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The Union of Myanmar

Union Election Commission

Notification No. (1/2010)

The Political Parties Registration Rule

17 March 2010

The Election Commission hereby notify the following rule in accordance with the Section 26 the Political Parties Registration Law.

CHAPTER I

Title and Definition

1. These rules shall be called the Political Parties Registration Rules.
2. The expressions contained in this Rule shall have the same meaning as in the Political Parties Registration Law. Moreover, the following expressions shall have the meaning given hereunder:
 - a. The Law means the Political Parties Registration Law;
 - b. Sub-commission means the following election sub-commission formed by the Commission:
 - i. the Nay Pyi Taw election sub-commission;
 - ii. the region or state sub-commission;
 - iii. the respective self-administered division or self-administered zone sub-commission;
 - iv. the district sub-commission;
 - v. the township sub-commissions;
 - vi. the ward or village-tract sub-commission;
 - c. The Commission Office means an office established to support the work of the Commission.

CHAPTER II

Establishment of Political Parties

3. At least 15 persons, who are desirous of organizing a political party, shall apply to the Commission to establish a political party in accord with section (3-a) of the Election Law. In this application, two copies of form (a) shall be submitted, attached together with a signed declaration of each person who intend to establish a political party stating that they are in conformity with the criteria in section (4) of the Election Law and that they will abide by the prescriptions of section (6) of the Election Law.
4.
 - a. The person who has been assigned as the representative in form (A) himself shall submit the application to the Commission for the establishment of the political party;
 - b. The Commission office shall issue to the applicant the receipt of such application in the prescribed form;
 - c. The commission office shall scrutinize the information of the application and submit to the commission, together with their findings.
5. The Commission shall, after scrutinizing the information in the application under section (3) of the Election Rule:
 - a. Reply in form (B) of granting permission to register if it is in conformity with the stipulation;
 - b. Reply in form (C) of refusing permission to register if it is not in conformity with the stipulation.
6. Persons who are permitted to register a political party under section (5-a) of the Election Rule shall elect a leader and a deputy leader among them and submit to the Commission in form (D).
7. Within (30) days after receiving the permission to register their political party, the leader and the deputy leader of persons who intend to establish a political party under section (6) of the Election Rule shall apply to the Commission, in two copies of form (E), to register their intended party as a political party. The permission under section (5-a) of the Election Rule shall be automatically void without such

application within the specified date. When applying for registration as a political party:

- a. The application must be signed by the leader and deputy leader of those who wish to establish a party and submit it to the Commission in person;
 - b. The registration fee of three hundred thousand kyats shall be paid according to the methods specified by the Commission.
8. If the political parties covered under section (25) of the Election Law intend to continue establishment as a political party, they may apply to the Commission with two copies of form (E-1) within (60) days after the enactment of the Law, in accordance with the Law and Rules. It shall be deemed to be automatically void as a political party without such application within the specified date.

CHAPTER III

Granting Permission to Register, Refusing Permission to Register and Cancelling Registration

9. When applying for the permission to register as a political party under section (5) of the Election Law and section (7, 8) of the Election Rule, the Commission office shall issue a note on the acceptance of the application to the applicant in a prescribed form.
10. After proceeding according to section (9) of the Election Rule, the Commission office shall scrutinize the information in the application and submit it to the Commission along with their findings.
11. In relation to the application for permission to register as a political party, the Commission may summon and enquire the required persons and request and examine documents in order to decide whether or not to permit the registration.
12. After scrutinizing the applications to register as a political party according to the law, the Commission shall:
 - a. grant permission to register if it is in conformity with the stipulation. Such permission shall be replied in form (F);
 - b. Refuse permission to register if it is not in conformity with the stipulation. Such refusal to register shall be replied in form (G).

13.
 - a. Within 90 days from the day of permission for registration, the party permitted to register as a political party under sub-section (12-a) shall organize at least 1000 party members if it is a party that will organize through the entire Union or organize at least 500 party members if it is a party that will organize only in a region or state, according to the section (5-f) of the Election Law. The list of party members organized shall be grouped by township in two copies of form (H) and submitted to the Commission;
 - b. A party shall submit to the Commission as soon as possible with form (H-1) if the number of party members of decreased below the minimum number of party members stipulated in sub-section (13-a). Then they shall organize to meet the minimum number of party member within (90) days after the presentation and re-submit again;
 - c. If a party unable to organize to reach the minimum number of party members as speculated in sub-section (b), the Commission shall cancel the registration of such party from being a political party and also dissolve the party.

