LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office No. 37/PO

DECREE
of the
PRESIDENT
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on the Election of Members of the National Assembly

Pursuant to Chapter 5, Article 53, point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 05-97/NA, dated 12 April 1997, of the 10th Ordinary Session of the third legislature of the National Assembly regarding the adoption of the Law on the Election of Members of the National Assembly; and

Pursuant to Proposal No. 18/SC, dated 7 May 1997, of the National Assembly Standing Committee.

The President of the Lao People's Democratic Republic
Decrees That:

Article 1. The Law on the Election of Members of the National Assembly is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 31 May 1997

The President of the Lao People's Democratic Republic

[Seal and Signature]

Nouhak PHOUMSAVANH

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office No. 01/NA

DECREE
of the
NATIONAL ASSEMBLY
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Adoption of the Amended Law on the Election of Members of the National Assembly

Pursuant to Article 40, point 1 of the Constitution of the Lao People's Democratic Republic, and Article 2, point 3 of the Law on the Election of Members of the National Assembly; and

After close examination by the National Assembly of the amended contents of Articles 8, 9, 14, 12, 25 and 35 of the Law on the Election of Members of the National Assembly during the Eighth Ordinary Session of the forth legislature of the National Assembly, in the morning of 11 October 2001.

The National Assembly of the Lao People's Democratic Republic
Decrees That:

Article 1. The amendments to the contents of Articles 8, 9, 14, 22, 25 and 35 of the Law on the Election of Members of the National Assembly are hereby adopted by a majority vote.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 11 October 2001
President of the National Assembly

[Seal and Signature]

Samane VIGNAKET

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office No 105/PO

DECREE
of the
PRESIDENT
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Amended Law on the Election of Members of the National Assembly

Pursuant to Chapter 5 Article 53, Point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 01/NA, dated 11 October 2001, of the 8th Ordinary Session of the fourth legislature of the National Assembly, on the adoption of the Amended Law on the Election of Members of the National Assembly; and

Pursuant to Recommendation No. 53/SC, dated 12 October 2001, of the National Assembly Standing Committee.

The President of the Lao People's Democratic Republic
Decrees That:

Article 1. The Amended Law on the Election of Members of the National Assembly Articles 8, 9, 14, 22, 25 and 35 is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 12 October 2001

The President of the Lao People's Democratic Republic

[Seal and Signature]

Khamtai SIPHANDON

UNDP Draft Translation – December 2006

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

LAW ON THE ELECTION OF MEMBERS OF THE NATIONAL ASSEMBLY[1]

Chapter 1
General Provisions

Article 1. Functions

This law defines the principles and regulations relating to the election of members of the National Assembly to ensure the full exercise of democratic rights by all multi-ethnic people and to ensure that persons meeting standard criteria will be elected as members of the National Assembly, in order to strengthen the legislative organ. All power is of the people, and by the people.

Article 2. Principles

The election of members of the National Assembly of the Lao People's Democratic Republic is carried out according to 4 principles:

1. Universality;
2. Equality;
3. Direct suffrage; and
4. Secret ballot.

Article 3. Persons who have the Right to Vote and to be Elected

All Lao citizens, irrespective of their gender, ethnicity, beliefs, social status, place of residence, and profession, who are at least 18 years of age, have the right to vote; anyone who is at least 21 years of age has the right to be elected as a member of the National Assembly.

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[1] This document is a consolidation of the Law on the Election of Members of the National Assembly, No. 05-97/NA promulgated on 31 May 1997 and the amendments promulgated by the Amended Law on the Election of Members of the National Assembly, No. 01/NA, promulgated on 12 October 2001. Generally, readers may wish to read the Law on the National Assembly for information on many of the terms and institutions discussed in this law.

Article 4. Persons who have No Right to Vote or to be Elected

The following persons have no right to vote or to be elected:

1. The insane and the mentally incompetent;
2. A person whose rights to vote and to be elected have been revoked by the People's Courts or a person who is serving a sentence of imprisonment.

Article 5. Right to Propose the Dismissal of Members of the National Assembly

Voters have the right to propose the dismissal of any member of the National Assembly in their own constituency if he[2] is found to be unworthy or [to have engaged in] disgraceful[3] behaviour, but such dismissal must be agreed to by the National Assembly Standing Committee and approved by the majority of National Assembly members attending the session[4]. The person who proposes the dismissal of a member of the National Assembly shall be responsible[5] for his proposal according to the laws and regulations.

