



Methods for addressing Objection and Appeals relating to Candidate Nomination

What is an objection?

A written claim that alleges that a candidate or his/her election agent - who has filed a candidate nomination application - is not eligible to be a candidate/agent according to the law.

Who may file?

Any applicant candidate or his /her authorized representative in the same constituency may file an objection.

When and Where to file?

An objection shall be filed at the District sub commission, Union Territory Sub-commission, relevant Self-Administered Division Sub-commission, Self-Administered Zone sub commission. Ethnic candidates shall file an objection at the region/state sub commission where candidate nomination papers are being scrutinized.

An objection shall be submitted **on the time and day of the scrutiny**. The Sub-commissions will not accept the objection after this deadline. The relevant sub commission will use UEC form 5 / 5 A to announce in advance the time, date and place where the nomination is to be scrutinized.

To ensure transparency of the proceeding, the following persons can attend the scrutiny:

- Hluttaw candidates, election agents concerned, or person authorized in writing by the respective Hluttaw candidate for this purpose;
- Persons assigned duties by the Union Territory Sub-commission, relevant Self-Administered Division or Zone Sub-commission or District Sub-commission to assist the Sub-commissions concerned, and
- Eligible voters in the relevant constituency.

Is there is a filing fee?

No. There is no filing fee or other charges in connection with the objection.

How to file an objection form?

Objection Forms will be available at sub commission offices. The UEC adopted this form for this election to help the candidates provide all the information needed. The objector can attach other documents to the form.

Valid objection shall include:

- Name and contact information of the applicant
- Reasons for objection
- Statement of the facts concerning the alleged objection
- Evidence and copies of any documentation to support the claim mentioned.
- Signature of the objector acknowledging the veracity of his/her statement.

An objector may request assistance to the election officials or representative of a recognized participating civil society representative...etc to fill out the objection. Election officials should act with caution to avoid intimidation or pressure on the objector.

Additional documents could be needed, such as a certified copy of the court order or certified decisions or letter by an authorized body supporting the allegation. If these documents are not submitted at the time of filing, the objection will not be considered.

Examples of reasons for filing objection:

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| <ul style="list-style-type: none"><input type="checkbox"/> Not meeting the age criteria<input type="checkbox"/> Less than consecutive 10 years of residency<input type="checkbox"/> One or both parent were not citizen at his birth<input type="checkbox"/> Previous disqualification as candidate, or violation of election law and declared ineligible for a time period not expired yet<input type="checkbox"/> Person of unsound mind ordered by court<input type="checkbox"/> Person declared insolvent by a court<input type="checkbox"/> Allegiance to a foreign government or under influence or<input type="checkbox"/> Subject of a foreign government or citizen of a foreign country<input type="checkbox"/> Obtain or utilizes directly and indirectly support from government, religious organization or any foreign individual or | <ul style="list-style-type: none">organization, or is a member of such organization<input type="checkbox"/> Person who uses religion for political purpose and utter, deliver speeches and make or issue declaration to vote or not to vote and who encourage his/her members<input type="checkbox"/> Member of a religious order<input type="checkbox"/> Civil service personnel<input type="checkbox"/> Obtain or utilizes directly and indirectly State owned resources (see exceptions in the law, s.10 (l. i and ii)).<input type="checkbox"/> Associate citizen, naturalized citizen, foreigner or person who has assumed foreign citizenship<input type="checkbox"/> Contact to unlawful association, organization or persons designated by the state to have committed terrorist acts, insurgency or members in revolt with arms<input type="checkbox"/> Others:..... |
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What to expect during the investigation?

The relevant sub-commission shall open a case, allocate a case number for each objection form and scrutinize the nomination paper taking into consideration based on the objection filed and the document submitted.

Investigators will conduct the investigation legally, fairly, impartially and correctly, within **7 days** from the date of the scrutiny.

The relevant sub commission will consider the information on nomination paper, the evidence relating to the objection, as well as at its own information relating to a particular candidate. The sub commissions will create a case file for each objection.

Types of evidence that could be considered (non exhaustive list):

- Copy of voter list,
- Candidate nomination papers,
- Any public statement (based on writing or speech) from candidates,
- Affidavits from witnesses with personal knowledge of the events,
- Copies of courts' orders, and
- Any other necessary evidence - if any

Burden of proof and Standard of evidence

The objector is responsible for proving the allegation by attaching the relevant evidence.

The relevant sub commission will consider if the provided evidence is **correct and relevant**.

