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The Union of Myanmar

Union Election Commission

Notification No. ( 3 / 2010 )

## **The Amyotha Hluttaw Election Rule**

17 March 2010

The Union Election Commission hereby notify the following rule in accordance with section (90) the Amyotha Hluttaw Election Law.

### **CHAPTER I**

#### **Title and Definition**

1. This rule shall be called the Amyotha Hluttaw Election Rule.
2. The expressions contained in this Election Rule shall have the same meaning as in the Amyotha Hluttaw Election Law. Moreover, the following expressions shall have the meaning given hereunder:
  - (a) The Election Law means the Amyotha Hluttaw Election Law;
  - (b) Defense service personnel means a person who is serving in the army, navy or air force, according to the 1959 Military Act;
  - (c) Student away from the respective constituency means any student, who is studying outside a constituency, at a government-operated or government-recognized university, degree college, college, technical schools, vocational schools and social school or military-operated university and schools;
  - (d) Trainee away from the respective constituency means any trainee who is attending a training operated by a government department or government ministry or government recognized organisation outside a constituency;

- (e) Detainee means a person who has been arrested in connection with any crime;
- (f) In-patient at a hospital means a person who is admitted as an in-patient for treatment to a government operated or government recognized hospital;
- (g) Other voter away from the respective constituency means any person, except for voters in section (45-a) and (45-c-7) of the Election Law, including government staffs, who is working in project, industry, agricultural or livestock firm and other businesses away from the respective constituency and any voters who are out of their constituency for any reasons;
- (h) Persons who are outside the country with the permission of the Union Government includes the following persons:
  - i) The diplomats and diplomatic staffs working in embassies, representative offices and consulates of the Union of Myanmar and any persons who are performing government duties in these offices and members of their household such as spouses, children and others;
  - ii) Delegates and staffs performing government duties outside the country, any persons working in international organisations, a foreign government's department or private business with government permission, State scholars, persons who are outside the country with the permission of the government and members of their household such as spouses, children and others;
- (i) Disabled person means people with physical, visual, speech / hearing or intellectual disabilities and could not able to participate as much in society due to environmental, policy and ideological barriers.

## **CHAPTER II**

### **Declaration of Constituency**

3.

- (a) According to the Election Law, the "list of areas included in the constituency" prescribed by the Commission shall be further announced by the respective sub commission at least 30 days before the election;
- (b) If there is no condition to hold an election in some areas included in a Hluttaw constituency, the Commission shall declare a decision under section (50-c) of the Election Law not to hold an election in those areas. This announcement shall be further announced by the respective sub-commission in advance.

### **CHAPTER III**

#### **Preparation of Voting Rolls**

- 4. Voting roll shall be prepared in form (1).
- 5. The ward or village-tract sub commissions, in preparing for the voting roll:
  - (a) shall be prepared in accordance with the demographic chart prescribed by the Commission, the population census compiled by the ward or village-tract administrator and the population list (including disables) compiled by the township office of immigration and population;
  - (b) can be prepared based on the existing voter list if necessary.
- 6. When preparing the voting rolls for the respective constituencies, the names of the persons entitled to participate in the voting roll (including the disabled) shall be written in Myanmar Language. If there is no precision in such writing, it can be written in parentheses in English Language.
- 7. The ward or village-tract sub commissions shall:
  - (a) Any citizen, associate citizen or naturalized citizen, who has reached 18 years of age on the date of the election and does not violate the provisions of the Election Law, shall be included in preparing for a voting roll;
  - (b) In preparing for a voting roll for defense service personnel who are serving in army, navy and air force, the ward or village-tract sub-commissions shall:

- i) Names of the defense service personnel serving in army, navy and air force, and the members of their household, who are residing in battalions stationed in their respective ward or village-tract shall be included, with the help of the respective battalion commander, in the voting roll of the ward or village-tract where the battalions are stationed;
  - ii) Names of the defense service personnel serving in army, navy and air force, and the members of their household, who are not residing in respective battalions shall be included in the voting roll of the ward or village-tract where they reside.
8. After the Commission announced on the date of the election, the ward or village-tract sub-commission shall announce the voting roll for their ward or village-tract, in form (1), as prescribed by the Commission prior to the election. When announcing the voting roll, the respective ward or village-tract sub-commission shall also announce the notification form (2) regarding the Hluttaw voting roll.
9. After the ward or village-tract sub-commission announces the voting roll, those who have the right to vote are responsible to check the inclusion of their names in the respective voting roll. If the name of a person is not included in the relevant voting roll, he may submit a request in form (3) to the relevant ward or village-tract sub-commission for his name to be inserted. The respective sub-commissions shall analyze the name list of these request submissions and, if in compliance with the Election Law, include their names in the voting roll.
10. For other voter who are away from the respective constituency for more than 90 days and do not want to go to their permanent residence to vote, in order to have the opportunity to vote for the Hluttaw candidates elected in the constituency they are in, the voter registration shall be done in the following way:
  - (a) The application to insert their names in the voting roll shall be submitted to the respective ward or village-tract sub-commission in form (3 – A), not later than 30 days before the date of election. The project supervisor’s endorsement (if it is a project staff) or the business owner or its representative’s endorsement (if it is an

employee) or self- confession (if it is another person) and the further endorsement of the respective ward or village-tract administrator shall also be attached to the application;

- (b) When applying under section (a), the respective ward or village-tract sub-commission shall include their names in the voting roll as prescribed, if they meet the criteria prescribed for the voter. No action shall be taken for the applications after the prescribed date;
- (c) In order to cancel the name of person under section (b) from the voting roll of his permanent residence's ward or village, the ward or village-tract sub-commission shall inform to their township sub-commission. The township sub-commission shall also notify, as soon as possible, with three copies of form (3-b) to the township sub-commission of the respective voter's domicile to proceed.

11.

- (a) A request to insert their names in form (3), an objection to the name or other information in the voting roll in form (4) and an amendment for any corrections in form (4-c) shall be submitted to the respective ward or village-tract sub-commission within 14 days from the date of announcement of the voting roll under section (8) of the Election Rule;
- (b) The person who submitted the request to insert their names or his representative, delegated in writing, shall sign and submit the request form;
- (c) All information about that person in the voting roll shall be included in the form (4) to object the name of a person or his information in the voting roll or in the form (4-c) for the amendment of information. However, a person shall not object to other people who are included in the voting roll of another ward or village-tract in which his name is not included in;
- (d) The respective ward or village-tract sub-commission shall not accept a request or an amendment or an objection beyond the period prescribed in sub-section (a);
- (e) Before inserting a person's name in the voting roll, the respective ward or village-tract sub-commission shall conduct as follow if required:

- i) Checking the eligibility to vote according to section (6) of the Election Law;
- ii) Requesting to show the Citizenship Scrutiny Card or the National Registration Card or the Associate Citizen or Naturalized Citizen Cards as a proof of 18 years of age.

12.

- (a) The respective ward or village-tract sub-commission may decide to accept or reject the request, the objection or the amendment with regard to above matters;
- (b) Whether the request, the objection or the amendment is accepted or rejected, the respective ward or village-tract sub-commission shall send the notification letter of the acceptance or rejection to the person who submit the request, the objection or the amendment within seven days after submission of the request, the objection or the amendment;
- (c) If not satisfied with the decision of the respective ward or village-tract sub-commission, it is permitted to appeal to the respective township sub-commission within three days after receiving notification letter sent according to the sub-section (b). When receiving the appeal letter, the township sub-commission shall open a case-file, verify the necessary matters, and make a decision promptly. The decision of the respective township sub-commission shall be final and conclusive, with the exception of the provisions of section (53) of the Election Law;
- (d) The decision of the township sub-commission shall be sent to the respective ward or village-tract sub-commission. The respective ward or village-tract sub-commission shall proceed in accordance with the decision of the township sub-commission;
- (e) A person who is included in the voting bill shall not be prohibited from voting although the appeal to the township sub-commission is not completed. The vote given under such right shall also be valid.

13.

- (a) With regard to the announced voting rolls according to section (8) of the Election Rule, in order to be an accurate and fair presentation of the voting roll, the respective ward or village-tract sub-commission shall fill the necessary information, exclude the names of the dead and the names of those who are not eligible to vote

according to the Election Law and correct the spelling errors and typo errors. The modified voting roll shall be submitted to the respective township sub-commission;

(b) The township sub-commission may rectify the errors submitted in section (a) and also the typo errors and accidental errors they found in the voting roll. These rectified voting roll shall be sent back to the respective ward or village-tract sub-commission to proceed as necessary;

(c) The number of voting roll shall be prepared as instructed by the commission.

