

LEGISLATIVE II BRANCH.

(The House of Representatives Electoral Rules.)

No. 359

Rangoon, the 22nd July 1946.

[Amendment : 18.06.1989]

No.359. - Under paragraph 15 of the Third Schedule to the Government of Myanmar Act, 1935, and in supersession of the House of Representatives Electoral Rules published with Judicial Department, Legislative Branch Notification No. 83, dated the 29th March 1940, as subsequently amended, the Governor makes the following Rules for the preparation of the electoral rolls and for the conduct of elections for the constituencies of the House of Representatives:-

1. (1) These Rules may be cited as the House of Representatives Electoral Rules.

(2) They shall come into force at once.

2. In these Rules-

(1) "the Act" means the Government of Myanmar Act, 1935, and

(2) "The Enrolling Officer" means the authority appointed by the Governor to prepare the Electoral Roll for each constituency.

<Amendment 18.06.1989>

3. If, otherwise than in connection with an election enquiry held under Part III of the Government of Myanmar (Corrupt Practices and Election Petitions) Order, 1936, a question arises as to the interpretation of these rules and the officer concerned, that is a Revising Authority or a Returning Officer, as the case may be , entertains any doubt as to the correct interpretation, he shall refer the matter with his own opinion thereon to the Governor for instructions; and such instructions shall be issued by the Governor exercising his individual judgment.

<Amendment 18.06.1989>

PART I. - THE PREPARATION OF THE ELECTORAL ROLL.

4. The electoral roll for each class of constituency specified below shall be prepared in the form noted against each class:-

(1) Urban Constituencies- in Form I annexed to these Rules.

- (2) Rural Constituencies- in Form IA annexed to these Rules.
- (3) The European and Anglo-Myanmar Constituencies-in Form II annexed to these Rules.
- (4) Commerce and Industry Constituencies-in Form III annexed to these Rules.
- (5) The University Constituency – in Form IV annexed to these Rules.
- (6) Labour Constituencies- in Form V annexed to these Rules.

[**<Amendment 18.06.1989>**](#)

- 5. For the purpose of preparing the electoral roll, the Enrolling Officer may employ such agency as he thinks fit, subject, in the case of a rural or labour constituency, to the approval of the Deputy Commissioner.
- 6. The electoral roll of a constituency shall be prepared in triplicate. A roll may be prepared in separate parts in any constituency. The roll of a rural constituency shall be prepared in Myanmar: provided that such part or parts of the roll as relate to areas in which the majority of voters are not Myanmar may be prepared in English. The roll of an urban or labour constituency shall be prepared in Myanmar or English as may be most convenient. The roll of every other constituency shall be prepared in English.

[**<Amendment 18.06.1989>**](#)

- 7. The Enrolling Officer shall enter or cause to be entered in the electoral roll of each constituency the names of all persons who appear to be qualified, on the prescribed date, by reason of possessing such qualifications as are specified in the Fourth Schedule to the Act or in the Government of Myanmar (House of Representatives) Order, 1936.

[**<Amendment 18.06.1989>**](#)

- 8. No person shall be entitled to have his name included in the electoral roll of more than one general constituency or more than one Labour constituency or more than one Commerce and Industry constituency; and
 - (a) if any person finds that he is qualified to be included or has been included in the electoral roll of more than one general or Labour or Commerce and Industry constituency he may elect, by declaration in writing to the Enrolling Officer or Revising Authority concerned, the constituency in which he desires to vote, and his name shall thereupon be struck off from the roll of any other constituency of the same kind in which it may appear;

- (b) if the name of any person is found, otherwise than as a result of a declaration made under sub-paragraph (a) above, to be included in the electoral roll of more than one general or Labour or Commerce and Industry constituency he shall be informed of the fact and , unless within seven days of

the receipt of the notice to this effect he declares in writing the constituency in which he elects to vote, his name shall forthwith be struck off the rolls of all the general or Labour or Commerce and Industry constituencies (as the case may be) in which it appears.

9. Notwithstanding anything contained in Rule 4 of these Rules, any electoral rolls prepared under the rules relating to elections under the Myanmar Rural Self-Government Act, 1921, in Form A as prescribed by such rules may, in the case of a rural constituency, as far as they are applicable, be taken as the electoral rolls prepared under these Rules: provided that they were prepared not more than six months before the prescribed date and that the Enrolling Officer shall enter the names of any persons who applied to be entered and who produce before him satisfactory evidence that they are qualified as electors.

<Amendment 18.06.1989>

10. (1) As soon as may be after the Governor has directed that the electoral rolls shall be made up or revised the Enrolling Officer shall publish a notice in Form VI annexed, and in the manner specified in Rule 11, informing persons who claim to be qualified as possessing any qualification specified in that Form of the time and place where they may apply to him to be included in the electoral roll.

(2) On receipt of applications under sub-rule (1) above the Enrolling Officer shall, after such enquiry as he considers necessary, record his decision, and enter the names of those persons whom he finds to be qualified in the electoral rolls.

(3) As soon as may be after the Governor has directed that the electoral rolls shall be made up or revised for the Labour Constituencies the Enrolling Officer shall call upon the managers of factories and the recognized employers in the constituency to prepare and submit within a fixed time a list of persons qualified to be included in the electoral roll for the Labour Constituency. Such a list shall be in such language as the Enrolling Officer may direct and shall show the name of the elector, his father's name and his address.

11. Not later than such date as may be prescribed the electoral roll of every constituency specified below (including those referred to in Rule 9) shall be published by the Enrolling Officer in the manner noted under each:-

- (i) For every constituency at the office of the Revising Authority-a copy of that part of the roll in respect of which he is appointed under Rule 14; and
- (ii) In the case of -

(1) **an Urban Constituency** - so much of the roll as relates to each municipality or cantonment, at the municipal or cantonment office.

(2) **a Rural or Labour Constituency** -

(a) so much of the roll as relates to each municipality, notified area or cantonment, at the municipal, town committee or cantonment office;

(b) so much of the roll as relates to each village-tract, or ward outside municipalities, notified areas and cantonments, in the village-tract or ward;

(3) **the European or the Anglo** - Myanmar Constituency-so much of the roll as relates to each district, at the office of the Deputy Commissioner;

(4) **a Commerce and Industry constituency** - the whole roll, at the office of the Chamber or Association which forms the constituency;

(5) **the University Constituency** - the whole roll, at the office of the Registrar of the University:

Provided that the publication of the electoral roll shall not be invalidated by reason only that the roll or the relevant part thereof was not published at every place specified above or that the roll or any part thereof was not published at every place on or before the date prescribed.