14.
 - a. In submitting the name, flag and emblem of the party under section (5-a) of the Election Law, the name, mark or symbol that is connected with religion or affect non-disintegration of the Union, non-disintegration of the national solidarity and perpetuation of sovereignty shall not be used;
 - b. The flag and emblem of the State, the flag and emblem of the region or state or the flag and emblem of the organisation recognized by the nation shall not be used nor inserted in the flag and emblem of a party;
 - c. If the name, flag and emblem of the party which applies for registration is identical with the name, flag or emblem of other party which is already registered under an existing law or which has already applied under section (5) of the Election Law or is very similar that it cannot be differentiated, the Commission may direct and designate the period for causing differentiation to be made. If it fails to comply with such direction, the application shall be rejected;

- d. The Commission shall announce in a suitable manner that the name, flag or emblem of the party applying for registration can be objected within seven days. If it is objected with sound evidence, the Commission may direct and designate the period to amend the flag and emblem of the party. If it fails to comply with such direction, the application of the objected party shall be rejected.
15. The permission for registration shall be cancelled if the Commission find the party is involved with any of the following:
- a. jeopardizing non-disintegration of the Union, non-disintegration of the national solidarity and perpetuation of sovereignty;
 - b. jeopardizing the prevalence of law and order and tranquillity;
 - c. jeopardizing the Constitution of the Republic of the Union of Myanmar and existing laws;
 - d. writing, delivering speech or organizing and instigating that can cause conflict or that can affect dignity and morals relating to nationality, religion, individual or public;
 - e. abuse of religion for political ends;
 - f. being found that the organization is accepting and using directly or indirectly money, property, other aids from the government of any foreign country, any religious organization, any other organization or any person or, found to be an organisation accepting their influence;
 - g. having been declared as an unlawful association under any existing law;
 - h. contacting or abetting directly or indirectly an insurgent organization and individuals in revolt with arms against the State, organization and individuals designated by the State as committing terrorist acts or organization declared as un- lawful association or members of the said organization;
 - i. being found that the organization obtained and used directly or indirectly money, land, house, building, vehicle, property owned by the State;
 - j. concealing intentionally without dismissing from the party the persons not in conformity with any fact contained in section (10) of the Election Law.
16. The permission for registration of a political party shall be cancelled if it is unable to contest as Hluttaw candidates from its party in at least three constituencies, in

any constituency, out of Pyithu Hluttaw constituencies, Amyotha Hluttaw constituencies, Region or State Hluttaw constituencies in the general election held for each Hluttaw terms starting from year 2010.

Explanation: (1) If the political party that is allowed to register after general elections is incapable of contesting in the by-elections within the relevant Hluttaw term, or of contesting in at least three constituencies in by-elections that have been held in more than three constituencies in relevant Hluttaw term; the provision of the law shall also apply to it.

(2) The above explanation (1) shall not be applied if the political party is a party that will organize only in a region or state and there is no by-election in the region or state they are organizing. But if there are less than three constituencies in the by-election, they shall contest in these constituencies.

17. If the permit for registration as a political party is cancelled in accordance with section (13, 15 and 16) of the Election Rule, the respective party shall be notified with form (I) on the cancellation of their party registration as a political party.
18. The Commission, or the respective sub-commissions in accordance with the Commission's instruction, may supervise the political parties to act in accordance with the existing law and rules.