Upon finding of **concrete and sufficient evidence** relating to the facts after scrutiny, the sub commissions can reject the nomination papers.

Public hearing

The sub commission will give the opportunity to the respondent candidate to show that he or she is qualified to contest elections.

This hearing session will be scheduled to allow the party(ies) to present their claim, argument, evidence and defense. The parties can also present witnesses as evidence.

The hearing sessions are open to the public. Voters, observers, candidates can attend these sessions. The sub commission will announce the time and place of a hearing in a timely manner.

Remedies

The sub commission will decide whether the candidate is eligible or not to stand as a candidate in the election, that is to reject or accept the objection – after examining the relevant evidence in accordance with the constitution, election laws, and election rules.

It may reject nomination papers based on the **following reasons**:

- Inconsistency between identity documents stated on nomination papers and voter list;
- Fraudulent nomination paper;
- Not meeting criteria to stand as a candidate according to the law;
- Failure to fulfill requirements of candidate nomination or to pay the fee deposit according to election rules. submit the fee deposit according to election rules

Note: a slight deficiency, error or mistake relating to identify or address that can be corrected should not lead to rejection of nomination papers.

Note: If the election agent mentioned in the nomination paper is not qualified, the sub commission will give the opportunity to the candidate to provide the name of another agent.

Decision-making

The sub commission shall record in writing in the case file the reasons for dismissing or for accepting the objection relating to candidate nomination paper with the signature of the Chairman or the Secretary.

When to expect a decision?

The relevant sub commission will issue a decision on the objection as soon as possible within **seven (7) days from the day of filing of the objection**.

When is the decision final?

If no appeal is filed during the prescribed period, the decision is final.

Notification and Publication

The sub commission will inform **and declare** the candidates (respective parties) of the decision and of the right to appeal.

A copy of the decision shall be given free of charge to the appellant. The case file shall be sent as soon as possible to the region/state sub-commissions. A report of the decisions shall be sent to the UEC.

The decisions will be made available to the public ..

The region/state sub-commissions will record objection filed and decision made based on the-reports from the relevant sub-commissions.

A report will be posted by UEC central commission on the website as soon as possible to ensure transparency of the adjudication process.

Appeal

Who may file an appeal?

The objector, the respondent who is not satisfied with the decision of the District sub commission or Union Territory Sub-commission, relevant Self-Administered Division Sub-commission, Self-Administered Zone sub commission can file an appeal. The appeal can be filed by the candidate's authorized representative or his/her election agent. The UEC has developed an appeal form.

When and Where to file?

The appeal shall be submitted to the relevant region / state sub commission. An appeal shall be filed within **seven (7) days** from the date the decision is adopted.

If an ethnic Hluttaw candidate is not satisfied with the decision, an appeal may be submitted to the central Commission in Nay Pyi Taw. Same proceeding apply.

Is there is a filing fee?

No. There is no filing fee or other charges in connection with the appeal or hearing.

How to file an appeal?

The appeal should include

- Reason of appeal
- Copy of Objection form submitted or statements in the objection form
- Documents/evidence submitted by the candidate,
- Copy of the decision of the sub-commission
- Copy of Application nomination form (F-6)

What to expect during the investigation?

When it receives the appeal, the Sub-commission should open a case and scrutinize the necessary documents submitted by the appellant. Similar proceedings as described above regarding evidence and notification of parties apply to the appeal adjudication process.

Public hearing

The sub commission or the Commission will conduct a hearing relating to the appeal and provide an opportunity for the appellant and respondent to be heard.

When to expect a decision?

The region / state sub commission or the Commission shall decide within **seven days (7) days** of the **receipt of the appeal**.

The decision shall be recorded in writing and the parties shall be notified within **three day**. Based on the consideration of all evidences presented, the decision shall specify the factual and legal reasons for its decision.

The decision of region/state sub commission is final. The decision of the UEC related to ethnic candidates is final.

Notification and Publication

The sub commission shall to the respective sub commission of its decision—for implementation within **three (3) days** of adoption of the order.

A report will be posted on the UEC website.

The region/state sub-commissions will keep a record appeal filed and decision made ~~in~~ and share it with central Commission as soon as possible.

After the candidate nominations are scrutinized according to the law, candidates will be announced with Form (10) for Pyithu Hluttaw, Amyotha Hluttaw and Region/State Hluttaw. Ethnic representative candidates will be announced with the Form (10 - A). The announcements will be posted at the offices of relevant sub commissions.