<Amendment 18.06.1989>

12. After publication of the roll under Rule 11 no further alterations shall be made in it save in accordance with Rule 22 or Rule 33 or in pursuance of an order of the Revising Authority under Rule 21.

13. When the electoral roll is published under Rule 11, a notice shall simultaneously be published in Form VII annexed to these Rules specifying for each constituency the Revising Authority to whom, the place at which and the period within which claims to be included in the electoral roll, or objections to any names entered in the roll, are to be preferred.

14. The Revising Authority in the case of every class of constituency specified below shall be the officer noted against each class:-

(1) **Urban Constituencies** - the Deputy Commissioner of the district in which the constituency is situated or such other officer as the Governor may by notification appoint.

(2) **Rural Constituencies** - for each subdivision or part of a subdivision included in the constituency, the Sub-divisional Officer, provided that, where the Township and Sub-divisional Officer are the same person, and in districts where there are no subdivisions, the Revising Authority shall be the Deputy Commissioner, or such other officer as the Governor may by notification appoint.

(3) **The European and Anglo - Myanmar Constituencies**- for each division in the constituency, the Commissioner of the Division.

(4) **Commerce and Industry Constituencies or University Constituency** - the Commissioner of the Pegu Division.

(5) **Labour Constituencies** - the Deputy Commissioner of the District in which the constituency or part of the constituency is situated or such other officer as the Governor may by notification appoint.

[**<Amendment 18.06.1989>**](#)

15. All claims and objections to the roll shall be made to the Revising Authority in writing within fifteen days of the publication of the roll under Rule 11: provided that, if it appears necessary for the proper preparation of the roll, the Governor may, by notification in the Myanmar Gazette, prescribe a longer period within which claims and objections may be preferred in respect of the electoral roll of any constituency. Where objection is made to the inclusion in the roll of any person whose name appears therein, the objection shall give in respect of such person all the particulars entered in the roll.

[**<Amendment 18.06.1989>**](#)

16. The Revising Authority shall not entertain any claim or objection received by him after the time referred to in Rule 15.

17. Every person whose claim or objection is received in time shall be served with a notice by the Revising Authority specifying the place where and the time when his claim or objection will be heard and directing him to be present with such evidence as he may wish to adduce.

18. When objection is made by any person whose name is on the roll to the inclusion of the name of any other person recorded therein, the Revising Authority shall also serve on such other person a notice giving the grounds on which the inclusion of his name has been objected to, and requiring him to attend with such evidence as he may wish to adduce at the place and time fixed for the hearing of the objection.

19. Every notice issued by the Revising Authority shall, if possible, be served personally and in default of personal service shall be served by affixing a copy thereof at the residence, if any, within the constituency, of the person concerned: provided that a notice may be served by the Revising Authority by sending it to the person concerned by registered post. A certificate of service, either personal or otherwise, or the receipt of the Post Office for the registered letter, shall be deemed to be conclusive proof of the fact of such service.

20. At the time fixed for the hearing, the Revising Authority shall hold a summary enquiry into the claim or objection preferred, and shall record his decision, which shall be final. For the purpose of the enquiry the roll, as published under Rule 11, shall be presumed to be correct until the contrary has been proved.

21. The Revising Authority shall communicate his decision to the Enrolling Officer who shall, where necessary cause the roll to be altered in accordance therewith.

22. The Enrolling Officer may, of his own motion or at the instance of the Revising Authority, remove from the rolls the names of persons whom he has reason to believe to be dead, and also correct purely clerical or accidental mistakes.

23. The electoral roll so altered shall be published in the manner prescribed in Rule 11.

24. The electoral roll shall come into force from the date of such re-publication, and shall continue in force for a period of three years, after the expiration of which period a fresh roll shall be prepared in accordance with these Rules:

Provided that the Governor exercising his individual Judgment may, by notification in the Gazette, direct the preparation in accordance with these Rules of a fresh roll at any time before the expiration of the said period.

25. If a constituency is called upon to elect a member of members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall, for the purposes of that election, continue to operate as the electoral roll for the constituency.

26. Notwithstanding anything hereinbefore contained, any person may apply to the Enrolling Officer concerned-

- (a) for the general amendment of any electoral roll for the time being in force, or
- (b) for the correction of an existing entry relating to the applicant in such an electoral roll, or
- (c) for the entry of the applicant's name in any such electoral roll.

No fee shall be charged in respect of an application under (a) or (b) above, but an application under (c) shall not be entertained unless it is accompanied by a fee of Rs.10.

27. When an application is made under Rule 26 (a), the Enrolling Officer shall enquire into the grounds of the application, and if he is satisfied that the electoral roll should be amended, he shall apply to the Revising Authority to move the Governor to issue a notification directing the preparation of a list of amendments. The Revising Authority shall forward the Enrolling Officer's report with his own remarks to the Governor who, exercising his individual judgment, may direct, by notification in the Gazette, the preparation of a list

of amendments to the electoral roll in respect of which application is made, and all the provisions of the foregoing Rules shall apply in the case of every such list in like manner as they apply in the case of electoral rolls.

28. When an application is made under Rule 26 (b), the Enrolling Officer shall enquire into the claim and report the result of his enquiries to the Revising Authority who, if he is satisfied that there are good grounds for holding that the entry, in respect of which the application is made, relates to the applicant and is erroneous or defective in any particular, shall follow the procedure prescribed by Rules 17 to 21.

29. When an application, accompanied by a fee of Rs.10, is made under Rule 26 (c), the Enrolling Officer shall enquire into the claim and shall report the result of his enquiries to the Revising Authority who, if he is satisfied that there are good grounds for believing the applicant to be qualified, shall follow the procedure prescribed by Rule 17 to 21.

30. For the purpose of Rules 26 (c) and 29, the date of application shall be the prescribed date and any date which may be prescribed for the purposes of Rule 7 shall be disregarded.

31. When any list of amendments to an electoral roll has been republished under Rule 27 or any roll has been altered under Rule 28 or Rule 29, the electoral roll shall be deemed to have been amended accordingly.

32. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such roll, the Governor exercising his individual judgment may by order do any thing not inconsistent with these Rules which appears to him to be necessary for the proper preparation or publication of the roll.

33. Applications by firms or corporations to revoke nominations made under paragraph 9 of Part III of the Government of Myanmar (House of Representatives) Order, 1936, and to substitute other nominations shall be made by letter which may be addressed at any time to the Enrolling Officer, and, when such an application is made, the Enrolling Officer shall, as soon as he is satisfied that the person whose nomination is substituted is duly qualified, make the necessary alterations in columns 2 and 3 of the Electoral Roll (Form III); provided that the roll shall not be revised on any date on which a poll is being taken in the constituency concerned.