Article 6. Election Expenditures

Expenditures for the election of members of the National Assembly shall come from the State budget.

Chapter 2
Determination of the Number of National Assembly Members and Regulations relating to Candidates

Article 7. Principles for Determining the Number of Members of the National Assembly

The number of members of the National Assembly is determined based on the following principles:

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[2] Readers should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators' decision to use the male gender was made in the interests of simplicity and consistency.

[3] The Lao word has the connotation of "bringing shame or dishonour".

[4] This implies that the matter must be brought before a formal session of the National Assembly although the requirement is not explicitly stated.

[5] The Lao word may be translated as both "liable" or "responsible". The translators have generally chosen the translation "liable" (and its variants) where the context implies that the responsibility may involve legal liability of some sort, either in civil or ciminal proceedings. In other cases, the translators have used the word "responsible" (and its variants). Readers should note and bear in mind the other meaning that may have been intended.

1. Every 50,000 [persons] in the population shall be represented by one member of the National Assembly;
2. According to the team work principle, any province or special zone[6] with a population of less than 150,000 persons shall have three members of the National Assembly;
3. According to the important and special characteristics of each province, municipality or special zone [relating to] politics, national defence or public security, the economy, and social and cultural [considerations];
4. The number of members of the National Assembly shall include an appropriate proportion of representatives of people of different strata, gender, and ethnic groups.

The National Assembly Standing Committee determines the number of members of the National Assembly in each constituency, and this is then promulgated by the President of the State.

Article 8. (New) Criteria of Candidates

A candidate for [the position of a] member of the National Assembly shall meet all the conditions set out in Article 3 of this law and shall have the following qualifications:

1. Be patriotic, be devoted to the people's democracy, be loyal to the New Economic Mechanism of the Party, be true to the nation, always serve the interests of the people, and have a strong, clear and absolute attitude towards friends and enemies;
2. Have a sufficient level of knowledge of the Party's policies and strategic programs and of State laws and regulations, and have the capacity to undertake propaganda and to motivate people to be aware of and to participate in the implementation of such Party policies and State laws;
3. Have an exemplary attitude, symbolise the solidarity of multi-ethnic groups, have a grassroots working method[7], and be close to and trusted by the people;
4. Be a Lao person with Lao nationality who is living and working inside the country;
5. Have sufficient knowledge and capacity to undertake research and to contribute ideas on the implementation of the rights and duties of members of the National Assembly;
6. Be in good health in order to carry out his regular duties.

[6] The reader should note that the organisation of local administration has undergone change over time and that the administrative divisions and titles used in this older law do not conform to those used in newer laws such as the Law on Local Administration.

[7] The literal translation is "has method of working that is always related to the grassroots."

Article 9. (New) Proposal of Names and Ranking of Candidates

All organisations of the Party and the State, the Lao Front for National Construction and mass organisations have the right to nominate a list of their candidates to be elected as members of the National Assembly, through local election committees in the concerned constituencies, which lists shall then be proposed to the National Election Committee for consideration and approval.

For ministries and organisations at the central level, the list of candidates can be submitted directly to the National Election Committee.

The names of candidates to be elected as members of the National Assembly are determined taking into account the principle that [such candidates] may occupy[8] one position or combined positions in the government at different levels, if appropriate.

The candidates in each constituency can be listed according to Lao alphabetical order or in any other order, as decided by the National Election Committee.

Article 10. Documents to be Provided by Candidates

A candidate for [the position of a] member of the National Assembly shall submit the following documents:

1. A written application to be elected as a member of the National Assembly;
2. Resume;
3. 6x9 centimetre photograph[9];
4. Certificate of residence;
5. Health certificate.

Article 11. Announcement of the Names of Candidates

The National Election Committee considers and summarises the list of candidates throughout the country, and then makes an official announcement at least 60 days before the election.

Article 12. Objection to Candidates

Any voter has the right to object to a candidate by written or verbal report within 7 days from the announcement of the candidates if such person is found to be unsuitable according to established criteria or if such person has

[8] The literal translation of this word is “take”.