14. Regardless of section (11-d) of the Election Rule:

(a) If a group of names of the eligible voters are omitted in the voting roll, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission can include the names in the subsequent voting rolling not later than seven days before the election;

(b) If the names of an ineligible voter is found in the voting roll, the Commission and respective sub-commissions can cancel the name of this ineligible voter;

(c) If the name of an eligible voter is included in the voting rolls of more than one constituency, in order to be able to vote in the constituency in accordance with the wish of the voter, the respective township sub-commission corresponding to that constituency shall arrange and proceed. Then the respective township sub-commission shall notify to the respective township sub-commissions, in which the name is included, that the name is already included in the voting roll of their constituency and to cancel that name in the voting roll of others constituency;

(d) If the name of an eligible voter is included in the voting rolls of more than one ward or village-tract in the same constituency, in order to be able to vote in the ward or village-tract in accordance with the wish of the voter, the respective township sub-commission shall notify and arrange to that respective ward or village-tract sub-commission. Then the other ward or village-tract sub-commission in their township shall be instructed to cancel that name from the voting roll;

(e) If an eligible voter wish to transfer his name from voting roll of a constituency to the voting roll of another constituency when he relocates from an area to another, he shall submit the form (4-a) to the ward or village-tract sub-commission, requesting to cancel his name from the voting roll of the existing constituency and transfer to another constituency, together with the form (90/1/NaNgaTha) or form (10) which is issued under the section 26 (2) and section 27 (1) of the 1951 Registration of Local Residents in the Union of Myanmar Rule. The respective sub-commission shall, if found the submission is correct, permit and give him a form (4-b) as a proof that his name has been cancelled from the voting roll. The respective ward or village-tract sub-commission shall include in the voting roll if a person requests to include his name in the voting roll of the relocated constituency by submitting a request form (3), together with the Household Population List of the relocated area. He is entitled to vote in the relocated constituency.

15.

- (a) Two copies of the respective ward or village-tract voting roll, approved and signed by the chairperson and the secretary of the ward or village-tract sub-commission on each page, shall be sent to the township sub-commission. The township sub-commission shall organize according to the constituencies;
- (b) If a copy of the voting roll is requested, the township sub-commission shall:
  - i) Copying can be permitted free of charge if it is requested by a Hluttaw candidate;
  - ii) Copying can be permitted with a rate prescribed by the Commission if the request is made by another person with a valid reason.

## **CHAPTER IV**

### **Declaration of Election Announcements**

16. The Commission shall designate and declare the following dates:

- (a) Date of election;

- (b) The last date and time to submit the nomination of the Hluttaw candidate;
  - (c) The last date and time to revoke the nomination of the Hluttaw candidate;
  - (d) The date to scrutinize the nomination of the Hluttaw candidates.
17. The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall, by specifying the dates announced by the Commission as per the section (16), declare in form (5) for persons desirous to be elected to submit nomination forms. The copies of these announcements shall be further declared in respective townships.

## **CHAPTER V**

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

18. A person desirous of contesting in the election as a Hluttaw candidate (including persons with disabilities) shall:
- (a) Submit nomination as a Hluttaw candidate to the chairperson, or the secretary delegated by the chairperson or a member delegated by the chairperson, of the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission, in accordance with the provisions for the constituencies designated under section (4-a) of the Election Law. In such submission, two copies of personal resume, in the format as prescribed by the commission, shall also be attached;
  - (b) Nomination for Hluttaw candidature shall not be more than one constituency simultaneously for an election;
  - (c) The nomination shall be submitted in two original copies of form (6). “Three hundred thousand kyats” shall be paid as the security deposit for the election admission to the Commission’s prescribed bank account at the Myanmar Economic Bank branch, stationed by the sub-commission office to submit the

nomination, and the original bank receipt slip shall be attached with the nomination form.

19.
  - (a) A Hluttaw candidate shall submit the nomination form, in person or by his election agent in the nomination form, during the prescribed office hour, before the last date and time to submit the nomination;
  - (b) The nomination form shall be signed by the Hluttaw candidate in front of a judge not lower in rank than a township judge. The judge shall also further sign and affix the office seal that the candidate signs such a signature in his presence;
  - (c) The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall not accept the nomination submitted after the prescribed period has expired;
  - (d) The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall organize the nomination forms by constituencies. Then the nomination forms shall be scrutinized in accordance with the criteria in the Election Law on the prescribed date and the name list of the Hluttaw candidates in the respective constituency shall be announced in form (10). Then, a copy of the announcement shall be sent to the Commission and the respective state or region sub-commission as soon as possible.
20. The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall reject the nomination if the Hluttaw candidate does not completely filled the requirements in the nomination form (6) or not sufficiently attached required documents.
21. The chairperson of the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission or a person delegated by him according to section (18-a) of the Election Rule shall:

- (a) Write down the serial number, record the received date and time and sign on the nomination form when the nomination form is received;
- (b) The announcement form (6-a), describing the name of the Hluttaw candidate, and his complete information as included in the nomination and specifying the date, time and location to scrutinize the nomination forms, shall be affixed promptly in the office's public area.

22.

- (a) If a Hluttaw candidate intends to appoint another person as his election agent, he shall appoint by using form (7-a). The person appointed shall sign his consent in the appointment form;
- (b) Two appointment forms shall be attached with the nomination form. The seal of the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall be affixed on the photograph of the election agent in the appointment forms and one copy shall be returned to the Hluttaw candidate;
- (c) In the event of resignation or death or revocation of the election agent, the Hluttaw candidate shall submit the revocation form (7-a), together with the previously issued appointment form, to the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission. Then himself or another person can be appointed as his election agent with form (7) and form (7-a) according to section (22) of the Election Rule;
- (d) After the Hluttaw candidate has been approved, the verification cards for the Hluttaw candidate and his election agent shall be issued by the respective sub-commission.

23. A Hluttaw candidate may:

- (a) appoint a polling booth agent and an assistant agent who are to act on his behalf at the respective polling booth;

- (b) the appointment shall be in form (8) when appointing according to sub-section (a);
  - (c) Two appointment letters for each polling booth agent and assistant agent shall be sent to the respective ward or village-tract sub-commission before seven days in advance of the prescribed date of election.
24. If the ward or village-tract sub-commission agrees on the appointment of polling booth agent and assistant agent as per section (23) of the Election Rule, the ward or village-tract sub-commission shall affix a seal on the photograph of these polling booth agent and assistant agent and one copy shall be returned to the candidate. These polling booth agent and assistant agent shall surrender their appointment letter to the polling booth office on the date of election.
25. In the event of resignation or death or revocation of the polling booth agent or assistant agent, the Hluttaw candidate shall submit in form (8-a). Then another person can be appointed as his polling booth agent or assistant agent with form (8) according to section (23) of the Election Rule.

## **CHAPTER VI**

### **Scrutinizing of Nomination Forms**

26. The following persons are allowed to be present at the time, date and location of the scrutiny of nomination forms:
- (a) Respective Hluttaw candidates;
  - (b) Respective election agents;
  - (c) A person delegated in writing by each Hluttaw candidates for this matter;
  - (d) A person delegated by respective sub-commissions to assist the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission;
  - (e) Eligible voters.

27. When scrutinizing the nominations, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission may reject the nomination if valid evidence is found by the sub-committee or any objection with valid evidence by respective Hluttaw candidate contested according to section (25-b) of the Election Law, with regard to the following matters:

- (a) The name and the Citizenship Scrutiny Card Number or the National Registration Card Number mentioned in the nomination form of the Hluttaw candidate are not consistent with the name and the Citizenship Scrutiny Card Number or the National Registration Card Number mentioned in the respective voting roll;
- (b) Fraudulent filing of the nomination form;
- (c) The Hluttaw candidate is not eligible to stand for election according to the Election Law or do not possess the required qualifications to stand for election;

Explanation. (1) A true copy of the order, duly signed by the respective court, shall be submitted if the Hluttaw candidate is objected with the reason of unsound mind or being a person who has not been discharged from being an insolvent as declared by the respective court. If not, the objection shall not be considered.

(2) A valid proof or evidence, a duly resolution of the respective department or organization or a true copy of the record shall be submitted if the Hluttaw candidate is objected with the reason of not being a citizen, his either or both parents were not citizens by the time he was born or person who has not resided in the Union of Myanmar at least ten consecutive years up to the time of his election as Hluttaw representative. If not, the objection shall not be considered.

- (d) Fail to comply with this Election Rule in nomination or the payment for the security deposit for the election admission.