<Amendment 18.06.1989>

**PART II.- SAFE CUSTODY AND PRESERVATION OF ELECTORAL ROLLS AND OTHER PAPERS CONNECTED
THEREWITH.**

34. The Electoral Roll of each constituency when completed shall be forwarded to the Returning Officer and shall be kept in his custody except at such times as it may be required elsewhere for the purpose, of the rules.

35. Subject to the provisions of the foregoing rule, the papers mentioned in column 1 of the table below shall be kept by the officers mentioned in the second column for the period specified in the third column thereof.

	Description of document or record.	By whom kept.	Period for which kept.
1.	The final electoral roll, and final lists of amendments thereto.	The Returning Officer.	Until the final publication of a complete new roll for the constituency.
2.	All applications to the Enrolling Officer under Part I of these Rules and his orders thereon.	The Enrolling Officer	Do.
3.	All claims and objections made to the Revising Authority under Part I of these Rules, and his orders thereon.	The Revising Authority.	Do.

PART III.- THE RETURNING OFFICER.

36. The Returning Officer shall, in the case of each class of constituency specified below, be the officer noted against that class:-

- (1) **Urban Constituencies.** - The Deputy Commissioner of the district in which the constituency is situated, or such other officer as the Governor may by notification appoint.
- (2) **Rural Constituencies.** - The Deputy Commissioner of the District in which a constituency is included.
- (3) **The European and Anglo - Myanmar Constituencies.** - The Collector, Rangoon Town District.
- (4) **Commerce and Industry Constituencies and University Constituency.** - The Collector, Rangoon Town District.
- (5) **The Rangoon Labour Constituencies.** - The Collector, Rangoon Town District.
- (6) **The Oil-fields Labour Constituencies.** - The Deputy Commissioner, Magwe District.

Any of the powers and duties which, under these Rules, may be exercised or performed by the Returning Officer may be exercised by an officer in the same station as the Returning Officer, if the Returning Officer so directs by a written order published at his office.

[<Amendment 18.06.1989>](#)

PART IV.- NOTICE OF AN ELECTION.

37. On the issue of a notification by the Governor under paragraph 3 (1) of Part IV of the Government of Myanmar (House of Representatives) Order, 1936, calling upon a constituency to elect a member or members, it shall be the duty of the Returning Officer to give public notice of the intended election in Form VIII appended. Such notice shall be published on the notice board of the office of the Returning Officer, in such newspapers as the Returning Officer may select and in such other manner in the constituency as the Returning Officer may think fit.

[<Amendment 18.06.1989>](#)

PART V. - NOMINATION OF CANDIDATES.

38. Nomination shall be made by means of a nomination paper in Form IX annexed to these Rules, which shall be supplied by the Returning Officer or the officer authorized to act on his behalf to any elector who may apply for the same.

39. Subject to any Act of the Legislature, any person may be nominated as a candidate for election if, being a British subject and not less than twenty-one years of age, he is for the time being entitled to vote at an election to fill some seat in the House of Representatives and is not disqualified from being so chosen and from being a member of the House of Representatives under section 25 of the Act:

Provided that, if the seat in question is to be filled by a representative of Commerce and Industry, or by a representative of Rangoon University or by a representative of Indian Labour or Non-Indian Labour, such person possesses such qualifications as have been prescribed.

40. On or before the date appointed by the Governor, under paragraph 3 (1) of Part IV of the Government of Myanmar(House of Representatives) Order, 1936, for the nomination of candidates, each candidate shall, either in person or by his proposer and seconder together, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Returning Officer or to such other person as may be authorized by him under Rule 36, a nomination paper completed in Form IX and subscribed by the candidate himself as assenting to the nomination and by two persons qualified to be proposer and

seconder under Rule 41, and duly attested by a Magistrate who shall certify that he is satisfied that the signatures of the candidate, his proposer and his seconder are genuine.

[**<Amendment 18.06.1989>**](#)

41. Any person whose name is for the time being included in the electoral roll of a constituency and who is for the time being entitled to vote at an election in that constituency may subscribe, as proposer or seconder, as many nomination papers as there are vacancies to be filled in that constituency but no more.

42. Every nomination paper delivered under Rule 40 shall contain a declaration duly completed and signed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some one other person who is not disqualified under the provisions of the Government of Myanmar (Corrupt Practices and Election Petitions) Order, 1936, for the appointment and who shall be named and described in the declaration ; and no candidate shall be deemed to be duly nominated unless such declaration is contained in the nomination paper:

Provided that where more than one nomination paper is presented by or on behalf of a candidate only one such nomination paper shall be required to contain such declaration as aforesaid.

[**<Amendment 18.06.1989>**](#)

43. Any nomination paper which is not received by the Returning Officer or other person authorized under Rule 36 to receive it before three o'clock in the afternoon on the date appointed by the Governor for the nomination of candidates shall be rejected.

44. The Returning Officer or other person authorized shall, on receiving a nomination paper under Rule 40, inform the person or persons delivering the same of the date, hour and place appointed for the scrutiny of nominations, and shall enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the persons who have subscribed the nomination paper as proposer and seconder.

45. Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer or other person authorized on or before three o'clock in the afternoon on the date succeeding that appointed by the Governor for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

46. The Returning Officer or other person authorized shall, on receiving a notice of withdrawal under Rule 45, as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

PART VI.-DEPOSIT ON NOMINATION.

47. On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the Returning Officer the sum of one hundred rupees in cash or in Government Promissory Notes of equal value at the market rate of the day; and no candidate shall be deemed to be duly nominated unless such deposit has been made:

Provided that if a candidate in labour constituency is a manual worker the amount of the aforesaid deposit shall be fifty rupees.

48. If a candidate by whom or on whose behalf a deposit has been so made withdraws his candidature in the manner and within the time specified in Rule 45, or dies before the commencement of the poll, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made or to his legal representative as the case may be.

49. If a candidate by whom or on whose behalf a deposit has been so made is not elected and the number of votes polled by him does not exceed, in the case of an election at which one or two seats are to be filled, one-eighth of the total number of valid votes polled or, in the case of an election to fill more seats than two, one-eighth of the total number of valid votes polled divided by the number of seats to be filled, the deposit shall be forfeited to Government.

For the purposes of this Rule "valid votes" means votes treated as valid by the Returning Officer or other person counting the votes when the votes are counted.