[9] The Lao language does not require nouns to contain information as to whether they are singular or plural. This item is ambiguous as to whether it is singular or plural; therefore, the translators have simply used the singular form.

violated any law [or] regulation which affects the rights and interests of the people.

The objection shall be submitted to the district election committee[10], which will report to the provincial, municipal, or special zone election committee to consider and deal with the matter within 3 days.[11] If the matter cannot be resolved, the report shall be referred to the National Election Committee to consider and deal with the matter within 5 days from the date it receives the matter.

The person who objects shall be responsible for his objection according to the laws and regulations.

Article 13. Organisation of Campaigns

Organisations of the Party and the State, and mass organisations at all levels, have the right and duty to organise the campaign for their candidates in each constituency as prescribed by laws and regulations.

Every candidate has the right to organise a campaign for himself, but it is prohibited to bribe voters or to organise a campaign against other candidates.

Campaigning shall begin after the announcement of candidates, and must stop one day before the election.

Chapter 3
Determination of Constituencies for Election and Polling Units

Article 14. (New) Determination of the Location for Elections

Each province, municipality and special zone is considered as a constituency for the election of members of the National Assembly of the Lao People's Democratic Republic.

If any province or special zone is dissolved or established, the National Assembly Standing Committee is responsible for determining the distribution of members of the National Assembly in such constituency in accordance with the actual circumstances[12], to ensure the regular[13] exercise of the rights and duties of representatives of the people.

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[10] It is clear from Chapter 5 that there are more than one committee at the district, provincial, municipal and special zone level. There is a connotation of the "relevant committee" in this and other similar provisions.

[11] See footnote 6.

[12] E.g., to meet the requirements of Article 7.

[13] The term "regular" is used here in the sense of "correct" or "normal" rather than in the sense of "often".

Article 15. Polling Units

A village is considered as a polling unit. A village that has 500 to 1000 voters [should be] organised as one polling unit. A village that has more than 1000 voters may organise several polling units.

A village with less than 500 voters shall group together with a nearby village to form a single polling unit.

If a village is in an area that is remote or difficult to travel to, it may be organised as a polling unit or a mobile team with an election box may collect the votes.

Article 16. Polling Units in the National Defence and Security Forces

Polling units in the national defence and security forces are set up by their brigades or battalions, and by the committees of commanders[14] at the provincial, municipal and special zone levels, who shall then notify the district election committee where their offices are located.

In the event that it is necessary to set up polling units in the Ministry of National Defence and the Ministry of the Interior[15], the cabinets of those ministries shall determine the polling units and then notify the district election committee where the ministries are located.

Chapter 4
Registration of Voters

Article 17. Registration of Voters

Village chiefs are responsible for the registration of voters in their villages.

The registration of voters shall be completed and be announced officially at least 45 days before the election.

Voters can only register themselves with one polling unit.

Article 18. Registration of Voters in the National Defence and Security Forces

Brigades and battalions, and the committees of commanders at the provincial, municipal and special zone levels, are responsible for the registration of voters in the national defence and security forces.

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[14] Army and police commanders make decisions in committees pursuant to the principle of collective decision-making.

[15] The Ministry of the Interior has since been renamed the Ministry of Security.

Article 19. Change of Polling Location of Voters

After the list of registered voters has been announced, if there is any change of address or workplace for any reason, the voter shall notify his village chief or unit[16] of his new address or workplace, in order to obtain the voting certificate to vote in the new polling unit.

Chapter 5
Election Committees at Different Levels

Article 20. Structure of Election Committees

Committees for the election of members of the National Assembly in the Lao People's Democratic Republic are established according to the following structure:

1. National Election Committee;
2. Provincial, municipal and special zone election committees;
3. District election committees;
4. Committees at the level of polling units (villages).

The election committee at each level shall include representatives of the party committee, the local administrative authority, and mass organisations at such level. The national, provincial, municipal, and special zone election committees shall include representatives of the National Assembly.

Election committees at different levels have the right to create their own support mechanism as appropriate.

Article 21. Appointment of National Election Committee

The National Assembly Standing Committee appoints the National Election Committee and [the appointment] is then promulgated by a presidential decree at least 120 days before the election.

The National Election Committee consists of 15 to 17 members, including one chairman, two to three vice-chairmen, and a certain number of members.