28. In investigating the objection, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall:
  - (a) Reject the objection if the objector could not submit clear evidence while the Hluttaw candidate or his election agent is objected with the reason of non-compliance with the provisions of chapter (5) and chapter (7) of the Election Law;
  - (b) The Hluttaw candidate may submitted the name of an election agent again with form (7-a) or he can represent himself as an election agent if the objection is accepted on the ground that the Hluttaw candidate complies with chapter (5) of the Election Law, but his election agent does not comply with the provisions of chapter (5) and chapter (7) of the Election Law.
29. If there is a tiny error, lack or discrepancy in describing the name, the Citizenship Scrutiny Card Number or the National Registration Card Number or address in the voting roll or the nomination form but people can understand who or where such description means, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall not cancel the nomination for such tiny lack or error. The voting roll or the nomination form shall be allowed to be corrected these tiny lack or error.
30. The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall:
  - (a) A case file shall be opened for each nomination or objection. Then the case shall record in summary whether the nomination or objection is accepted or rejected and signed by the chairperson or the secretary;
  - (b) All works related to the scrutinizing the nominations shall be completed on the destined day. However, if there is an objection, the investigation and decision on the objection shall be completed within seven days.
31.
  - (a) If a person is not satisfied with the decision of the Union region election sub-commission, the respective self-administered division or self-administered zone

- sub-commission or district sub-commission, he may appeal to the respective region or state sub-commission within seven days from the date of such decision;
- (b) The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall tell to the person concerned that he may appeal to the respective region or state sub-commission within seven days from the date of such decision, then such telling shall be recorded in the case file;
  - (c) A true copy of the decision shall be issued free of charge to the person who wishes to appeal, on the day the decision;
  - (d) After issuing a true copy of the decision, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall send this case file to the respective region or state sub-commission as soon as possible. A copy of the case file sent shall also be kept in the office.
32. If a petition is received under section (32) of the Election Rule, the respective region or state sub-commission shall review and scrutinize the case file, and the reasons for petition, sent by the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission, and make an appropriate decision within seven days after receiving the petition. A copy each of the decision shall be sent back, within three days, to the respective self-administered division or self-administered zone sub-commission or district sub-commission and also to the petitioner.

## **CHAPTER VII**

### **Revocation of the Hluttaw Candidate Nomination**

33. If a Hluttaw candidate wishes to voluntarily revoke his nomination, two copies of revocation letters in form (9) shall be submitted to the Union region election sub-commission, the respective self-administered division or self-administered zone sub-

commission or district sub-commission, by himself or his election agent, within the period prescribed by the commission.

34. After receiving the revocation letter, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall affix an announcement on the revocation of the Hluttaw candidacy in the office's public area.

## **CHAPTER VIII**

### **Further Proceedings after Scrutinizing the Nominations of Hluttaw Candidate**

35. After scrutinizing the nominations and passing of the revocation period, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall prepare a list of scrutinized and approved Hluttaw candidates' names in form (10), in alphabetical order, and affix in the office's public area. A copy each of this list shall be sent to the respective township sub-commissions and ward or village-tract sub-missions and it shall be affixed in the office's public area. A copy of this list shall also be sent to the Commission and the respective region or state sub-commission as prescribed in section (19-d) of the Election Rule.
36. The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall:
  - (a) If there is only a single nominee as a Hluttaw candidate in a constituency, the region or state sub-commission shall be informed as soon as possible in order to declare such candidate to be the Hluttaw representative;
  - (b) If there is more than one nominee as Hluttaw candidate in a constituency, the election shall be held for these Hluttaw candidates;
  - (c) If a nominee is no longer eligible to be elected as a Hluttaw candidate or died before the election after the announcement of the list of candidates' names, his

name shall be removed from the list of parliamentary candidates with the approval of the respective region or state sub-commission;

- (d) If there are still more than one nominee left on the list of approved Hluttaw candidates' names after removing the name of Hluttaw candidate according to the section (36-c), the election shall be held for these remaining Hluttaw candidates according to the announced schedule. The candidate with the highest number of valid votes shall be informed to the respective region or state sub-commission in order to declare such candidate to be the elected Hluttaw representative;
- (e) If there is only a single nominee left after removing the name of Hluttaw candidate according to the section (36-c), the region or state sub-commission shall be informed as soon as possible in order to declare such candidate to be the Hluttaw representative.

## **CHAPTER IX**

### **Proceedings with regard to the "Election Security Deposit"**

#### **Submitted along with the Hluttaw Candidate Nomination Forms**

- 37. The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall repay the Election Security Deposit, submitted along with the nomination form, in form (6-b), to the Hluttaw candidate, his election agent or his official representative if his nomination is rejected, died before the election or the election is postponed in his constituency.
- 38. With regard to the Election Security Deposit of the Hluttaw candidates contested in the election, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall proceed as follow:
  - (a) The Election Security Deposit of the Hluttaw candidates, declared as the elected Hluttaw representatives, shall be repay to them in form (6-c);

- (b) After the announcement of the elected Hluttaw representatives, the Election Security Deposit of the Hluttaw candidates, who were not elected but received more than one-eighth of the valid votes in the election, shall be repay to them or their election agents in form (6-d);
- (c) The Election Security Deposit of the Hluttaw candidates, who are not elected and do not receive more than one-eighth of valid votes, shall be confiscated as state treasury;
- (d) The Election Security Deposit to be repaid according to section (37) and (38- a & b) of the Election Rule, but not collected within six months from the date of notification, shall be paid to the state treasury.

## **CHAPTER X**

### **Voting**

39.

- (a) Township sub-commission shall:
  - i) designate the number of voters in each polling booth and number of polling booths as required in order for voters (including disabled people) in ward or village-tract to vote easily, for all voters to be able to vote within prescribed voting time-period and to enable secret ballot. Arrangements for the convenient voting of disabled people shall also be implemented in the polling booth;
  - ii) designate a suitable location outside the regiment, in accordance with the mandate of the Commission, in determining the polling booth for regimental forces, where military personnel and household members are residing, to ensure transparency, in order for them to vote together with the voters in the respective ward or village-tract and easy access for respective Hluttaw candidates, their election agents, polling booth agents, assistant agents and election observers;

- (b) The township sub-commission shall normally have one ballot box for each Hluttaw and each ethnic affairs region or state Hluttaw representative in each polling booth. However, there may have more than one ballot box for voters to vote easily and expand polling booth team for easy verification of ballots;
- (c) To supervise polling booths, the township sub-commission may appoint appropriate personnel as polling booth officer, deputy polling booth officer and polling booth team-members, in order of priority. Within the total headcount prescribed by the Commission, polling booth team-members can be organized with government staffs and honorable voters who are in the voting roll of this polling booth or local people in this constituency;
- (d) If the polling booth officer is unable to be on duty on the day of voting due to health or any unavoidable reason, the deputy polling booth officer shall serve as the polling booth officer. If the deputy polling booth officer is also absent, the polling booth team-members shall serve successively, according to in order of priority set during the formation of the polling booth team. Also, the required polling booth team-member shall be replaced according to sub-section (c). For such replacements, action summary shall be submitted to the township sub-commission in a timely manner;
- (e) The polling booth shall be open from 6:00 a.m. to 4:00 p.m. on the day of the election. However, the polling booth shall be closed before 4:00 p.m. after all those entitled to vote have cast their vote;
- (f) The polling booth officer shall normally close the polling booth when the designated voting time is passed. However, before the closure of polling booth, the polling booth officer shall check and enumerate the voters, who have already arrived to vote in the polling booth compound but have not voted yet, and allow them to vote even after the voting time has passed;
- (g) Except for those who have already voted with advance ballot papers, all voters shall personally come to the polling booth to cast their votes in the election. Proxy voting is not allowed;

(h) If the ballot is accidentally damaged before vote for any reason, a new ballot shall be issued in exchange. Such issuance shall be recorded.

40.

(a) Before holding the election, the township sub-commission shall issue the concerned ballots to the respective ward or village-tract sub-commission, with two copies of Form (11-a). The chairpersons and secretaries of the township sub-commission and the respective ward or village-tract sub-commission shall sign on these forms, one copy shall be kept as the office-copy of the township sub-commission and the other copy shall be given to the respective ward or village-tract sub-commission;

(b) Before holding the election, the ward or village-tract sub-commission shall issue the concerned ballots to the respective polling booth officers, in two copies of Form (11-b). The chairpersons and secretaries of the ward or village-tract sub-commission and the respective polling booth officer shall sign on these forms, one copy shall be kept as the receipt of the respective ward or village-tract sub-commission and the other copy shall be given to the polling booth officer;

(c) Before voting begins on the day of the election, the polling booth officer shall count the ballots he has taken in the presence of the polling booth team-members and record them in form (11). After that, empty ballot boxes shall be shown to those present in the polling booth, including the polling booth team-members and polling booth agents, the ballot box shall be securely closed as prescribed and placed in a location visible to the polling booth officer in the polling booth.

41.

(a) Before issuing the ballot to the voter, the polling booth officer or a polling booth team-member assigned by him shall check to ensure the name of the person entitled to vote and ballot number on the voting roll are correct. Then, he shall be requested to make a signature or left-thump impression on the voting roll and the ballot shall be issued to the person entitled to vote;

(b) After receiving a ballot, the voter shall enter the secret voting room and cast his vote by pressing the stamp with the correct mark (✓) inside the square box directly

beside the name and symbol of the Hluttaw candidate he intends to vote on the ballot. Then, the ballot shall be folded, for his vote not to be seen by others, and put it in the designated ballot box. There shall be no mark on the ballot except for the polling booth officer's signature and the voter's casting mark inside the square box on the ballot;

- (c) The ink system shall be applied, as prescribed, to ensure that every voter cannot vote again.

42.

- (a) If the voter could read the names on the ballot or could not vote as prescribed, his father, mother, spouse, son, daughter or a biological sibling in the respective voting roll shall vote secretly, as directed by the voter, in the designated area. Then the vote shall fold the ballot and put it in the ballot box himself;
- (b) If the voter is a disabled person, voting shall be permitted with the assistance of his father, mother, spouse, son, daughter, a biological sibling or a person of his own choice in the respective voting roll.

