

The following is an unofficial translation of the Union Election Commission Law № 1/2010 of the SPDC. The official version is expected in due course. Only the Burmese-language version is authoritative.

Union Election Commission Law

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

9th Waning Day of Tabaung, 1371 ME)

(8 March 2010)

Preamble

The 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 the 'Union Election Commission Law'.
2. The following expressions in this Law shall have the following meanings.
 - a. Hluttaw means:
 - (i) Pyithu Hluttaw (People's Assembly);
 - (ii) Amyotha Hluttaw (Nationalities Assembly);
 - (iii) Region Hluttaw or State Hluttaw;
 - b. Hluttaw Representatives mean Representatives elected to a Hluttaw and Representatives being the Defence Services personnel nominated by Commander-in-Chief of Defence Services;
 - c. Election means Pyithu 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 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:
 - (i) Naypyitaw 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 formed in accordance with the Political Parties Registration Law;
 - i. Electoral Court means the body formed in accordance with this Law to hear objections

made to electing and appointing the Leading Bodies of Self-Administered Areas and objections made to electoral disputes.

Chapter 2 - Formation

3. The State Peace and Development Council shall form the 'Union Election Commission' to supervise the conducting of the first Hluttaw Elections and to supervise the political parties.
4. The Chairman and members of Election Commission shall be persons:
 - a. who have attained 50 years of age;
 - b. whom the State Peace and Development Council deems to have a good reputation among the people;
 - c. who has dignity and integrity and is well-experienced;
 - d. who is loyal to the State and its citizens;
 - e. who is not a member of any political party;
 - f. who draw no salary, allowances, supplements and do not hold any office.
5. If the Chairman of the Commission or member of the commission wants to resign from their posts voluntarily, they can resign from their posts by tendering their resignation letter(s) to the State Peace and Development Council.
6. If the post of Chairman or member of the Commission is vacant due to voluntary resignation, or ceasing to be a 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 the said Election Commission shall be the remaining term of the said Election Commission.
7. The term of the 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 the Commission are as follows:
 - a. Holding Hluttaw Elections;
 - b. Supervising and making arrangements to supervise the said Elections;
 - c. Constituting, making arrangements to supervise and supervising different levels of Sub-commissions;
 - d. designating and re-delineating constituencies;
 - e. Compiling voters' list and making arrangements to compile voters' list, preparing voters' list and making arrangements to prepare voters' list;
 - f. Postponing and cancelling the holding of elections in constituencies due to natural calamities or security reasons which may hamper the holding of free and fair elections in the said constituencies;
 - g. Issuing certificates recognizing as being elected as a member of Hluttaw (to each elected person);

- h. Forming Electoral Courts in accordance with the Law to hear electoral disputes;
 - i. Forming Electoral Courts to hear objections made under the Article 276, Sub-article (h) of the Constitution against the appointment 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 making arrangements to supervise the expenditure of these funds;
 - k. Supervising, making arrangements 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. matters regarding the Elections;
 - b. Appeal cases and Revision cases against decisions and orders handed down by the Electoral Courts;
 - c. actions performed as provided by the Political Parties Registration Law.

Chapter 4 - General Provisions

10. All the expenses of the Commission and different levels of Commission and expenses on holding the election shall be borne by the State.
11. The Commission may ask for necessary assistance(s) from departments concerned, organizations and individuals in order to hold the elections successfully.
12. The Commission and different levels of the Commission formed under this Law shall take over 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, notifications, orders and directives to perform the duties of implementing the provisions of this Law.
14. The Multi-Party Democracy General Election Commission Law (State Law and Order Restoration Council Law No. 1/88) is repealed and succeeded by this Law.