

The following is the unofficial translation of the Election Commission Law by the Burmese regime dated 8 March 2010. Though the junta published the election commission law in Burmese in state-run newspapers, no English version has been published so far. Mizzima translates it.

Union Election Commission Law

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

9th Waning Day of Tabaung, 1371 ME)

(8 March 2010)

Preamble

State Peace and Development Council, as provided in Article 443 of Constitution of the Republic of the Union of Myanmar, hereby enacts the following Law, to form the Union Election Commission, for supervising political parties, and supervising people in exercising their right to stand for election and exercising their franchise.

Chapter 1

Title and Definition

1. This Law shall be called 'Union Election Commission Law'.
2. The following expressions in this Law shall have the following meanings.
 - a. Hluttaw means
 2. Pyithu Hluttaw (Lower House)
 3. Amyotha Hluttaw (Upper House)
 - b. Region Hluttaw or the State Hluttaw (Assemblies in States and Self-administered regions)
2. Hluttaw Representatives (Member of Parliament) mean Representatives elected to a Hluttaw and Representatives being the Defence Services personnel nominated by Commander-in-Chief of Defence Services.
- c. Election means Phithu Hluttaw election, Amyotha Hluttaw election and Region Hluttaw or State Hluttaw elections.
- d. Constituency means the constituencies for Pyithu Hluttaw constituency, Amyotha Hluttaw constituency and Region Hluttaw or State Hluttaw constituency stipulated and prescribed by Election Commission as provided by the Law.
- e. Voters' List means the list of eligible voters compiled and prepared for each constituency.
- f. Commission means Union Election Commission formed as provided by this Law to supervise elections and to supervise political parties.
- g. Different levels of Commission means as follows:
 2. Naypyitaw 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

h. Political Party means the political organization formed in accordance with the Political Parties Registration Law.

i. Electoral Court means the body formed in accordance with this Law to hear the objection made to electing and appointing of the Leading Bodies of Self-Administered Areas and objection made to electoral disputes.

Chapter 2

Formation

3. State Peace and Development Council shall form the 'Union Election Commission' to supervise the conducting of First Hluttaws Elections and to supervise the political parties.

4. The Chairman and members of Election Commission shall be

- a. Persons who have attained age of 50 years.
- b. The persons to whom State Peace and Development Council deems to having a good reputation among the people.
- c. The persons having dignity, integrity and are well-experienced.
- d. Having loyalty to State and its citizens.
- e. Non-member of any political party
- f. Drawing no salaries, allowances, perks and persons who are not holding any office.

5. If the Chairman of Commission or member of commission wants to resign from their posts voluntarily, they can resign from their posts by tendering their resignation letter(s) to State Peace and Development Council.

6. If a post of Chairman or member of Commission is vacant due to voluntary resignation, or cease to be member of Commission or any other cause, the State Peace and Development Council may appoint new member(s) to the vacant post(s). The term of the newly appointed Election Commission Chairman or member of said Election Commission shall be the remaining term of said Election Commission.

7. The term of Election Commission will expire on the date the President of Republic of the Union of Myanmar has formed a Commission in accordance with the 'Constitution of the Republic of the Union of Myanmar'.

Chapter 3

Duties and Powers

8. The Duties and Powers of Commission are as follows:

- a. Holding Hluttaw Elections

- b. Supervising and order to supervise said Elections
- c. Forming, order to form, supervising and order to supervise different levels of Sub-commissions
- d. Prescribing and re-delineation of constituencies
- e. Compiling voters' list, order to compile voters' list, Preparing voters' list, order to prepare voters' list
- f. Postponing and cancellation of holding elections in constituencies due to natural calamities or security reasons which may hamper the holding of free and fair elections in said constituencies
- g. Issuing certificate recognizing as being elected as a member of Hluttaw (to each elected person)
- h. Forming Electoral Courts in accordance with the Law to hear the electoral disputes
- i. Forming Electoral Courts to hear the objection made under the Article 276, Sub-article (h) of Constitution (of Union of Myanmar), against appointing of a person in the Leading Bodies of Self-Administered Division or Self-Administered Area
- j. Appropriation and allocation of funds for the different levels of Commission and supervising and order to supervise the expenditure of these funds
- k. Supervising, order to supervise and guiding the political parties to conduct their businesses in accordance with the law.
- l. Performing any other function assigned by any other Law

9. The decisions and proceedings taken by Commission shall be final for the following matters:

- a. Businesses regarding the Elections
- b. Appeal cases and Revision cases against decision and orders handed down by the Electoral Courts
- c. Businesses performed as provided by the Political Parties Registration Law

Chapter 4

General Provisions

- 10. All the expenses of Commission and different levels of Commission and expenses on holding election shall be borne by State Fund (Union Budget)
- 11. Commission may ask for necessary assistance(s) from the (government) department concerned, organization and personages in order to hold the elections successfully
- 12. The Commission and different levels of Commission formed under this Law shall succeed all the proceedings and businesses which are in progress or in pending of the Multi-Party Democracy General Election Commission
- 13. The Commission may make and issue necessary rules, procedures, notification, order and directive to perform the duties of implementing the provisions of this Law
- 14. Multi-Party Democracy General Election Commission Law (State Law and Order Restoration Council Law No. 1/88) is repealed and overruled by this Law.

N.B. Unofficial translation