43. If a voter in the polling booth is not healthy enough to put his completed ballot into the ballot box, the polling booth team- members shall assist him to cast his vote.

44. Persons who are entitled to vote as per section (45-a, b, c) of the Election Law and section (54-d, g) of the Election Rule may cast their vote with advance ballot paper in the following ways according to this Election Rule:

- (a) Those who are entitled to vote with advance ballot paper as per section (45-b, c) of the Election Law and section (54-d) of the Election Rule shall cast his vote by pressing the stamp on advance ballot paper according to section (41-b) of the Election Rule;
- (b) The Defense Services personnel, students, trainees, detainees and in-patients at the hospitals according to section (45-a) of the Election Law and persons who are outside the country with the permission of the Union Government and entitled to vote with advance ballot paper according to section (54-g) of the Election Rule, in order to facilitate early voting under this Election Rule, shall write a tick (✓), instead

of stamping, inside the square box directly beside the name and symbol of the Hluttaw candidate he intends to vote on the advance ballot paper.

45.

- (a) If the voters cannot vote on the designated area on the designated day according to natural disasters or security reason, the polling booth officer shall immediately inform to the township sub-commission, through the ward or village-tract sub-commission;
- (b) If the voting has to be suspended, the polling booth officer shall seal the ballot box with his stamp on it. The seals of polling booth agents shall also be allowed. The ballot box shall be carried to the township sub-commission, accompanied by available polling booth agent and assistant agents. When arriving at the township sub-commission, the polling officer shall open the ballot box and count the votes in the presence of the township sub-commission, the Hluttaw candidates, election agents, polling booth agents and agent assistances. Then the number of counted votes shall be recorded in form (16) and duly signed by the Hluttaw candidates, election agents, polling booth agents and agent assistants. Failure to sign shall be the sole responsibility of the absentee;
- (c) If the voters cannot vote on the designated area on the designated day according to the sub-section (a) or the voting has to be suspended according to the sub-section (b), the township sub-commission shall report on the reason for not being able to vote, the reason of suspension, on which day the vote should be held and should the voting be whether continuing the current voting or restarting a new one. A copy of the report shall be submitted to the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission and region and state sub-commission respectively;
- (d) The Commission may, on receipt of the report, direct to continue the current voting, to restart a new one or not to repeat the voting.

46. In suspending voting under section (45-b) of the Election Rule:

- (a) The number of votes received by each Hluttaw candidate shall be recorded in form (16) and shall be suspended to announce it;
- (b) If the Commission decides under section (45-d) of the Election Rule that another voting is not needed for a polling booth where voting has been suspended, the number of votes recorded in Form (16) under section (45-b) of the Election Rule shall be announced;
- (c) According to section (45-d) of the Election Rule, if the Commission decides, that it is necessary to held a new voting for a polling booth where voting has been suspended, the number of votes recorded in form (16) according to section (45-b) of the Election Rule shall not be announced, and they shall be announced collectively after counting the number of votes obtained from the election for those who have not voted from that polling booth.

47.

- (a) If the ballot box in the polling booth is unfairly taken or the ballot papers in the ballot box are damaged or lost, accidentally or deliberately, during the election, the polling booth officer shall stop voting in that polling booth and the voting of that polling booth shall be declared void;
- (b) if the voting in a polling booth is void under sub-section (a), the votes received from other polling booths for each Hluttaw candidate shall not be announced at that time and the respective township sub-commission shall designate and declare on when and where a new voting for that polling booth shall be held;
- (c) After the new voting under the sub-section (b), the number of votes received from that polling booth shall be collectively announced with the votes received from the other polling booths;
- (d) If the Commission decides under section (50-c) of the Election Law not to hold election as the situation does not permit for the polling booth where voting has void according to the sub-section (a), the votes from that polling booth shall be omitted and the number of votes recorded from other polling booths shall be collectively declared.

- 48.
- (a) The polling booth officer shall arrange to ensure peace and order in the polling booth, to guarantee free and fair election and to provide orderly access into the polling booth for those who are entitled to vote;
  - (b) No one, other than the following persons, shall enter the polling booth during the voting time, from starting to an end:
    - i) Polling booth team-members;
    - ii) Voters;
    - iii) Police officers on duty or those assigned security duties by the ward or village-tract sub-commission;
    - iv) Those who are permitted under section (42) of the Election Rule;
    - v) The Commission and the respective sub-commission members;
    - vi) Hluttaw candidates for the respective constituencies, election agents, polling booth agents and assistant agents;
    - vii) Election observers permitted by the Union Election Commission.
49. If an individual commits an improper act in the polling booth or disobeys the instructions of the polling booth officer, he shall be removed immediately from the polling booth by the order of the polling booth officer, by police officers on duty, by those assigned security duties by the ward or village-tract sub-commission or by a polling booth member.
- 50.
- (a) If the polling booth officer, a polling booth team-member or a responsible ward or village-tract sub-committee-member notices of impersonating someone else requests to vote during the election, the impersonator shall not be allowed to vote;
  - (b) Regarding those who is not allowed to vote, the polling booth officer shall record his name and address, brief report on the reasons for not allowing voting and proceed to take action according to the Election Law;

(c) Although there is a tiny lack or error regarding the description of a person's name or address in the voting roll, if someone endorses his entitlement to vote, the tiny lack or error in the voting roll can be corrected and that person shall be permitted to vote. The polling booth officer shall record a brief report in form (12) for each correction.

51.

(a) A person who has to travel away from his respective constituency on the election day may vote in advance with advance ballot paper at the respective ward or village-tract sub-commission. Valid evidence of travelling away from the respective constituency shall be presented;

(b) For those who are in the constituency on the election day but cannot come to the polling booth to vote:

- i) If there are persons who are being of old age, having contracted leprosy, being seriously ill or giving birth at home, the respective ward or village-tract sub-commission shall send two of its polling booth team-members to the concerned voters, before the election day, and explain to them their right to vote that they could vote if they wish, or could no-vote if they do not wish to vote. If the concerned voter says he wish to vote, arrangements shall be made to vote with an advance ballot paper. If the voter has difficulties to vote on the advance ballot paper himself, his father, mother, spouse, son, daughter or a biological sibling in the respective voting roll shall vote, as directed by the voter, in his presence. If there is no one else, a polling booth team-member shall vote, as directed by the voter, in his presence;
- ii) If the voter is a disabled person, voting shall be permitted with the assistance of his father, mother, spouse, son, daughter, a biological sibling or a person of his own choice in the respective voting roll as prescribed in this Election Rule;
- iii) In regard to detained person, the respective ward or village-tract sub-commission shall contact to the head of the police detention center or prison camp and send two of its members before the election date to supervise the voting of the detainees. The head of the police detention center or prison camp

- shall proceed according to the procedure prescribed in this Election Rule and return the envelopes, containing the advance ballots papers voted by the detainees, to the two members of the respective ward or village-tract sub-commission;
- iv) With respect to the in-patient in hospital, the respective ward or village-tract sub-commission shall contact to the hospital in-charge and send two of its members before the election date to supervise the voting of the in-patients in the hospital. The hospital in-charge shall proceed according to the procedure prescribed in this Election Rule and return the envelopes, containing the advance ballots papers voted by the in-patients in the hospital, to the two members of the respective ward or village-tract sub-commission;
  - v) Regarding the matters under the sub-section (3) and (4), the head of the police detention center or prison camp or the hospital in-charge shall firstly explain to the voters their right to vote that they could vote if they wish, or could no-vote if they do not wish to vote. If the concerned voter says he wish to vote, arrangements shall be made to vote with an advance ballot paper;
  - vi) The respective Hluttaw candidate; election agent, polling agent, assistant agent and election observer may observe the early voting of voters under the sub-section (1, 2, 3 & 4), without jeopardizing the secret voting of early voters;
- (c) If government staffs or defense service personnel or police personnel have to be away from the respective constituency and wish early voting, the respective ward or village-tract sub-commission shall arrange for them to vote with advance ballot papers;
- (d) The ward or village-tract sub-commission shall arrange early voting only within the date and time prescribed by the Commission. The ballot boxes, to put the envelopes containing the casted advance ballot papers, shall be shown to the members of the ward or village-tract sub-commission and polling booth agents and sealed;

- (e) The ward or village-tract sub-commission shall record the name list of early voters, in comparison with their respective voting rolls. The envelopes containing their voted advance ballot papers shall be put into the respective sealed ballot boxes for each polling booth, in the presence of the witnesses and kept safely;
  - (f) The envelopes containing the voted advance ballot papers of persons who are being of old age, having contracted leprosy, being seriously ill and giving birth at home in the ward or village-tract or detainees or in-patients at hospitals shall also be kept in the respective ballot boxes for the advance ballot papers at the ward or village-tract sub-commission offices;
  - (g) The ward or village-tract sub-commission shall, on the election day before the polling booth opens, brings respective sealed ballot boxes containing voted advance ballot paper to the respective polling booths and hand over them to the polling booth officer. Four copies of form (13) signed by the chairperson or the secretary of the ward or village-tract sub-commission shall be accompanied in such handover. The polling booth officer shall sign on these forms (13), keep one of these copies and affix one copy in the polling booth. The other two form shall be returned to the ward or village-tract sub-commission. The ward or village-tract sub-commission shall keep a copy and affix one copy in their office;
  - (h) The respective Hluttaw candidate, election agent, polling agent, assistant agent and election observer can observe the early voting of voters under the sub-section (a, c, d, e, f & g), without jeopardizing the secret voting of early voters.
52. The respective polling booth officer shall record the name list of early voters under form (13) in the respective voting rolls as early voters.
- 53.
- (a) If a Hluttaw candidate, his election agent or someone the polling booth officer seems appropriate objects that the person requesting ballot is attempting to commit the crime of impersonating someone else, the polling booth officer shall fill in as required in the voting roll objection form (14) and ask the person requesting the ballot to sign. Those who object shall also be asked to sign. Left-thump shall

be impressed for illiterate. The requester shall not be allowed to vote if he does not fill or sign in the form (14);

- (b) Whether the polling booth officer allows voting or not, the matters and his decision shall be recorded in the voting roll objection form (14).