50. If a candidate by whom or on whose behalf a deposit has been made is elected and thereafter fails to make and subscribe the oath or affirmation required of members of the House of Representatives within such time as the Governor, exercising his individual judgment, considers reasonable, the deposit shall, subject to the powers of the Governor under the next succeeding rule, be forfeited to Government.

51. The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under Rule 49, be returned to the person by whom it was made or to his legal representative as soon as may be after the publication of the result of the election in the Myanmar Gazette; and the deposit made in respect of a candidate who is elected shall, if it is not forfeited under Rule 50, be so returned as soon as may be after the candidate has duly made and subscribe the oath or affirmation required of members of the House of Representatives:

Provided, nevertheless, that in the event of any failure on the part of the candidate duly to make and subscribe the said oath or affirmation, the Governor exercising his individual judgment may at any time direct the said deposit to be returned to the candidate or to his legal representative:

Provided also that, if a candidate is duly nominated at a general election in more than one constituency, not more than one of the deposit made by him or on his behalf shall be returned, and the remainder shall be forfeited to Government.

[<Amendment 18.06.1989>](#)

PART VII.- SCRUTINY OF NOMINATIONS.

52. On the date appointed by the Governor for the scrutiny of nominations the candidates, their election agents, the proposer and the seconder of each candidate, and one other person duly authorized in writing by each candidate, but no other person, unless authorized by the Returning Officer to assist him, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in Rule 40.

53. (1) The Returning Officer may of his own motion, and shall upon any such objection as is hereinafter mentioned being made to any nomination, hold such inquiry as he shall think fit and, if in his opinion any nomination ought to be refused upon any of the grounds hereinafter mentioned, he may summarily refuse the same.

(2) The objections and grounds in the last preceding sub-rule mentioned are:-

- (a) that the candidate is not qualified to be chosen to fill a seat in the House of Representatives;
- (b) that the proposer or seconder is not qualified to propose or second the candidate;
- (c) that the candidate or any proposer or seconder is not the same person as the person whose name or electoral number is given in the nomination paper;
- (d) that a signature purporting to be the signature of the candidate or of any proposer or seconder is not his signature or has been obtained by fraud; or
- (e) that there has been a failure to comply with any of the provisions of Part V or VI of these rules.

(3) Provided always that for the purpose of inquiring into any objection under this rule, a certified copy of an entry in the electoral roll of any constituency shall (subject to the provisions of the next sub-rule) be conclusive evidence of the title of the candidate or of any proposer or seconder of the candidate to

be chosen to fill the seat in question under the provisions of paragraph 9 of the Third Schedule to the Act or to proposer or second him as the case may be.

(4) The following matters and questions shall, notwithstanding any entry of the name of any candidate or any proposer or seconder of a candidate in the electoral roll of any constituency, be open to inquiry under this rule by the Returning Officer, but that the onus of establishing the same or any of them as a ground of objection to any nomination shall be upon the person or persons objecting to such nomination, that is to say-

- (a) that the candidate or his proposer or seconder as the case may be is not the same person as the person whose name or electoral number is contained in the certified copy of the said electoral roll;
- (b) that the candidate, notwithstanding that his name is on the electoral roll, is disqualified from being chosen as, and from being, a member of the House of Representatives, under section 25, or under paragraph 1 of the Third Schedule, of the Act or under any Act of the Legislature or under any rules or orders for the time being in force;
- (c) that the candidate or his proposer or seconder as the case may be, notwithstanding that his name is on the electoral roll of a constituency, is not entitled to vote in that constituency by reason of some one or more of the provisions of the Fourth Schedule to the Act.

(5) Where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the nomination papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(6) Nothing in this rule shall be deemed to authorize the refusal of the nomination of any candidate on the ground only of an irregularity in any nomination paper, if the candidate has been duly nominated for that constituency by another nomination paper in respect of which there is no irregularity.

54. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same, and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed by the Governor for the scrutiny of nominations and no adjournment of the proceedings shall be allowed.

55. (1) On completion of the scrutiny of nominations and after the expiry of the period of one day within which candidature may be withdrawn under Rule 45, the Returning Officer shall proceed as follows:-

(a) In the case of urban, rural and labour constituencies, he shall forthwith examine the distinguishing colours or symbols selected by the respective candidates to mark their ballot boxes or to be shown against their names on the ballot papers, and, if they are not in his opinion sufficiently distinct to prevent possibility of confusion, he shall allocate colours and symbols in conformity as far as possible with the wishes of the candidates and if necessary by lot, and his decision in this respect shall be final. Each candidate or his election agent shall at the same time be informed of the colours or symbols assigned. The Returning Officer shall then prepare a list of valid nominations indicating therein the colours or symbols assigned to each candidate.

(b) In the case of other constituencies he shall forthwith prepare a list of valid nominations.

(2) In every case the Returning Officer shall cause the list of valid nominations to be affixed in some conspicuous place in his office.

56. If the number of duly nominated candidates is greater than the number of vacancies, the Returning Officer shall forthwith publish in the manner prescribed in Rule 11 the names of the candidates as given in the nomination papers in alphabetical order.

PART VIII.- PROCEEDINGS SUBSEQUENT TO NOMINATION.

57. If a candidate whose nomination has been, or, if he had not died prior to the date of scrutiny, would have been accepted by the Returning Officer as valid, dies after the expiration of the time allowed for the making of nominations and before the commencement of the poll, then, as soon as may be after the death or after the scrutiny of nominations, whichever last occurs, the Returning Officer or other authorized person referred to in Rule 40 shall countermand the poll and report the fact to Government, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood duly nominated at the time of the countermanding of the poll.

58. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in Rule 45 exceeds that of the vacancies a poll shall be taken.
(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and a new election shall be held to fill the number of vacancies remaining to be filled:

Provided that, unless and until the Governor exercising his individual judgment, otherwise directs, a new election shall not be held under this sub-rule if the original election has itself been necessitated by a deficiency in the number of duly nominated candidates.

59. At elections in every constituency where a poll is taken, votes shall be given in the manner prescribed therefor in these rules and in no case shall any votes be given by proxy.

PART IX.-VOTING IN URBAN, RURAL AND LABOUR CONSTITUENCIES.

60. The Returning Officer shall select for each constituency as many polling stations as he thinks necessary so as to give all electors such reasonable facilities for voting as are practicable in the circumstances. He shall also appoint an Officer, hereinafter referred to as the Presiding Officer, to preside at each such polling station:

Provided that in the case of General Rural Constituencies there shall be at least one station for each circle, as notified under section 4 of the Myanmar Rural Self-Government Act.