CHAPTER IV

Maintenance and Utilization of the Fund, Cash and Property owned by Party

19. With regard to the maintenance and utilization of the fund, cash and property owned by a political party, the political party shall prepare and keep the following records systematically:
 - a. Cashbooks recording fund owned by party and income and expense of a party;

- b. An account book recording the cash and properties donated to party and properties procured by party.
- 20.
- a. Property owned by the party shall be entrusted in the prescribed manner to the department or organization prescribed by the Government when a party dissolves of its own volition or when registration under this Law is cancelled;
 - b. With respect to property entrusted under sub-section (a), the relevant department, organization shall comply with the directive of the Government;
 - c. If two or more political parties registered at the Commission are allowed to merge and register as a single political party, then the newly formed party is entitled to inherit the properties owned by the respective previous parties.
21. Whether in the general election or in the by-election, a political party shall spend up to one hundred thousand kyat as election expenses for each candidate elected to represent the party. Such election expenses shall be incurred by the legitimate earning of the nominated candidate or the officially received fund owned by the party. The accounts of these expenses shall be properly maintained.
22. Within three months after the end of each financial year, a party shall perform in the prescribed manner drawing its annual statement of accounts according to the financial year, compiling annual list of property owned by the party, forming an internal audit committee to inspect such accounts and obtaining confirmation in accord with the party rules and regulations.
23. If the accounts of a party are required to be audited, the Commission or the Sub-commissions at various levels may also be caused to audit. In so auditing, the Commission or Sub-commission may obtain assistance from the Government departments and organizations.

CHAPTER V

Miscellaneous

24. If a party, in accordance with the party's constitution, amend, fill, replace or newly draft the party's constitution or amend the party's policy and principles, such

amendments shall be submitted to the Commission. The commission shall scrutinize these submissions in accordance with the Political Parties Registration Law and Rules and the concerned party may proceed after the Commission's approval.

- 24/a. The political parties, which exist before the enactment of the Second Amendment of the Political Parties Registration Act and registered with the previous Political Parties Registration Act, shall perform in accordance with the amended law. The preparation time for such amendment is designated as 9 January 2015. The preparation works must be completed within this period.
25. If political parties already registered with the Commission want to merge two or more parties and form and register as a single party:
- a. The chairpersons and secretaries of the respective parties shall sign the application to merge their parties and submit the application to the Commission;
 - b. The following documents shall be attached together with the application under sub-section (a):
 - i. The central executive committee meeting resolutions and meeting minutes of each relevant party deciding to merge their parties;
 - ii. Admission that the properties owned by the respective parties shall become the property owned by the newly formed party if they are permitted to merge and register as a new single party;
 - iii. The chairpersons and secretaries of the respective parties shall sign the application to merge their parties and submit the application to the Commission;
 - c. Upon receipt of the Commission's reply that the application is approved under sub-section (a), the party to be jointly organized and registered according to the provisions of section (5) shall apply again to the Commission for the party registration. However, the registration fee three hundred thousand kyat under section (7-b) of the Election Rules shall not be needed;
 - d. After the Commission scrutinized the applications under sub-section (c) and permitted to register as a new single party as applies, the previous

registration of the respective political parties shall be deemed automatically cancelled;

- e. In the case of joint formation and registration of the parties, the newly formed party has the right to inherit the properties owned by the respective parties that were previously cancelled;
- f. Any Hluttaw representative who has been elected to represent a party which has been automatically canceled under sub-section (d) shall be deemed to be a Hluttaw representative of the political party with which they have been jointly formed and registered.

Proviso: If somebody wish to stand as an individual Hluttaw representative, he can submit his statement to the Commission.

- 26. If a party is registered as a party that will organize only within a region or state and then wants to change its registration to a party that will organize in the entire Union, or a party is registered as a party that will organize in the entire Union and then wants to change its registration to a party that will organize only within a region or state, they may apply to the Commission in two copies of form (E), along with the meeting resolution of the Central Executive Committee of the party. After the Commission's approval, the party may allow to proceed in accordance with the provision of the law and regulation.
- 27. The commission shall announce the name list of the political parties permitted to be registered and the name list of political parties that have been canceled from the registration list and dissolved as political parties. The announcement shall also be inserted in the Government Gazette.
- 28. The Commission or the sub-commissions of various levels may occasionally meet with the responsible persons from the political parties and discuss and instruct as needed.
- 29. According to these Rules, if the day stipulated as the last day for action is a public holiday, the day the office reopens shall be the last day to deal with the matter.
- 30. The Political Parties Registration Rules (Year 1998 The Multi-parties Democracy General Election Commission Rule No. 1) is hereby repealed.

(Sd.) Thein Soe

Chairperson

Union Election Commission