## **CHAPTER XII**

### **Early Voting by those away from the Constituency**

- 54. The following persons who are entitled to vote and away from their constituencies in the election shall have the right to cast their early vote with advance ballot paper for their respective constituency:
  - (a) Defense service personnel and their household members;
  - (b) Students who are away from their constituencies;
  - (c) Trainees who are away from their constituencies;
  - (d) Other voters who are away from their constituencies;
  - (e) Detainees;
  - (f) in-patients in hospital;
  - (g) those who are outside the country with the permission of the Union Government.
- 55. The Commission and the sub-commission shall arrange, according to the Election Law, the Election Rules and directives, for those who are in the country but away from their constituency and those who are outside the country with the permission of the Union Government to be able to exercise their right to vote in the election.
- 56.
  - (a) With regard to early voting of those who are in the country but away from their constituency:
    - i) Immediately after the announcement of the election day, in order for the students, trainees, detainees and in-patients who are away from their

- constituencies and entitled to vote with advance ballot paper according to the section (54-b, c, e & f) of the Election Rule to be able to exercise their right to vote, the heads of respective departments shall request form (15) from the township sub-commission where their departments are located and distribute to those who are entitled to vote with advance ballot paper. When the respective heads of departments distribute form (15) to those who are entitled to vote within their department, they shall notify them by which date these forms shall be filled out and send back to him;
- ii) Those who are in the country but away from their constituencies and entitled to vote shall fill in the form (15) received and return to the respective head of department. The respective head of the department shall verify these forms and send them back to the respective township sub-commissions as soon as possible;
  - iii) The township sub-commission shall forward the received form (15) to the respective ward or village-tract sub-commission. The ward or village-tract sub-commission shall verify these forms in conjunction with form (1) and write down separately the list of those who are away from their respective constituencies and entitled to vote with advance ballot papers in form (1-1). The names of early voters in the form (1) shall be underlined and clearly marked as early voters. One copy of the written form (1-1) shall be affixed to their ward or village-tract sub-commission office and two copies shall be sent to the township sub-commission. The township commission shall keep one copy of this form (1-1) as the office copy and affix one copy in their office;
  - iv) The township sub-commission shall request in writing to the respective commander of the battalion units in their township to obtain the list of names of defense service personnel and their household members who are away from the constituency. Then, the received name lists shall be forwarded to the respective ward or village-tract sub-commission. The Ward or village-tract sub-commission shall verify these lists in conjunction with form (1) and write down separately the list of defense service personnel and household members who

are away from their respective constituencies and entitled to vote with advance ballot papers in form (1-2). One copy of the written form (1-2) shall be affixed to their ward or village-tract sub-commission office, and two copies shall be sent to the township sub-commission. The township commission shall keep one copy of this form (1-2) as the office copy and affix one copy in their office;

(b) For other voters who are away from their constituency under section (54-d) of the Election Rule, in order to exercise their right to vote to the nominated Hluttaw candidate in the constituency in which they are in, the respective sub-commission shall proceed as follow:

- i) The inclusion of voting rolls shall be carried out in accordance with section (10) of the Election Rule;
- ii) Voting shall be allowed with either by early voting with advance ballot paper before the election date or in-person voting at the respective polling booth at the election day.

57. With regard to early voting of eligible voters who are outside the country:

(a)

- i) Before announcing the elections date or dates, with the approval of the Union Government, commission shall send form (15) to the Ministry of Foreign Affairs to distribute to eligible voters who are outside the country. The ministry of foreign affairs shall forward these forms to the respective embassies, representative offices and consulates for timely distribution;
- ii) Immediately after announcing the elections date or dates, eligible voters who are outside the country with the permission of the Union Government can request form (15) from the respective embassies, representative offices and consulates in order to exercise their right to vote. When the respective heads of embassies, representative offices and consulates distribute form (15) to those eligible voters who are outside the country with the permission of the Union Government, they shall notify them by which date these forms must be filled out and send back to them;

- (b) The eligible voters who are outside the country with the permission of the Union Government shall fill in the form (15) received and return to the respective heads of embassies, representative offices and consulates. the respective heads of embassies, representative offices and consulates shall verify these forms and send them back to the Ministry of Foreign Affairs. the Ministry of Foreign Affairs shall transfer these forms to the Commission. The Commission shall verify these forms and send them back to the respective township sub-commissions;
- (c) The township sub-commission shall continue to send received forms to the respective ward or village-tract sub-commission. The ward or village-tract sub-commission shall verify these forms in conjunction with form (1) and write down separately the list of those who are away from their respective constituencies and entitled to vote with advance ballot papers in form (1-3). The names of early voters in the form (1) shall be underlined and clearly marked as early voters. One copy of the written form (1-3) shall be affixed to their ward or village-tract sub-commission office and two copies shall be sent to the township sub-commission. The township commission shall keep one copy of this form (1-3) as the office-copy and affix one copy in their office.

58.

- (a) After announcing the Hluttaw candidates, in order to send advance ballot papers according to the list of those who are entitled to vote with advance ballot papers in their constituency, the respective township sub-commission shall proceed as follow:
  - i) For eligible voters who are in the country but away from their constituencies, advance ballot papers shall be sent to the respective heads of departments or respective battalion commander;
  - ii) For eligible voters who are outside the country with the permission of the Union Government, advance ballot papers shall be sent to the commission;
- (b) The Commission shall send the advance ballot papers received under sub-section (a-2) to the Ministry of Foreign Affairs. The Ministry of Foreign Affairs shall also

forward these advance ballot papers to the respective embassies, representative offices and consulates;

- (c) When sending the advance ballot papers under sub-section (a), the township sub-commission shall print the seal of their sub-committee on the receipt of advance ballot papers and also at the back of advance ballot papers. Moreover, the person responsible for issuing advance ballot papers shall sign with "name mentioned" at the back of the advance ballot papers. When sending the advance ballot papers, the name lists of Hluttaw candidates to be contested from the respective constituency and the envelopes describing the respective constituency, the respective ward or village-tract sub-commission and the polling booth number shall also be attached together, in the same quantity with the number of advance ballot papers.

59.

- (a) Upon receipt of advance ballot papers and envelopes, the respective heads of departments, the respective battalion commander or the respective heads of embassies, representative offices and consulates shall make arrangements for eligible voters to cast secret voting with these advance ballot papers and envelopes;
- (b) The respective heads of departments, the respective battalion commander or the respective heads of embassies, representative offices and consulates, themselves or their delegate staff, shall firstly explain to the respective voters on their right to vote that they could vote if they wish, or could no-vote if they do not wish to vote and then arrangements shall be made, in compliance with the Election Law, the Election Rules and the directives, for the voters who wish to vote.

60.