[**<Amendment 18.06.1989>**](#)

61. On the date or dates fixed by the Governor for the election the poll shall commence at 7 a. m. and be kept open till 6 p. m. It may be closed for an hour between these limits at the discretion of the Returning Officer.

62. The Returning Officer may, for sufficient cause, postpone the date or dates or extend the period fixed for polling. He shall immediately report by telegram to Government the date or dates to which the polling has been postponed or the period of extension granted.

63. Votes in urban, rural and labour constituencies shall be given in person and, subject to the provisions of Rule 71, voting shall be done-

- (i) in the case of a labour constituency, by voting tokens, and
- (ii) in the case of an urban or rural constituency, by voting tokens or by ballot papers (in Form X annexed), as the Governor may direct.

64. No person shall vote, or apply for a voting token or a ballot paper, more than once at the same election in the same constituency.

65. The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except his assistants, the candidates, or any agent whom any candidate may have appointed in writing to appear at the polling station, the police on duty, and such persons, e. g., the ward headman or the village headman, as the Presiding Officer may at any time admit for the purpose of identifying electors. The Presiding Officer shall close the polling station at the second hour mentioned in Rule 61 so as to prevent the admission thereto of any voter after that hour. Before closing the station the Presiding Officer shall ascertain whether there are any persons present at the polling station who claim to be entitled to vote and not to have voted already, and such persons shall, if qualified, be entitled to vote after the station has been closed.

66. Prior to the commencement of the poll, the Presiding Officer shall show the ballot box or boxes empty to such persons as may be present at the polling station and shall then close them and place seals upon them in such manner as to prevent their being opened without breaking such seals.

In the case of a constituency where voting tokens are used, each candidate shall have one or more ballot boxes set apart for him marked clearly with his name in the language prescribed in Rule 6 and in such other languages as the candidate may, with the approval of the Returning Officer, select, and with the distinguishing colour or symbol allocated to him under Rule 55 (1) (a). In the case of a constituency where ballot papers are used the ballot boxes shall be unmarked.

A sufficient number of envelopes bearing the distinguishing colours or symbols assigned to the candidates, together with the necessary outer covers, shall also be provided in the polling compartment in order to give effect to sub-rule (2) of Rule 73.

67. When a person presents himself to vote and at any time before a voting token or a ballot paper is supplied to him, the Presiding Officer or any of his assistants may, of his own accord, and shall, if so required by a candidate or his agent, put to such person any or all of the following questions:-

(i) Are you the person enrolled as follows:- (reading the whole entry from the roll)?

(ii) Are you subject to any of the following disqualifications :- (reading such disqualifications as the Presiding Officer or the assistant concerned has reason to believe that the voter is likely to be subject to)?

(iii) Have you already voted at this election in this constituency or any other General or Labour Constituency, as the case may be?

and the person shall not be supplied with a voting token or a ballot paper unless he answers the question or questions put to him and unless his answer to the first question is in the affirmative and to the second and third questions in the negative.

68. If any objection to the right to vote of any person presenting himself to vote is made by any candidate, or his agent, on the ground of personation, or if the Presiding Officer himself has reason to doubt the identity of any person presenting himself to vote, he may put such questions and examine such person as he may think fit in order to satisfy himself as to the identity of the would-be voter. If the Presiding Officer is satisfied that he is entitled to vote, he shall permit him to do so provided that should the objecting candidate or his agent require it, the Presiding Officer shall take the thumb impression of the voter opposite his name in the roll before permitting him to vote. If the Presiding Officer is not satisfied that he is entitled to vote, he shall not permit him to do so, but shall permit him to tender his vote according to the procedure in Rule 71.

69. (1) In the case of a constituency where voting tokens are used, one voting token shall be given to each voter who shall forthwith proceed to a place screened from observation which will be provided by the Presiding Officer and there put it in a ballot box.

(2) In the case of a constituency where ballot papers are used, a ballot paper (which shall first be stamped with an official seal) shall be delivered to each voter, who shall proceed forthwith to a place which will be provided by the Presiding Officer and there mark his vote on the ballot paper in accordance with the instructions on it. He shall, then fold the ballot paper so as to conceal his vote and shall put the ballot paper, so folded up, into the ballot box. The ballot box shall be within sight of the Presiding Officer but arrangements shall be made to prevent voters being over-looked when they are marking the ballot papers.

(3) The voting shall be done without undue delay and the voter shall quit the polling station as soon as he has put the voting token or the ballot paper into the ballot box.

(4) The Presiding Officer shall place or cause to be placed, a mark in the electoral roll against each voter to denote that he has received a voting token or a ballot paper.

70. If any voter is unable to read the ballot paper, or to make the required mark thereon, the Presiding Officer shall mark the vote on a ballot paper according to the direction of the voter, who shall then put the ballot paper, folded up, into the ballot box.

In the case of a constituency where voting tokens are used the Presiding Officer shall, at the request of any voter, point out to him the box allotted to any candidate.

If an elector is by reason of any physical or other disability incapacitated from voting the Presiding Officer shall render him such assistance as may be necessary for the purpose.

71. If a person representing himself to be a particular elector named on the electoral roll applies for a voting token or a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the Presiding Officer may ask, be entitled to tender his vote. For this purpose the Presiding Officer shall-

- (i) enter the name of the voter and his number in the electoral roll in the "Tendered Votes List" (in Form XI annexed to these Rules); give it a serial number in the list and cause the voter to sign his name or affix his thumb impression to the list;
- (ii) hand the voter a tendered ballot paper (in Form XA annexed to these Rules) after authenticating it (by signing his name in the space provided) and entering the name of the polling station and the serial number from the tendered votes list;
- (iii) set it aside in a separate packet with other such ballot papers after the voter marked his vote thereon.

72. Notwithstanding anything hereinbefore contained, any person who is entitled to vote in any constituency, and who is duly appointed for duty as Presiding Officer, or otherwise, at a polling station at which he is not ordinarily entitled to record his vote, may apply to the Returning Officer concerned for a certificate in Form XII authorizing him to record his vote at the polling station where he is employed; and the Returning Officer shall furnish the applicant with a certificate after satisfying himself that he is entitled to vote. The Returning Officer shall also send a copy of the certificate to the Presiding Officer of the polling station at which the holder of the certificate is ordinarily entitled to vote, and the Presiding Officer shall place or cause to be placed a mark in the electoral roll against his name in the manner prescribed by sub-rule (4) of Rule 69. If the holder of the certificate is on duty at a polling station which is not in the constituency in which he is entitled to vote, the Returning Officer shall furnish the Presiding Officer of that polling station with particulars regarding the names of, and distinguishing colours or symbols assigned to, the candidates standing for election in the constituency in which the holder of the certificate is ordinarily entitled to vote.

