

**Republic of the Union of Myanmar**

**Union Election Commission**

**Working Guidelines for Nay Pyi Taw Sub-commission, Self-Administered Division or Self-Administered Zone Sub-commission and District Sub-commission**

Revised and Reprinted in line with Hluttaw election bylaws updated until 2014  
July 28

2004 November 14

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## **Working Guidelines for Nay Pyi Taw Sub-commission, Self-Administered Division or Self-Administered Zone Sub-commission and District Sub-commission**

### **Introduction**

1. The main responsibility of Union Election Commission is to hold free and fair elections. To be free and fair elections, it has to exercise in accordance with law and rules.
2. To be able to practice like that, Union Election Commission Law and related Hluttaw Election Laws for policy implementation and rules for work implementation are already enacted.
3. The works of Nay Pyi Taw Sub-commission, Self-Administered Division or Self-Administered Zone Sub-commission concerning with the related Hluttaw elections, which have to coordinate, administer and implement the works for those Hluttaw elections, shall be in accordance with law, in other words, their works shall be free and fair only if the law rules are understood thoroughly.
4. However, in practice, it will be difficult to understand the law and rules thoroughly by reading them. Therefore, the Nay Pyi Taw Sub-commission, Self-Administered Division or Self-Administered Zone Sub-commission Guideline is compiled.
5. This guideline is compiled based on the Union Election Commission Law and related Hluttaw Laws. Therefore, by studying this with the original Laws, Rules and Directives issued time to time, the election works will be able to execute successfully in accordance with law.

### **Duties and Powers**

6. The duties and powers are as follows:
  - (a) holding the Hluttaw elections;
  - (b) supervising the Hluttaw elections;
  - (c) supervising the Sub-commissions
  - (d) compiling voter lists, correcting and announcing
  - (e) spending the funds systematically and ensuring to spend systematically
  - (f) supervising the political parties and letting to supervise them according to political parties registration law
  - (g) performing the duties assigned by the commission

### **Announcing Constituency**

7. (a) The list of areas in the concerned constituency which is defined by the Commission according to Election Law must be announced again at least before 30 days before the election is held. The list of areas defined according to the constituency for Region Hluttaw or State Hluttaw must be announced again as follow:
  - (1) Announcing the constituency No. (1) and constituency No. (2) which are designated with the consecutive wards or village tracts and which are designated with the

- number of people as equal as possible for a Township has to elect two Hluttaw representatives.
- (2) Announcing again that in states and regions, ethnics which have more than 0.1 percent of the total population of the country shall have to be elected a Hluttaw representative from each ethnicity except the ones which have already got the state or region or the self-administered zone, for those ethnics, concerned state or region is designated as one constituency to elect one Hluttaw representative.
- (b) The decision of the Commission that some of the areas in a constituency shall not hold an election as the areas do not have the condition to hold a free and fair election, it shall be announced again in advance.

### **Preparation of Voting Roll**

8. When the voting roll is prepared,
- (a) It must supervise the addition of the names in appendix voting roll which have been left in the voting roll even though they are eligible to vote.
  - (b) It must make sure to delete the names if they are included in the voting roll which is not valid to be eligible voters.
  - (c) If it found that a group of names who are eligible voters are left from a voting roll, or some has reported as such, it can allow to add the names in the appendix voting roll not later than seven days before the election day.

### **Issuing the announcements concerning with election**

9. The announcement to nominate for the concerned Hluttaw representative must be made with Form (5). The photo copies of the announcement must be announced again in concerned townships.

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

10. Accepting the nomination of Hluttaw candidate with Form (6), and it must be checked. When a constituency for Amyotha Hluttaw consists of more than one district, the list of Hluttaw candidate must be submitted to the District Sub-commission which is defined by the Commission. When it is submitted, two copies of bio data which has been defined by the Commission must be attached together. The nomination which has been submitted after the overdue date must not be accepted.
11. It must be checked if a Hluttaw candidate has submitted the nomination form in more than one constituency.
12. It must be checked if the submission form of a Hluttaw candidate is in line with the parameter or not and to be accepted or not.
13. One copy of the received nomination form each must be compiled according to the constituency and check on the set date. If they are in line with the qualifications

mentioned in the Election Law, they must be announced with Form (10) in alphabetical order. The copy of the announcement must be send to concerned State or Region Sub-commission quickly.

