

The Union Election Commission Law
(The Pyidaungsu Hluttaw Law No. 3/2012)

The 12th Waning Day of Tabaung, 1373 M.E.

(19th March, 2012)

Preamble

The Pyidaungsu Hluttaw hereby enacts the following law in accord with subsection (a) of section 398 and section 403 of the Constitution of the Republic of the Union of Myanmar to enable the formation of the Union Election Commission and prescribing its duties and powers for supervising the exercise of the right to elect and to be elected to Hluttaws by every citizen of the Union of Myanmar and for supervising political parties.

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) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Hluttaw** means the followings:
 - (i) Pyithu Hluttaw;
 - (ii) Amyotha Hluttaw;
 - (iii) Region Hluttaw or State Hluttaw;
 - (c) **Hluttaw representative** means Hluttaw representative who is elected to any Hluttaw and Hluttaw representative who is a Defence Services

personnel nominated by the Commander-in- Chief of the Defence Services in accord with law;

- (d) **Election** means the Pyithu Hluttaw Election, the Amyotha Hluttaw Election and the Region or State Hluttaw Election. In such expression, including the by-election held by the Commission occasionally for the vacant constituency due to many kinds of reason within the normal term of the relevant Hluttaw;
- (e) **Constituency** means the Pyithu Hluttaw Constituency, the Amyotha Hluttaw Constituency, the Region or State Hluttaw Constituency determined by the Commission in accord with law to elect a Hluttaw representative;
- (f) **Voting Roll** means the roll of eligible voters prepared for the constituencies;
- (g) **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;
- (h) **Sub-commission at various levels** means the following:
 - (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;
- (i) **Political Party** means the political organization registered in accord with the Political Parties Registration Law;

- (j) **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, Appointment and Qualifications

Formation and Appointment

3. The President shall form the Union Election Commission. In so forming, at least five members including the chairman of the Commission may be appointed and assigned duty in accord with the provisions of the Constitution.

4. If the chairman or member is a Civil Services personnel it shall be deemed that he has been retired from service in accord with the existing service regulations from the day of appointment as the chairman or member of the Commission.

Qualifications.

5. The chairman and members of the Commission shall be fulfilled with the following qualifications:

- (a) be persons who have attained 50 years of age;
- (b) with the exception of the age limit, shall be a person fulfilled with the qualifications prescribed for the Pyithu Hluttaw representatives.
- (c) (1) be a person who has served as the Chief Justice of the Union or Judge of the Supreme Court of the Union or Judge of the High Court of the Region or State or a similar rank for a minimum of five years; or
 - (2) be a person who has served in the rank of the judicial officer or the law officer not lower than the rank of the Region or State level, for a minimum of 10 years; or

- (3) be a person who has practised as an Advocate for a minimum of 20 years; or
- (4) be a person who is considered as eminent by the President;
- (d) be a person who has dignity and is well - experienced;
- (e) not be a person who infringes with the provisions of disqualification of election as the Pyithu Hluttaw representative;
- (f) be a person who is loyal to the State and citizens;
- (g) not be a member of a political party;
- (h) not be a Hluttaw representative;
- (i) be a person who does not accept any other office for which salary and emolument are obtained.

Chapter III

Term of office, resignation, impeachment, filling the vacancy of the Commission

Term of office

6. The tenure of the Commission so formed is the same as that of the President. However, although the tenure has expired, the existing Commission shall carry out their functions and duties up to the period of a new Commission had formed by the President under the Constitution.

Resignation

- 7. (a) The chairman of the Commission may, when he desires to resign from office on his own volition due to any reason during the term of service, resign by submitting in writing to the President that he so desires.
- (b) Any member of the Commission may, when he desires to resign from office as contained in sub-section (a), resign by submitting in writing to the President through the chairman of the Commission that he so desires.

Impeachment

8. The President shall, if he wishes to impeach the chairman or any member of the Commission by any cause contained in sub-section (a) of section 400 of the Constitution, perform in accord with the provisions of sub-section (b) of section 400 of the Constitution.

Filling the vacancy

9. If the office of the chairman or member of the Commission becomes vacant due to resignation or removal from office or death or any other reason, the President may appoint and assign duties to a new chairman or member of the Commission. 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.

Chapter IV

Duties and Powers

Duties and Powers of the Commission

10. 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) determining and amending the constituencies;
 - (e) compiling, causing to compile, 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) if the minimum of one percent among the original voters of the relevant constituency, submit to the Commission that they wish to revoke a Hluttaw representative from duty under sub-sections (a) and (b) of section 396 of the Constitution, examine and carry out in accord with sub-sections (c),(d),(e) of section 396 of the Constitution;
 - (k) allocating the fund for Sub-commissions at various levels, supervising and causing to supervise the expenses;
 - (l) supervising, causing to supervise and guiding the political parties to carry out in accord with law;
 - (m) performing duties assigned by any law.
11. 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) matters performed under the law relating to Political Party.

Chapter V

Miscellaneous

12. 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.
13. The Commission may, to enable holding of the elections successfully, request necessary assistance from relevant departments, organizations and individuals.

14. The Commission may, in prescribing the day of holding elections, coordinate with the relevant departments, organizations and persons.
15. The ongoing works of the Union Election Commission and Sub-commissions at various levels previously existed shall devolve on the Commission and the relevant Sub-commissions at various levels formed under the Constitution.
16. The chairman of the Commission may, for holding the election successfully, if necessary, propose to the President to increase and form the member of Commission.
17. The chairman of the Commission shall, for undertaking all of the functions of the office of the Commission, form the various levels of office with the approval of the Union Government.
18. The Commission may, in implementing the provisions of this Law, issue rules, regulations, bye - laws, procedures, notifications, orders and directives as may be necessary.
19. Rules, notifications, orders, directives and procedures issued by the Union Election Commission Law (the State Peace and Development Council Law No. 1/2010) may be exercised continuously in so far as they are not contrary to the Constitution and the provisions of this Law.
20. The Union Election Commission Law (The State Peace and Development Council Law No.1/2010) is hereby repealed by this Law.

I hereby sign in accord with the Constitution of the Republic of the Union of Myanmar.

(Sd.) Thein Sein
President of the Union
The Republic of the Union of Myanmar