73. A person who holds a certificate issued in the form prescribed in Rule 72 may deliver the certificate to the Presiding Officer of the polling station at which he is employed and the Presiding Officer shall thereupon

supply to him a voting token or ballot paper in the same manner as to any other elector. Such voting tokens or ballot papers shall be dealt with in the following manner:-

- (1) If the polling station at which the person is on duty be in the constituency in which he is entitled to vote then the provisions contained in Rule 69 shall apply so far as may be possible. The Presiding Officer shall, at the end of the poll, send the certificate to the Returning Officer with the statement referred to in Rule 75.
- (2) If the polling station at which the person is on duty be not in the constituency in which he is entitled to vote the person shall proceed into the voting compartment and place the voting token or ballot paper in an envelope provided for the purpose and bearing the name of, and the colour or symbol assigned to, the candidate of his choice, which he shall then close securely, enclose in another cover, and hand to the Presiding Officer. The Presiding Officer shall make up into separate packets for each constituency the covers in which votes have been so recorded, the connected certificates being fastened to the covers, seal each such packet in the manner specified in Rule 74 and forward the same to the Returning Officer of the constituency concerned.

74. The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidate who is present and of the agent, if present, of any candidate who is not himself present, and if no candidate and no agent of any absent candidate is present, then in the presence of any other person or persons he may appoint, seal the ballot boxes so that no additional papers or tokens, as the case may be, can be introduced. The Presiding Officer shall permit such candidates or their agents as are present to affix their seal to the ballot boxes in such manner as not to obliterate his own seal. The Presiding Officer shall also make up into separate packets and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal-

- (1) the unused ballot papers or voting tokens, as the case may be;
- (2) the tendered ballot papers;
- (3) the list or voters who tendered their votes, if any;
- (4) the marked copy of the electoral roll; and
- (5) the covers referred to in Rule 73 (2).

The Presiding Officer shall further mark the name of the polling station on each sealed ballot box and packet.

75. The ballot boxes and the packets shall be forwarded by the Presiding Officer to the Returning Officer, accompanied by a statement showing the number of ordinary ballot papers and tendered ballot papers, both used and unused, or voting tokens and tendered ballot papers, both used and unused, as the case may be, and the number of voting tokens or ballot papers in covers referred to in Rule 73 (2).

PART X. - VOTING IN COMMERCE AND INDUSTRY AND UNIVERSITY CONSTITUENCIES.

76. Voting in the Commerce and Industry and in the University Constituencies shall be by postal ballot.

77. Not less than twenty clear days before the date fixed for the poll, the Enrolling Officer shall, in the case of a Commerce and Industry or University Constituency, send by registered post to each elector ballot paper, and shall make a mark against the name of each elector on the electoral roll to the effect that a ballot paper has been sent to him.

The ballot paper shall be sent to the address of the elector as shown in the electoral roll, or to the latest known address of the elector as registered in the office of the Chamber or Association or University comprising the constituency.

The form of the ballot paper, in the case of a Commerce and Industry Constituency, shall be in Form XIII annexed to these Rules, and in the case of a University Constituency, in Form XIV annexed to these Rules.

78. In the case of a University Constituency an elector shall obtain the attestation of his signature, but not of his vote, by a Magistrate, or Fellow of the University to whom he is personally known, or to whose satisfaction he has been identified.

PART XI.- VOTING IN THE EUROPEAN AND ANGLO-MYANMAR CONSTITUENCIES.

[**<Amendment 18.06.1989>**](#)

79. Voting in the European and Anglo-Myanmar Constituencies shall be by postal ballot.

[**<Amendment 18.06.1989>**](#)

80. (1) Not less than twenty clear days before the date fixed for the poll, the Returning Officer shall, in the case of a European or an Anglo-Myanmar Constituency, send by registered post to the address of each elector as shown in the Electoral Roll, or, if the elector has, since the publication of the roll, given intimation of any change in his address in the manner prescribed in sub-rule (2), then to the latest address so intimated-

- (a) a ballot paper, bearing on the reverse a serial number, in Form XV annexed to these Rules;
- (b) a declaration paper, bearing the same number, in Form XVA annexed to these Rules;

- (c) a blank envelope bearing the same number;
- (d) a cover addressed to the Returning Officer bearing the same number at the left-hand bottom corner, and
- (e) a letter in Form XVB annexed to these Rules.

Before the ballot paper is issued the Returning Officer shall have the name of the elector entered on the declaration paper and make a mark against the name of the elector on the Electoral Roll to the effect that a ballot paper has been sent to him.

- (2) Any elector who desires to intimate any change in his address as entered against his name in the Electoral Roll may do so by letter addressed to the Collector, Rangoon Town District. When the elector is not himself the head of a firm or of an office, the letter should be countersigned by the head of the firm or office in which the elector is employed or by a Magistrate or Gazetted Officer of Government.

[**<Amendment 18.06.1989>**](#)

81. Each elector, upon receipt of his ballot paper, if he desires to vote in the election, shall sign the declaration in the declaration paper and record his vote on the ballot paper in the manner indicated therein. He shall then enclose the ballot paper in the blank envelope and stick it up and enclose the envelope and the declaration paper in the cover addressed to the Returning Officer.

PART XII.- GENERAL RULES RELATING TO POSTAL BALLOT.

82. The rules in this Part apply to all elections in which voting is by postal ballot.

83. Any elector may send his ballot paper to the Returning Officer after recording his vote thereon, but ballot papers that are received by the Returning Officer later than the day and the latest hour fixed for the poll shall be rejected:

Provided that, at his option, the elector may in person or by messenger deposit the cover containing the ballot paper, and in the case of the European and Anglo-Myanmar Constituencies the other documents referred to in Rule 81, in a ballot box which shall be provided at the office of the Returning Officer on the day and during the hours fixed for the poll.

[**<Amendment 18.06.1989>**](#)

84. (1) If an elector is incapacitated by blindness or other physical cause, from voting in the manner prescribed above, it shall be competent for him to record his vote by the hand of any of the officers or other persons mentioned hereunder; and such officer or other person shall certify the incapacity and

attest the fact of his having been requested by the elector to mark the ballot paper for him, and of its having been so marked by him in the presence of the elector.