- (a) Upon receiving advance ballot papers for the defense service personnel, their household members and staff members who are away from their constituency, the following procedures shall be followed:
  - i) With regard to the defense service personnel and their household members who are away from their constituency, within the date and time period

- prescribed by the Commission, at the place arranged by the most responsible person in the relevant military force, the defense service personnel and their household members cast vote as they wish with the advance ballot papers and then put these advance ballot papers into the respective envelopes, securely seal them and return immediately to the most responsible person. After collection the envelopes containing the advance ballot papers, the most responsible person shall send them back to the respective commander;
- ii) With regard to the government staffs who are away from their constituency, at the place arranged by the most responsible person, the staffs cast vote as they wish with the advance ballot papers and then put these advance ballot papers into the respective envelopes, securely seal them and return immediately to the most responsible person. After collection the envelopes containing the advance ballot papers, the most responsible person shall send them back to the respective head of department;
- (b) After receiving advance ballot papers for students, trainees and detainees who are away from their constituencies, the following procedures shall be followed:
- i) With regard to students and trainees who are away from their constituencies, within the date and time period prescribed by the Commission, at the place arranged by the rector or the headmaster, students and trainees cast vote as they wish with the advance ballot papers and then put these advance ballot papers into the respective envelopes, securely seal them and return immediately to the rector or the headmaster;
- ii) With regard to detainees who are away from their constituencies, at the place arranged by the head of the police detention center or prison camp, detainees cast vote as they wish with the advance ballot papers and then put these advance ballot papers into the respective envelopes, securely seal them and return immediately to the head of the police detention center or prison camp;
- (c) After receiving advance ballot papers for in-patients taking medical treatment in hospitals who are away from their constituencies, within the date and time period

prescribed by the Commission, the hospital in-charge shall arrange the following procedures:

- i) Arrangements shall be made for each patient's bed in order for the patients to fill advance ballot papers on it as needed;
- ii) If the in-patient has difficulties in voting with advance ballot paper by himself, the respective hospital in-charge shall vote, as director by the voter, in the presence of two hospital staffs. Then, the advance ballot paper shall be put into the envelope, securely sealed and return to the relevant authority;
- iii) If an in-patient is not fit to vote due to his health conditions, such person shall be excluded from voting. The reason of such exclusion shall be briefly explained in a report and send back to the relevant authority together with the envelope containing advance ballot papers.

61. When receiving advance ballot papers and envelopes, the head of embassy or head of permanent representative office or head of consular office shall proceed in the following manner:

- (a) The embassy or permanent representative's office or consulate shall gather all eligible voters and designate a place to vote in advance;
- (b) Advance ballot papers shall be distributed to the eligible voters who are outside the country with the permission of the Union Government and gathered at an embassy or permanent representative office or consulate and allowed them to vote as they wish. After that, advance ballot papers shall be put into respective envelopes, securely sealed and collected.

62.

- (a) After receiving the envelopes containing advance ballot papers from eligible voter who are inside the country but away from their constituencies, the respective heads of departments, battalion commanders, rectors, headmasters, heads of the police detention center, heads of prison camp or hospital in-charges shall analyze the constituencies, name of ward or village-tract and polling booth number

mentioned on the envelopes and send them to the respective township sub-commissions;

- (b) After receiving the envelopes containing advance ballot papers from eligible voter who are outside the country, the head of embassy or head of permanent representative office or head of consular office shall send the envelopes to the Ministry of Foreign Affairs. Then the Ministry of Foreign Affairs shall send them back again to the Commission;
- (c) The Commission shall, after receiving the envelopes under sub-section (b), analyze the constituencies, name of ward or village-tract and polling booth number mentioned on the envelopes and send them to the respective township sub-commissions.

- 63. The respective head of department, battalion commander, the head of embassy or head of permanent representative office or head of consular offices who is responsible to carry out these duties may delegate to one of the responsible employee or employees of his department.
- 64. If an eligible voter who is inside the country but away from his constituency or a voter who is outside the country with the permission of the Union Government return to his respective polling booth on the election day, on-time, and can present the certificate from the respective head of department, battalion commander, the head of embassy or head of permanent representative office or head of consular offices that he has not voted, the respective polling booth officer shall allow him to vote at that polling booth.

## **CHAPTER XII**

### **Counting of Vote and Declaring of Election Victory**

- 65.
  - (a) Immediately after the voting finished on the election day, the polling booth officer shall count unused remaining ballots, in the presence of the polling booth team-

members, general public and polling booth agents inside the polling booth, and prepare three copies of form (16-1). Then the polling booth officer, the polling booth team-members and polling booth agents shall sign on the form, one copy shall be sent to the township sub-commission and other one copy shall be sent to the ward or village-tract sub-commission. One copy shall be kept in the polling booth officer's possession;

- (b) The polling booth officer shall, himself or by a polling booth team-member assigned by him, continue counting the casted vote ballots and advance ballot papers received under section (51-g) of the Election Rule, in the presence of polling booth team-member, witnesses, general public and polling booth agents inside the polling booth. In such counting, advance ballot papers inside the ballot boxes, received under the section (51-g) of the Election Rule, shall be counted first. Before opening that ballot boxes, they shall be shown to the polling booth agents and observers that these boxes are in a sealed condition. Election observers shall be allowed to observe the counting of ballots. After counting the ballots, lists shall be prepared as prescribed by the commission.

66. With regard to the counting of vote, the polling booth officer shall proceed as follow:

- (a) The names of at least 10 witnesses under section (65) of the Election Rule who are present at the place of vote counting shall be recorded at the back of form (16);
- (b) Check whether the number of ballots issued and the number of ballots received in the ballot box match. If not, it shall be recorded and submitted to the respective sub-commission. However, the counting of vote shall continue;
- (c) In counting the ballots, each ballot shall be displayed to the booth team-members, witnesses and polling booth agents and counted. The following ballots shall be rejected:
  - i) A ballot without a mark approved by the Commission;
  - ii) A ballot without the polling booth officer's signature;
  - iii) A ballot with casting votes more than one Hluttaw candidate;

- iv) A ballot without casting vote;
  - v) A ballot with unclear casting vote;
  - vi) A ballot which the polling booth officer determined to be a fake one;
  - vii) A ballot with a mark to identify the voter;
  - viii) Torn ballot paper;
  - ix) A type of ballot that is prescribed by the Commission as invalid;
- (d) In counting the advance ballot papers, each advance ballot paper shall be displayed to the booth team-members, witnesses and polling booth agents and counted. The following advance ballot papers shall be rejected:
- i) An advance ballot paper without a mark approved by the Commission;
  - ii) An advance ballot paper without the seal of the sub-commission;
  - iii) An advance ballot paper without the name and seal of the person responsible for issuing advance ballot papers;
  - iv) An advance ballot paper with casting votes more than one Hluttaw candidate;
  - v) An advance ballot paper without casting vote;
  - vi) An advance ballot paper with unclear casting vote;
  - vii) An advance ballot paper which the Commission, the sub-commission or the polling booth officer determined to be a fake one;
  - viii) An advance ballot paper with a mark to identify the voter;
  - ix) Torn advance ballot paper;
  - x) A type of advance ballot paper that is prescribed by the Commission as invalid;
- (e) The casted ballot votes taken out from the ballot boxes and advance ballot papers under section (51-g) of the Election Rule are separately grouped according to the name of each Hluttaw candidate and votes received by each Hluttaw candidate shall be compiled in five copies of form (16). The polling booth officer, polling booth

team-members, polling booth agents and at least four witnesses shall sign in the form. One copy of the form (16) shall be sent to the township sub-commission and two copies shall be sent to the ward or village-tract sub-committee. One copy shall be kept in the polling booth officer's possession and the other one shall be affixed to the polling booth. The ward or village-tract sub-committee shall keep one of the two copies received as office copy and affix one to the respective ward or village-tract sub-committee office. Failure to sign shall be the sole responsibility of the absentee;

- (f) When the polling booth officer is counting the rejected ballots and rejected advance ballot papers, the Hluttaw candidates, election agents, polling booth agents and assistant agents shall be given an opportunity to observe. The rejection shall be recorded in the prescribed form (17) and signed by the polling booth officer;
- (g) After counting all the casted votes taken out of the ballot boxes and the advance ballot papers accepted under section (51-g) of the Election Rule, the polling booth officer shall put the casted votes and advance ballot papers received by each Hluttaw candidate in separate bags, close them securely and seal them. Polling booth agents or assistant agents shall also be allowed to print their seals. The name of the Hluttaw candidate, the name of the constituency, the name the ward or village-tract and the polling booth number shall be clearly written on each of these bags. All rejected ballots shall be put in a bag, closed securely and sealed. Polling booth agents or assistant agents shall also be allowed to print their seals on this bag. The name of the constituency, the name the ward or village-tract and the polling booth number shall be clearly written on this bag. Then all the bags mentioned above shall be made into a bundle;
- (h) At the closing of the polling booth, the polling booth officer shall put the following items into each package and stamp his seal. On the packages, the names of the products in the package, the names of the ward or village-tract and the polling booth numbers shall also be written. Polling booth agents or assistant agents of Hluttaw candidates shall also be allowed to print their own seal. All the packages shall be made into one bundle:

- i) unused left-over ballot papers, receipts and forms (16-1);
  - ii) the ballot papers used in the polling booth;
  - iii) advance ballot papers receipts;
  - iv) reject form (17);
- (i) The polling booth officer again shall make all the bundles mentioned in the sub-section (g & h) into a big bundle and stamp his seal. Polling booth agents and assistant agents shall also be allowed to print their seal. After that, this big bundle, along with form (16), shall be sent to the township sub-commission as soon as possible. The polling booth number and the name of the ward or village-tract shall be written on this big bundle;
- (j) The polling booth officer shall immediately send the big bundle mentioned in sub-section (i) to the township sub-commission. If such immediate delivery is not possible due to natural disaster or security reason, this big bundle shall be sent immediately to the respective ward or village-tract sub-commission. The respective ward or village-tract sub-commission, together with the polling booth officer, shall send the big bundle and form (16) to the township sub-commission as soon as possible.

