provisions of this Law, issue rules, procedures, notifications, orders and directives as may be necessary.

14. The Multi-party Democracy General Election Commission Law (The State Law and Order Restoration Council Law No.1/88) is hereby repealed.

(Sd.) Than Shwe
Senior General
Chairman

The State Peace and Development Council