(2) The following officers or other persons are empowered to attest votes of incapacitated electors under this Rule:-

- (i) Stipendiary Magistrates not below the rank of Township Officer and Judges not below the rank of a Township Judge.
- (ii) Presidents and members of Municipal Committees and District Councils.
- (iii) Gentlemen who bear a title conferred or recognized by the Governor of Myanmar.
- (iv) Members of the Myanmar Senate or House of Representatives.

<Amendment 18.06.1989>

85. An elector who has not received his ballot and other connected papers sent by post or whose papers, before their despatch back to the Returning officer, have been inadvertently spoilt in such manner that they cannot be conveniently used, or who has lost his papers may, on his transmitting to the Returning Officer a declaration to that effect signed by himself, require the Returning Officer to send him new papers in place of those not received, spoilt or lost, and, if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case when new papers are issued, a mark shall be placed against the number of the elector's name in the roll to denote that new papers have been issued in place of those not received, spoilt or lost.

86. No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these Rules.

PART XIII.-COUNTING OF VOTES AND DECLARATION OF RESULT.

87. The Returning Officer shall appoint a date in accordance with orders of the Governor exercising his discretion and shall fix the time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

88. Votes shall be counted by, or under the supervision of, the Returning Officer; and each candidate, the election agent of each candidate, and one representative of each candidate, authorized in writing by the candidate, shall have a right to be present at the time of counting.

89. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under Rule 88.

(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

90. On the day and at the time appointed under Rule 87 the Returning Officer shall proceed as follows:-

He shall open the ballot box or boxes and the covers referred to in Rule 74 (5), examine the voting tokens and ballot papers taken out therefrom and, in the case of postal vote constituencies, examine also those ballot papers received by post, determine whether any such ballot paper is invalid on any of the grounds mentioned below and separate those which he rejects endorsing on them the word "Rejected" and the ground of rejection:

Provided that in the case of the European and Anglo-Myanmar Constituencies the following procedure shall be followed:-

(i) The covers received from electors or deposited by them in the ballot box shall be opened one after another and the envelopes and declaration papers taken out therefrom. If the cover should contain no declaration paper outside the envelope, the envelope enclosed and such cover shall be rejected and the Returning Officer shall endorse the word "Rejected" on the envelope. If the cover contains a declaration paper the officer shall examine whether the declaration paper is the one sent out by him and whether the declaration and attestation are *prima facie* regular. If he is not satisfied that a declaration paper is the one sent out by him to the elector concerned or if the declaration or attestation is not in order, he shall endorse the word "Rejected" on the back of the declaration paper and keep it with the connected envelope in a separate bundle. If more than one envelope is enclosed in one and the same cover, all the declaration papers and envelopes contained in the cover shall be rejected and the Returning Officer shall endorse the word "Rejected" on the back of each declaration paper, and keep the declaration papers so rejected and envelopes contained in the cover in the same bundle of rejected papers. He shall file the other declaration papers and the envelopes containing the corresponding ballot papers in a separate heap. These envelopes shall then be opened, the ballot papers enclosed therein taken out and counted and the total thereof recorded by the Returning Officer in a statement.

(ii) The Returning Officer shall then mix together all the ballot papers so counted and totalled up and distribute them in convenient bundles to the persons appointed to assist in counting the votes.

(iii) When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect without handling all ballot papers

which in his opinion are liable to be rejected and shall, on every ballot paper which is wholly or partially rejected, endorse the word "Rejected." If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

[**<Amendment 18.06.1989>**](#)

91. A ballot paper shall be rejected,-

- (i) if the number of votes recorded thereon exceeds the number of seats to be filled, or if, in the case of a plural member constituency, more than one vote is given to any one candidate;
- (ii) if no vote is recorded thereon;
- (iii) if the vote is marked in such manner as to make it doubtful to which candidate it has been given;
- (iv) save in the case of a Commerce and Industry or University Constituency if it bears any mark by which the elector can be identified;
- (v) save in the case of a Commerce and Industry, University, European and Anglo-Myanmar Constituency, if it does not bear the official seal stamped under Rule 69(2);
- (vi) in the case of the University Constituency on the following additional ground- that the signature of the elector is not duly attested; and
- (vii) in the case of the European and Anglo-Myanmar Constituencies on the following additional grounds-
 - (a) that the cover contains no declaration paper outside the envelope,
 - (b) that more than one declaration paper or envelope containing a ballot paper have been enclosed in one and the same cover, or
 - (c) that a declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order.

[**<Amendment 18.06.1989>**](#)

92. The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

93. The Returning Officer shall count, or cause to be counted, the votes given to each candidate and declare the candidate or candidates who have obtained the largest number of valid votes to be elected:
Provided that in the case of Constituencies where voting is in person the tendered votes shall not be included in the counting nor be taken into account by Returning Officers in deciding which candidate is elected.

94. The Returning Officer shall without delay report the result of the election to the Secretary to the Government of Myanmar, Judicial Department, who shall thereupon publish in the Myanmar Gazette the names of the candidates elected.

[**<Amendment 18.06.1989>**](#)

95. (1) The Returning Officer shall prepare and certify a return setting forth-

- (i) the names of the persons for whom valid votes were given;
- (ii) the number of valid votes given for each candidate;
- (iii) the name/ names of the person/ persons elected;
- (iv) the number of votes declared invalid for each candidate.

In the case of Constituencies where voting is in person he shall not open the sealed packets of the list of voters who tendered their votes and the marked copy of the electoral roll, but shall verify the statement of the ordinary ballot papers and tendered ballot papers, or voting tokens and tendered ballot papers, submitted by Presiding Officers under Rule 75 with those found by them in the ballot boxes and separate packets, and enter the result of the verification and the number of tendered votes given for any candidate in the return. He shall then seal up in separate packets the ballot papers or voting tokens whether counted, rejected or unused, the tendered ballot papers and the certificates referred to in Rule 73, and shall record on each packet a description of its contents and the date of the election to which it refers.

In the case of Postal Vote Constituencies the Returning Officer upon the completion of the counting shall seal up in separate packets the counted and rejected ballot papers and the marked copies of the electoral rolls, and in the case of the European and Anglo-Myanmar Constituencies the rejected declaration papers, together with the connected envelopes, and the rejected envelopes, together with the connected declaration papers, if any. He shall record on each packet a description of its contents and the date of the election to which it refers.

(2) He shall permit any candidate or his agent to take a copy of, or an extract from, the return.

(3) He shall forward a copy of the return to the Secretary to the Government of Myanmar, Judicial Department, as soon as possible after reporting the result of the election as required by Rule 94.