67. The township sub-commission shall:

- (a) The casted advanced ballot paper votes in its possession by the time of 4:00 pm on the election day shall be verified with form (1.1), (1.2) & (1.3) and counted, in the presence of the township sub-commission members, Hluttaw candidates or their election agents, witnesses and general public and the number of votes received by each Hluttaw candidate shall be recorded in form (18). Regarding the rejected advance ballot papers, the reason of rejection shall be recorded in prescribed form (17-a) and signed by the chairperson or secretary of the township sub-commission. The Hluttaw candidates or their election agents, witnesses and the respective sub-commission shall also duly sign on this form (18). If The Hluttaw

candidates or their election agents are not able to attend, it shall be done by their representatives. Failure to sign shall be the sole responsibility of the absentee;

- (b) The number of votes received by each Hluttaw candidate shall be calculated by adding the number of votes received by each Hluttaw candidate in form (16) recorded by the polling booth officers of the polling booths in the constituency (including votes received under section (46-b & c) of the Election Rule and the number of casted advance ballot papers in possession in form (18) and list these number of votes in form (19), in the presence of general public, in the sequential order as per the announced candidate list. The Hluttaw candidates or their election agents, witnesses and the respective sub-commission shall also duly sign on this form (19). If The Hluttaw candidates or their election agents are not able to attend, it shall be done by their representatives. Failure to sign shall be the sole responsibility of the absentee. One copy each shall be distributed to the respective region or state sub-commission, the Union Region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission, one copy shall be kept as an office copy and one copy shall be affixed in the office;
- (c) If more than one Hluttaw candidate receive highest equal number of valid votes, a report on whether or not a new election should be held for these candidates shall be submitted to the region or state sub-commission. One copy each shall be sent to the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission.

68.

- (a) The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall collectively keep form (19) sent by the township sub-committee;
- (b) According to the report of the township sub-commission in form (19), the region or state sub-commission shall report to the commission, together with their comments, on whether or not a new election should be held for these candidates who receive highest equal number of valid votes;

- (c) With regard to the report from the region or state sub-commission under sub-section (b), the Commission shall analyze by asking other required information or whether there is an appeal or not and decide whether a new election shall be held or postponed.
69. The following person or organisation shall decide whether a ballot vote or an advance ballot paper is valid or void:
- (a) The polling booth officer: if it is the ballot or the advance ballot paper that is counted in polling booth;
  - (b) The township sub-commission: if it is the advance ballot paper that is counted in the township sub-commission;
- 70.
- (a) As soon as the respective head of department, battalion commander, hospital in-charge, head of the police detention center or head of prison camp, who are responsible for collecting of advance ballot papers, receives the advance ballot papers, they shall distribute them to voters and allowed them to vote;
  - (b) These advance ballot papers shall be sent back to the township sub-commission, as soon as possible, whenever they are used to cast vote, rather than sending back to the township sub-commission only after all the advance ballot papers have been casted.
71. With regard to the advance ballot papers, the township sub-commission shall:
- (a) Shall accept up to the polling booth closing time: 4:00 p.m., on the election day;
  - (b) When receiving the envelopes containing advance ballot papers under;
  - (c) section (62) of the Election Rule, the township sub-commission shall write down the receiving serial number, date and time on the envelope, fill in form (18-1) and securely keep these envelopes in the sealed ballot box;
  - (d) By the time when the polling booth closed, the sealed ballot box, containing the envelopes with the advance ballot papers in it, shall be opened and advance ballot papers shall also be counted immediately;

- (e) the advance ballot papers received after the polling booth closing time: 4:00 p.m., shall not be counted;
- (f) With regard to sub-section (b & c), the respective Hluttaw candidate, election agents, polling booth agents, assistant agents and election observers may also observe.

72.

- (a) According to section (67-b) of the Election Rule, the region and state sub-commission shall announce the Hluttaw candidates who received highest number of valid votes in form (19) as the elected Hluttaw candidates. Each such statement shall be promptly sent to the Commission for necessary action;
- (b) The Commission shall issue the acknowledge certificates as the Hluttaw representative to the elected Hluttaw candidates from each constituency according to the announcements submitted under sub-section (a) and to the defense service personnel Hluttaw representatives nominated in accordance with chapter (8) of the Election Law. The list of the Hluttaw representatives shall be published in the Government Gazette.

## **CHAPTER XIII**

### **Election Expenses**

73. The election agent shall keep accounts of the expenses for the relevant election systematically as follow:
- (a) Expenses for election;
  - (b) Expenses incurred for the election expenses of the Hluttaw candidate, either from his own money or contribution from legitimately earned money of a domestic individual citizen or company or group of companies or provided by the relevant party organization;
  - (c) Expenses still payable by the Hluttaw candidate.

74. A Hluttaw candidate shall not spend more than ten million kyat of election expense.
75. The Hluttaw candidate or his election agent shall not employ anybody, for a fee, to assist them in the election, except for the following persons:
  - (a) An election agent;
  - (b) A polling booth agent, an assistant agent, a clerk, an organizer and an office assistant for each polling booth and another one clerk, one organizer and one office assistant for the polling booth which has more than 300 voters in the voting roll.
76. The Hluttaw candidate himself or his election agent may pay for election expenses.
77. Within (30) days after the announcement of the name of the elected Hluttaw candidate from the respective region or state sub-commission, the Hluttaw candidates shall prepare the accounts for the election expense in form (20), make a copy, and together with the original, submit to the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission, himself or by his election agent. An affidavit, duly made in front of a judge not lower than a township judge, shall also be submitted.
78. When submitting the accounts of the election expenses, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall record the date of submission of accounts and whether the accounts are submitted according to the prescribed time and provisions.
79.
  - (a) Within two days after receiving the accounts of the election expenses and the affidavit, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall affix one copy of the accounts of the election expenses in form (20) submitted under section (77) of the Election Rule in their office's public area;

(b) Any voter has a right to copy the accounts of the election expenses, if they wish, by paying 1,000 MMK per page, whether a full page or not.

80. Within seven days after passing of the date prescribed to submit the accounts of the election expenses, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall submit a report, containing the following information, to the Commission:

- (a) Names of Hluttaw candidates and election agents contested in the election;
- (b) Names of Hluttaw candidates who submitted the accounts of the election expenses and those who do not;
- (c) If the accounts of the election expenses are submitted, the date of submission of accounts and whether the accounts are submitted according to the prescribed time and provisions;
- (d) A submission for Hluttaw candidates and their election agents who fail to submit election expenses to be declared as disqualified.

81. After submitting the report in accordance with section (80) of the Election Rule, the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall affix an announcement, containing the following information, in their office in the public area:

- (a) Names of Hluttaw candidates and election agents contested in the election;
- (b) Names of Hluttaw candidates who submitted the accounts of the election expenses and those who do not;
- (c) If the accounts of the election expenses are submitted, the date of submission of accounts and whether the accounts are submitted according to the prescribed time and provisions;

- (d) Those who are submitted to be declared disqualified from being a Hluttaw representative due to failure to submit the election expenses within the prescribed time-period.
82. Within (15) days after the announcement of the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission under section (81) of the Election Rule, the respective Hluttaw candidate and his election agent shall apply to the Commission, describing reasons on not to be declared disqualified. A copy of the application shall be sent to the Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission.
83. Commission shall:
- (a) Analyze, according to the sub-commissions report under section (80) of the Election Rule or applications on not to declare as disqualified under section (82) of the Election Rule, form an Election Tribunal to determine whether those who fail to submit election expenses are disqualified or not and submit a report to the Commission;
  - (b) Based on the report of the Election Tribunal, the decision of declaring disqualified shall be made.
84. The Commission shall publish its announcement on the name lists of the Hluttaw representatives decided by the Election Tribunal, defeated Hluttaw candidates and their election agents. Such announcement shall be included in the Government Gazette.
85. The Union region election sub-commission, the respective self-administered division or self-administered zone sub-commission or district sub-commission shall compile a record for each constituency as prescribed by the Commission and report to the Commission.

- 86.
- (a) The township sub-commission shall submit the township's election record to the secretary of the respective self-administered division or self-administered zone sub-commission or district sub-commission and also send a copy to the secretary of the respective region or state sub-commission;
  - (b) The respective self-administered division or self-administered zone sub-commission or district sub-commission shall duly keep the election records, including voting rolls, the election expenses of Hluttaw candidates and other documents they received, from the day after the election until the end of the next general election.