14. When a Hluttaw candidate did not completed Form (6) or did not attached all the necessary papers, that submission must be rejected.
15. When a nomination form is received, the Chairman or the person who has been delegated the duty of the Chairman must:
  - (a) number on the nomination form and record the time and date which is received.
  - (b) Form (6-A), which shows the time, date and place of checking the nomination form and the name of the candidate and its complete data must be posted at a place of the office which people can easily see.
16. When a candidate submit two Form (7-A) to nominate the election agent, it must check if the proposed election agent has the qualification of a Hluttaw candidate. Then the stamp of District Sub-commission must be stamped on the photo of the proposed agent on the form and one form must be given back to the person who submits the form.
17. When an election agent quit or die or disallowed to be the election agent, and the appointment form of the Hluttaw candidate and Form (7-B) of cancellation is submitted, the Hluttaw candidate or another person must be asked to appoint as the election agent with Form (7) and Form (7-A).
18. After the Hluttaw candidate is confirmed, the identification cards for the candidate and its election agent must be issued as it has been defined.
19. When the Hluttaw candidate nomination forms are checked, District Sub-commission can delegate duties to those who are free from party politics to help the Sub-commission.
20. When a Hluttaw candidate nomination form is checked, and if the District Sub-commission found out or a Hluttaw candidate opposes with sufficient proof according to session (25-B) of Election Law and if it matches with one or more of the following points, the nomination form must be cancelled.
  - (a) The name and national registration paper or citizenship scrutinization card number mentioned on the nomination form and the name and national registration paper or citizenship scrutinization card number mentioned on the voting roll are not matching,
  - (b) submitting nomination form with false documents,
  - (c) being a person who is not eligible to be elected according to the Election Law or not being qualified to be a representative,

Explanation (1) If an objection is made on condition that the candidate is mad or to be the one who is not been freed from the position of bankrupt by a court, the authentic photo copy of the court order must be submitted. If that submission is not done, the objection must not be taken action.

(2) If an objection is made on condition that the candidate is not a citizen or that both or one of the parents of the candidate is not a citizen when the candidate is born or that the candidate has not lived in the country

consecutively for ten years from the time the candidate has been nominated, one of the strong evidence or proof, the certification signed by the concerned department of the organization or the authentic photo copy must be submitted. If that submission is not done, the objection must not be taken action.

(d) Failing to do according to the Rules in submitting nomination form or in depositing to participate in the election.

21. In examining the objections:

(a) If the person who objects that the Hluttaw candidate or the election agent of the candidate does not follow the provisions of Chapter (5) and (7) of Election Law, the objection must be dismissed if the distinct proof concerning with the objection cannot be submitted.

(b) If the objection received stated that the Hluttaw candidate follows the provisions of Chapter (5) but its election agent does not follow the provisions of Chapter (5) and (7), the Hluttaw candidate can submit a name of election agent with Form (7-A) again or the candidate can submit Form (7) that the candidate oneself shall do as the election agent.

22. District Sub-commission shall not dismiss nomination form for the slight error, defect, or mistake in name, national registration paper or citizenship scrutinization card number or the address mentioned in the voting roll or nomination form if people can understand the person or the address although there are such errors. Such kind of error, defect or mistake in the voting roll or in the nomination form can be allowed to correct.

23. District Sub-commission –

(a) must open a case file for each nomination form or objection form. The reason of accepting or rejecting for the nomination form or objection form must be stated briefly in the case file and the chairman or secretary must sign it.

(b) must finish all the works on the set due date concerning with examining the nomination forms. If there is objection, the inquiry and decision must be completed upon such objection within seven days.

24. District Sub-commission –

(a) must inform to the person who has been made verdict that the person can appeal to Region or State Sub-commission within seven days after the verdict is made and it must be noted in the case file that the person has been informed about that.

(b) One authentic photo copy about the decision must be given to the person free of charge on the day of making that verdict so that the person can appeal.

(c) After giving the authentic photo copy about the decision, the case must be send quickly to Region or State Sub-commission. The case must be made a photo copy and keep the record at the office.

25. When the Region or State Sub-commission send a photo copy of the decision upon the appeal, which is made according to session 31 of Hluttaw Election Rule, it must be kept in the related case file.