[**<Amendment 18.06.1989>**](#)

PART XIV.- SAFE CUSTODY OF PAPERS RELATING TO AN ELECTION.

96. All the packets relating to the elections shall, subject to the control of the Governor, remain in the custody of the Returning Officer.

97. The packets of the ballot papers whether counted, rejected or tendered, and the packets containing declaration papers, shall not be opened and their contents shall not be inspected or produced, except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to inspection subject to such conditions as the Governor may impose and to the payment of a fee of Rs. 5.

98. The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the Governor or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

PART XV.- MULTIPLE RETURNS.

99. (1) If any person is elected to more than one seat in the House of Representatives, he shall resign from all but one of the seats, as required by paragraph 4 of Part IV of the Government of Myanmar (House of Representatives) Order, 1936, by notice in writing signed by him and addressed to the Governor and delivered to the Secretary to the Government of Myanmar, Judicial Department, within seven days from the date on which the result of the last of such elections is published in the Myanmar Gazette.

(2) On receipt of such a notice the Secretary to the Government of Myanmar, Judicial Department, shall take steps to fill the vacant seat or seats.

(3) If any person referred to in sub-rule (1) fails to deliver the notice required by that sub-rule within the time prescribed therein, the Secretary to the Government of Myanmar, Judicial Department, shall, as soon as the failure comes to his notice, take steps to fill all the seats to which the aforesaid person has been elected.

[<Amendment 18.06.1989>](#)

PART XVI.- ELECTION AGENTS AND EXPENSES.

100. In this part-

(a) "the Order" means the Government of Myanmar (Corrupt Practices and Election Petitions) Order, 1936, and

(b) "sign" in relation to a person who is unable to write his name means authenticate by making a mark.

[<Amendment 18.06.1989>](#)

101. The separate and regular books of account, required to be kept by an election agent under paragraph 4 of Part II of the Order, shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interest for expenses incurred on account of, or in respect of, the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

102. The return of election expenses under Part II of the Order shall be lodged with the Returning Officer within 35 days after the publication of the result of the election under Rule 94, shall be in Form XVI annexed to these Rules, and shall contain the particulars specified in Schedule I hereto annexed; and the declarations referred to in sub-paragraphs (2) and (3) of paragraph 5 of Part II of the Order shall be in the forms contained in the said Schedule.

103. The maximum scales of election expenses which may be incurred by a candidate at an election in each class of constituency shall be as follows:-

					Rs.
(i)	General Rural Constituencies	...	...	...	4,000
(ii)	General Urban Constituencies	...	...	...	4,000
(iii)	Karen' Rural Constituencies	...	...	...	4,000
(iv)	Indian Urban Constituencies	...	...	...	4,000
(v)	Anglo-Myanmar Constituency	...	...	...	4,000
(vi)	European Constituency	...	...	...	4,000
(vii)	Labour Constituencies	...	...	...	4,000
(viii)	Commerce and Industry Constituencies	...	...	...	500
(ix)	Rangoon University Constituency	...	...	...	500

104. The descriptions and maximum numbers of persons who may be employed for payment by a candidate in connection with an election shall be as follows:-

Election	... One.
Agent	
Sub-Agents	... Two.
Polling Agents	... Two for each polling station.
Clerk	... ...
Canvasser	One each for every thousand registered electors or fraction thereof, provided that in constituencies where the number of registered electors is less than 1,000 the number may be up to, but shall not exceed two each.
Messenger	... ...

105. When any return and the declarations made in respect thereof have been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question have been lodged and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and shall on payment of a fee of five annas for every hundred words or a fractional part of a hundred words, be entitled to obtain a copy or copies of any such return or declaration or of any part thereof.

106. The Governor shall cause to be prepared in such manner as he may direct a record showing the names of all candidates at every election under these rules and the name of the election agent of each such candidate and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer, and this record shall be preserved for a period of six years.

PART XVII.- GENERAL.

107. No person who is for the time being disqualified under the provisions of the Act or of the Government of Myanmar (Corrupt Practices and Election Petitions) Order, 1936, for being a member of the Legislature or for voting at elections, may be employed as an agent in connection with any election to the House of Representatives.

NOTE.- Contravention of this Rule is a “corrupt practice” under paragraph 6 of Part I of the First Schedule to the said Order. The term “agent” is used in its widest sense and does not denote merely an “election agent.”

[**<Amendment 18.06.1989>**](#)

108. If any difficulty arises as to the holding of any election under these Rules, the Governor, exercising his individual judgment, may by order do anything not inconsistent with these Rules which appears to him to be necessary for the proper holding of the election.

By Order,

F. S. V. DONNISON,

Chief Secy. to the Govt. of Myanmar.

Home and Judicial Department.

----- Attachment -----

[ATTACH LIST 1] 01 FORM I. [See Rule 4(1).] ELECTORAL ROLL OF MEMBERS OF THE URBAN CONSTITUENCY

[ATTACH LIST 2] 02 FORM II. [See Rule 4 (3).] ELECTORAL ROLL OF MEMBERS OF THE CONSTITUENCY.

[ATTACH LIST 3] 03 FROM IV. [See Rule 4 (5).] ELECTORAL ROLL OF MEMBERS OF THE UNIVERSITY CONSTITUENCY.

[ATTACH LIST 4] 04 FORM VI. CONSTITUENCY. Notice. [See Rule 10 (1).]

[ATTACH LIST 5] 05 FORM VII. CONSTITUENCY. Notice. [(See Rule 13).]

[ATTACH LIST 6] 06 FORM VIII. FORM OF NOTICE. [See Rule 37.]

[ATTACH LIST 7] 07 FORM IX. NOMINATION PAPER. [See Rules 38 and 40.]

[ATTACH LIST 8] 08 FORM X. FORM OF BALLOT PAPER. [See Rule 63.]

[ATTACH LIST 9] 09 FORM XII. FORM OF AUTHORIZATION TO VOTE OUTSIDE POLLING AREA. [See Rule 72.]

[ATTACH LIST 10] 10 FORM XIV. FORM OF BALLOT PAPER. [See Rule 77.]

[ATTACH LIST 11] 11 FORM XV. FORM OF BALLOT PAPER. [See Rule 80.]

[ATTACH LIST 12] 12 FORM XVA. FORM OF DECLARATION PAPER. (See Rule 80.)

[ATTACH LIST 13] 13 FORM XVI. FORM OF RETURN OF ELECTION EXPENSES. (See Rule 102.)

[ATTACH LIST 14] 14 SCHEDULE I. (See Rule 102.) RETURN OF ELECTION EXPENSES.