## **CHAPTER XIV**

### **Submission of Electoral Objection**

87. If a person under section (68-a) of the Election Law wishes to object to an elected Hluttaw representative or wants to object on the ground that the election held for that constituency is unfair, objection can be submitted, either by himself or by a representative authorized in writing, within (45) days after announcing the name of the elected Hluttaw representative from that constituency under section (72-a) of the Election Rule by the region or state sub-commission.
- 88.
- (a) Electoral objection may be made as prescribed by giving appropriate reason relating to the election other than matters which have been decided by the Commission under section (53) of the Election Law;
  - (b) Important points of evidence shall be summarized in the electoral objection. Objections shall be grouped into paragraphs and numbered, if needed. In the electoral objection, the objector shall sign a signature to acknowledge the correctness of the objection according to the procedures prescribed for admitting the truth of the propositions under the Civil Procedure;
  - (c) The information about the malpractices to be accuse, the names of the perpetrators of these malpractices and a list describing the dates and places where

such malpractices were committed shall be attached in the electoral objection. Such list shall also be duly signed according to sub-section (b);

(d) Upon receiving the electoral objection, the Commission shall establish an Election Tribunal to investigate as necessary and submit a report.

89. If the objector intends to seek a declaration that he should be the elected, based on the reasons according to section (68-b) of the Election Law, those he intends to object (among the elected in the election) shall also be described in the electoral objection.
90. Any person who intend to submit an electoral objection shall pay five hounded thousands kyat, case proceeding costs to be incurred by the State, into the account prescribed by the commission. If there is more than one objector in an electoral objection, each individual objector shall pay five hounded thousands kyat. Such objection payment shall not be refunded for any reason.
91. The electoral objection shall not be proceed unless the supporting document of the payment for objection, under section (90) of the Election Rule, is attached together in the application for the electoral objection.
92. The Commission shall transfer the electoral objections, duly submitted as prescribed in section (87) of the Election Rule, to the Election Tribunal established according to section (69-a) of the Election Law.
93. The Election Tribunal shall send a copy of electoral objection to the respondent as soon as possible and publish a copy of electoral objection in the Government Gazette. In addition, a copy of the electoral objection shall be affixed on the public noticeboard of the Tribunal. Within (15) days of the posting on the noticeboard, either the respondent or any voter who has the right to object participates as a respondent is entitled to claim any election-related rights and also have the right to present evidence related to that right, by paying five hounded thousands kyat case proceeding costs to be incurred by the State into the account prescribed by the commission.
94. Without conflicting with the provisions of this Election Rule, the Election Tribunal shall investigate the electoral objection, in accordance with the civil proceedings under Civil Procedure.

95. The Election Tribunal shall sit in the other areas of the Union of Myanmar if required as part of the investigation. Moreover, if it is necessary to enquire a witness who has difficulty coming to the Tribunal, the Tribunal shall send a member of the Tribunal as a representative or appoint a commission according to the provisions of the Code of Legal Practice - Order 26.
- 96.
- (a) The electoral objection shall only be revoked with the permission of the Commission. But it shall be revoked with the permission of the Election Tribunal after its establishment;
  - (b) If there is more than one objector in an electoral objection, it shall only be revoked with the approval of all objectors;
  - (c) When applying to the Election Tribunal to revoke an electoral objection, the Tribunal shall set a date for the hearing. The hearing date shall be notified to all the parties in the electoral objection. That notification shall also be affixed on the public noticeboard of the Tribunal;
  - (d) If the Commission or the Election Tribunal find out that the revocation of the electoral objection is due to the compromises in a dishonest manner or undue influence and considered should not be revoked, then the electoral objection shall not be allowed to revoke;
  - (e) If the electoral objection is allowed to revoke:
    - i) The Commission or the Election Tribunal shall order the objector to pay to the respondent the cost incurred by the respondent or appropriate portion of the cost incurred by the respondent;
    - ii) The Commission shall issue a notification on the revocation of the electoral objection and also publish it in the Government Gazette;
    - iii) Within (15) days after the date of notification, a person under section (87) of the Election Rule shall apply to be replaced himself with the person who revoke in the electoral objection. If he complies with the payment of the proceeding cost as prescribed in section (90) of the Election Rule, he shall be replaced as the objector in the electoral objection and have a right to continue the proceeding in conditions as the Election Tribunal deems appropriate.

97.

- (a) An electoral objection shall only be terminated, only if the objector deceases if there is only objector in the electoral objection, or only if all the objectors deace if there is more than one objector. The Commission shall issue a notification on such termination of the electoral objection. The notification shall also be published in the Government Gazette;
- (b) Within (15) days after the date of notification, a person under section (87) of the Election Rule shall apply to be replaced himself as the objector in the electoral objection. If he complies with the payment of the proceeding cost as prescribed in section (90) of the Election Rule, he shall be replaced as the objector in the electoral objection and have a right to continue the proceeding in conditions as the Election Tribunal deems appropriate.

98.

- (a) In the case of the objector intends to seek a declaration that he should be the elected, if the respondent deceases during the proceeding or if the respondent has given a notice that he does not intend to refute the electoral objection, or if the respondent fails to appear before the Election Tribunal on the appointed day without a valid reason after receiving the summons, the Election Tribunal shall publish a notification for public stating the respondent's death, the respondent does not intend to refute, or the respondent fails to appear before the Election Tribunal on the appointed day without valid reason. The notification shall be sent to the Commission to be approved and published in the Government Gazette. Within (15) days after the date of notification, a person under section (87) of the Election Rule shall apply to be replaced himself as the respondent to refute in the electoral objection. If he complies with the payment of the proceeding cost as prescribed in section (90) of the Election Rule, he shall be replaced as the respondent in the electoral objection and have a right to continue the proceeding in conditions as the Election Tribunal deems appropriate;
- (b) If there are no applicants intend to be replaced as the respondent by the end of the date prescribed in sub-section (a), the Election Tribunal shall declare the objector as elected. The notification shall be sent to the Commission to be approved and published in the Government Gazette.

99. If the objector and the respondent is not satisfied with the decision of the Election Tribunal and intends to submit an appeal to the Commission, the following shall be proceeded:
- (a) To submit an appeal, five hundreded thousands kyat, case proceeding costs to be incurred by the State, shall be paid into the account prescribed by the commission;
  - (b) A copy of the Tribunal's decision can be obtained from the Commission office by presenting the original slip that prove the payment of the case proceeding cost five hundreded thousands kyat;
  - (c) Within (15) days after the date of decision of the Election Tribunal, the application for appeal shall be submitted to the Commission, together with the payment slip and a copy of the Election Tribunal's decision. In calculating the time limit, the time taken to get a copy of the Election Tribunal's decision shall not be counted.
100. During the hearing of the application for appeal by the Election Tribunal, if the objector or the respondent intend to submit an amendment to the Commission with regard to the Tribunal's decision on the ground that it is legally incorrect or such order cited a legal issue, the following shall be proceeded:
- (a) To submit an amendment, three hundreded thousands kyat, case proceeding costs to be incurred by the State, shall be paid into the account prescribed by the commission;
  - (b) A copy of the Tribunal's decision can be obtained from the Commission office by presenting the original slip that prove the payment of the case proceeding cost three hundreded thousands kyat;
  - (c) Within three days after the date of decision of the Election Tribunal, the application for amendment shall be submitted to the Commission, together with the payment slip and a copy of the Election Tribunal's decision. In calculating the time limit, the time taken to get a copy of the Election Tribunal's decision shall not be counted.
101. The Plenary Tribunal, consisting of the chairperson and all the members of the Commission, shall hear the appeal filed under section (99) of the Election Rule in accordance with the appeal proceedings under Civil Procedure, without contradicting the provisions of this Election Rule.

102. When the Commission hears an amendment submitted under section (100) of the Election Rule:

- (a) Without contradicting the provisions of this Election Rule, the hearing shall be conducted in accordance with the civil amendment proceedings under Civil Procedure;
- (b) The hearing shall be conducted either by the Plenary Tribunal consisting of the chairperson and all the members of the Commission, or by a Tribunal consisting of the chairman of the Commission and two members of the Commission. If proceed by a Tribunal consisting of the chairman of the Commission and two members, the members of the Commission who were part of the original Tribunal shall not be included.

103. The Commission may, after making necessary inquiries, issue any of the following orders:

- (a) Confirming the decision of the Election Tribunal;
- (b) Overturning the decision of the Election Tribunal.

103/a Either the objector or the respondent fails to pay the legal costs imposed by the Commission or the Election Tribunal, the respective Tribunal shall proceed in accordance with the “Zari” confirmation procedure under Civil Procedure.

103/b As the decisions of the Commission and the Election Tribunal have been published in the Government Gazette, according to section (74-b) and (75-b) of the Election Rule, except for the permissions under section (99) and (100) of the Election Rule, the Commission office shall have no obligation to allow copying of the completed cases.

## **CHAPTER XV**

### **Miscellaneous**

104. According to these Rules, if the day stipulated as the last day for action is a public holiday, the day the office reopens shall be the last day to deal with the matter.

105. The symbols on the ballots and advance ballot papers are as approved by the Commission.

106. The Commission shall:

- (a) In order to negotiate and resolve the election disputes and to resolve disputes that may arise during the election period, negotiation committees shall be formed at each sub-committee levels as needed, in coordination with stakeholders involved in the election process;
- (b) In order to proceed in accordance with the provisions of the Constitution of the Republic of Myanmar, the performance report of the completed General Election according to the Election Law and Rules shall be published within (45) days after the completion of the election.

(Sd.) Thein Soe

Chairperson

Union Election Commission