#### **Works to be done to check Hluttaw candidate nomination**

26. When a Hluttaw candidate submits Form (9) by oneself or by the election agent as the candidate wants to withdraw by its own will, it must be accepted and the announcement for the withdrawal from Hluttaw Candidate must be posted with appendix (A) at the place where people can see. The photo copy must be sent to the Commission and sub-commissions concerned.
27. After checking nomination forms and the accepted Hluttaw candidates, after the withdrawal due date is over, must be compiled by alphabetical order and post it with Form (10) at the office where people can see. The photo copy must be sent to concerned Township Sub-commissions and Ward or Village-tract Sub-commissions and they must be asked to post it at their offices where people can see. The photo copy must be send to the Commission and concerned Region or State Sub-commission quickly as it is provisioned in session (19-D) of Rule.
28. If there is only one person announced as Hluttaw candidate with Form (10) in a constituency, it must be reported to Region or State Sub-commission quickly so that that person can be announced as the Hluttaw representative.
29. If there is more than one Hluttaw candidate in a constituency, an election must be held.
30. When a Hluttaw candidate lost the right to be elected as a Hluttaw representative or dies after the candidate list has been announced, that name must be deleted from the candidate list with the permission of Region or State Sub-commission. The name list of such people deleted from the candidate list must be posted at the office where people can see.
31. If there is more than one Hluttaw candidate in a constituency even though the name of candidate has been deleted as mentioned in the above session 30, election must be held with the remaining candidates as it has been announced. The person who received the most valid vote in the election must be reported quickly to Region or State Sub-commission to be announced that the person is Hluttaw representative.
32. If there is only one candidate left after deleting the name from the candidate list as mentioned in the above session 30, it must be reported to Region or State Sub-commission quickly so that that person can be announced as the Hluttaw representative.

#### **Works to do concerning with the election deposit money**

33. When a person who has submitted Hluttaw candidate nomination form got rejected the nomination form, when the candidate dies before election starts or when the election in a constituency where the candidate nominated has been postponed, Kyat300,000 of the election deposit money submitted together with the nomination form must be redeemed with

Form (6-B) to the candidate, the election agent of the candidate or the delegate of the candidate.

34. Concerning with the election deposit money to participate in the election by the contesting Hluttaw candidates, it must be done as follows:
- (a) The election deposit money of the candidates who have been announced as elected for the Hluttaw representative must be redeemed with Form (6-C) to the representatives or their election agents.
  - (b) The election deposit money of the candidates who have not been elected as the Hluttaw representative but who have received more than one eighth of valid votes must be redeemed with Form (6-D) to their election agent after the list of those who have been elected as the Hluttaw representative is announced.
  - (c) The election deposit money of the candidates who have neither been elected nor have not received up to one eighth of the valid votes must be kept as the state budget.
  - (d) The election deposit money to redeem according to the above sessions of (33), (34-A) and (B) must be kept as the state budget if the money is not obtained not until six months after it has been announced.

### **Casting the vote**

35. When a Township Sub-commission reports to the commission that voters cannot cast the vote at the designated date and place according to Rule (45-A) and (B), or the voting is stopped with the reason of not being able to cast the vote, the reason to stop the voting, the date to resume the voting, to resume the stopped voting or to start a new voting, the photo copy of the report must be kept at the office by opening a case file.
36. When voting is cancelled in a polling booth and when a Township Sub-commission reports about the announcement to hold a new voting for that polling booth to the Commission, the photo copy of the report must be kept at the office by opening a case file.
37. When Township Sub-commissions send Form (16) which the polling booth officers in a constituency compiled the number of votes which each Hluttaw candidate received (the votes received according to session (46-B) and (C) of Pyithu Hluttaw and Amyotha Hluttaw Election Rule and according to session (46-C) and (D) of Region or State Hluttaw Election Rule) and Form (19) compiled in front of people which is the total of votes which each Hluttaw candidate received with advanced ballot papers by Form (16), it must be kept at the office by opening a case file. Form (19)s which Township Sub-commissions sent must be compiled and kept.
38. When there are more than one district in a constituency of Amyotha Hluttaw, Form (19)s sent by Township Sub-commissions must be accepted by the District Sub-commission which the Commission designates. Where there is only one district in a constituency of Amyotha Hluttaw, Form (19)s sent by Township Sub-commission must be accepted by the concerned District Sub-commission.
39. Based on Form (19)s sent by Township Sub-commissions, the following must be done.



- (a) It must be compiled by Form (19-A) when there is only one district in a Hluttaw constituency.
  - (b) It must be compiled by Form (19-B) when there are more than one district in a Hluttaw constituency by the designated District Sub-commission.
  - (c) The compiled list done like that must be posted at the office and it must be sent to concerned State or Region Sub-commission.
  - (d) When the candidates received the same number of highest valid votes, it must report to Region or State Sub-commission quickly whether a new election should be held for those candidates.
40. A photo copy of the report of Township Sub-commission to Region or State Sub-commission whether a new election should be held for there is more than one candidate who received the same number of highest valid votes must be kept at the office by opening a case file.

### **Election Expenses**

41. When the Hluttaw candidate or the election agent of the candidate submits Form (20) of election expense together with additional photo copy of the form within 30 days from the date the elected Hluttaw representatives are announced by Region or State Sub-commission, the date of the submission and whether the submission is made according to the provisions must be recorded in the form.
42. District Sub-commission must post Form (20) of election expense at the office where people can see within two days after the two copies of election expense and court oath. Any voter must be allowed to apply for the authentic photo copy of the election expense with Kyat1000 per page whether it is a full page or not.
43. After seven days of the due date to submit the election expense form, the report with the following facts must be submitted to the Commission. The photo copy of the report must be sent to Region or State Sub-commission.
- (a) The names of Hluttaw candidates participated in the election and their election agents,
  - (b) The names of Hluttaw candidates who submit the election expense and those how do not submit the expense,
  - (c) The date of submission and whether the submission is made according to the provisions or not if it is submitted,
  - (d) Proposal that the candidates and their election agents who do not submit the election expense should be announced as the persons who disqualify.
44. The notice which includes the following points must be posted at the office where people can see after the report has been submitted according to session (80) of the concerned Hluttaw election rule.
- (a) The names of the Hluttaw candidates who participated in the election and their election agents,
  - (b) The names of Hluttaw candidates who submit the election expense and those how do not submit the expense,

- (c) The date of submission and whether the submission is made according to the provisions or not if it is submitted,
  - (d) Those people who are suggested to be announced as disqualified people as they do not submit election expense
45. When a candidate applies that he should not be regarded as a disqualified person within 15 days of announcing according to the above session 44, one copy of the application of like that must be kept at the office by opening a case file.
46. One copy each must be compiled according to constituency as the Commission directed according to concerned Hluttaw Election Rule session (85).

### **Supervising political parties and let to supervise them**

47. It must supervise political parties to act in accordance with law and let to supervise them and guide them.
48. It must get the assistance of governments when the accounts of a political party are checked by assigning to check as required by the Commission.
49. Parties must be supervised in order that they act in accordance with standing order, rules, procedures, notification, order and directives according to the assignment of duty by the Commission.

### **General**

50. People who perform the duties concerning with the election including the levels of sub-commissions must obey the following points.
- (a) Compiling statistics and records precisely concerning with election and keeping them,
  - (b) Supervising so that the people can exercise casting the vote secretly,
  - (c) Ensuring not to leak information except the statistical data which the Commission allowed to release,
  - (d) Acting correctly without campaigning or bias for any Hluttaw representative candidate,
51. Election records including the voting rolls, Hluttaw candidate expenses and other documents must be sent to Nay Pyi Taw General Administrator, Administrator of Self-Administered Division or Self-Administered Zone or District General Administrator early.
52. The directions from the Commission and Region or State Sub-commission and reports from Township Sub-commissions must be recorded. If they are to carry out further works, it is to carry out timely.
53. When a Township Sub-commission reports that a Hluttaw candidate lost the right to be elected or dies before the election and to delete the name of the candidate from the list of Hluttaw candidates, it must be reported to concerned Region or State Sub-commission.
54. When the due date to do a task set according to Hluttaw Election Rules falls on public holiday, it has the right to work on the next day which opens the office as its due date.

## Conclusion

55. Nay Pyi Taw Sub-commission, Self-Administered Division or Self-Administered Zone Sub-commission and District Sub-commissions are the teams which have to operate from the basic role in Hluttaw Elections. Therefore they need to read concerned Hluttaw Election Laws, Rules and directives issued by the Commission time to time and understand them well. They need to supervise Township Sub-commissions and Ward or Village-tract Sub-commissions to act in accordance with law.
56. Nay Pyi Taw Sub-commission, Self-Administered Division or Self-Administered Zone Sub-commission and District Sub-commissions are to study laws, rules and directives thoroughly and to perform successfully the tasks in accordance with law for concerned Hluttaw Election.

## Appendix (A)

### Pyithu Hluttaw, Amyotha Hluttaw, Region or State Election

#### **Notice of Withdrawal for the Submission of Hluttaw Candidate of -----**

1. Candidate nomination by U/Daw ----- (NRC No. -----) for ----- Township Pyithu Hluttaw constituency/ ----- Region or State Amyotha Hluttaw constituency No. ( )/ ----- Township Region Hluttaw or State Hluttaw constituency No. ( ) submitted to ----- Sub-commission on ----- has been registered in the register book of this office with registration number -----.
2. The request by U/Daw ----- who submitted the nomination form on session 1 to withdraw the nomination form has been registered in the register book of this office with registration number -----.
3. Therefore, it is announced that the nomination form of U/Daw ----- has been withdrawn.

Secretary

Nay Pyi Taw Sub-commission/

-----Self-Administered  
Division or Self-Administered Zone  
Sub-commission/

----- District Sub-commission

Date: -----