The term of office of the National Election Committee ends after the completion of the first plenary session of the new National Assembly.

Article 22. (New) Rights and Duties of the National Election Committee

The National Election Committee has the following rights and duties:

[16] The literal translation of this term is "department-unit". This refers to voters in the national defence and security forces.

1. To direct authorities at the provincial, municipal and special zone levels to appoint their own election committees;
2. To organise education and training on politics and ideology in order to ensure the full exercise of democratic rights by the multi-ethnic people, and to ensure uniformity and effectiveness in the implementation of the election nationwide;
3. To implement election activities, [and to] support, motivate and advise everyone to respect this Law on the Election of Members of the National Assembly;
4. To prepare and distribute all relevant documents for the election;
5. To study and consider requests and proposals of candidates for approval, and to officially announce the list of candidates;
6. To study, consider and deal with requests and petitions of voters and candidates about the activities of the election committee[17];
7. To direct, supervise and monitor the implementation of the work of election committees at different levels throughout the country;
8. To summarise and announce the election results;
9. To give temporary certificates to members of the National Assembly who have been elected;
10. To assess the election for lessons that may be learned, and to give rewards to organisations and individuals who have outstanding performance;
11. To report the election results to the first plenary session of the new National Assembly.

Article 23. Appointment of Local Election Committees

Provincial governors, municipal mayors[18], chiefs of special zones and chiefs of districts are responsible for appointing election committees at their [respective] levels, and shall make an official announcement no later than 90 days before the election.

Provincial, municipal, and special zone election committees consist of 11 to 13 members, including one chairman, one to two vice-chairmen and a certain number of members.

District election committees consist of 7 to 9 members, including one chairman, one to two vice-chairmen and a certain number of members.

The term of office of local election committees ends after the completion of the first plenary session of the new National Assembly.

[17] It is unclear whether these requests and petitions relate to the behaviour of the election committee to which they are submitted or to lower-level election committees.

[18] See footnote 11. The position of municipalities within the local administrative structure has since been changed and the title of the head of a municipality has correspondingly been changed to "chief". The title of "mayor" is now reserved for heads of cities.

Article 24. Rights and Duties of Local Election Committees

Provincial, municipal, special zone and district election committees have the following rights and duties:

1. To organise education and training on politics and ideology within the scope of their authority in order to ensure the full exercise of democratic rights by the multi-ethnic people, and to ensure uniformity and effectiveness in the implementation of the election at the local level;
2. To implement election activities, [and to] support, motivate and advise everyone within the scope of their responsibility to respect this Law on the Election of Members of the National Assembly;
3. To distribute all relevant documents to election committees at the lower level;
4. To direct, supervise and monitor the activities of election committees at the lower level;
5. To direct and supervise security and public order within their election areas;
6. To direct the campaign and introduce the resumes of the candidates to the people;
7. To consider and deal with all petitions of voters and candidates concerning the election activities within the scope of their responsibility;
8. To summarise the results of the election; and then to report to the election committees at the higher level in a timely manner;
9. To assess the election for lessons that may be learned, and to give rewards to organisations and individuals who have outstanding performance within the scope of their responsibility.

Article 25. (New) Appointment of Committees at the Level of Polling Units

The chiefs of districts appoint committees at the level of polling units in their districts. Commanders of brigades or battalions, committees of commanders at the provincial, municipal and special zone levels, [and] chiefs of cabinet of the Ministry of National Defence and the Ministry of the Interior appoint committees at the level of polling units in the national defence and security forces, and shall then notify the district election committee where their offices are located.

Committees at the level of polling units consist of 5 to 7 members, including one chairman, one vice-chairman, one or two secretaries and a certain number of members.

The term of office of committees at the level of polling units ends after the completion of the new plenary session of the new National Assembly.

Article 26. Rights and Duties of Committees at the Level of Polling Units

Committees at the level of polling units have the following rights and duties:

1. To educate and guide voters within the scope of their responsibility to ensure that all voters exercise their rights;
2. To implement election activities, [and to] support and advise everyone to respect regulations and this Law on the Election of Members of the National Assembly;
3. To prepare the location and facilities[19] for the election;
4. To distribute ballots to the voters;
5. To take responsibility for election operations and to ensure security and public order within their polling units;
6. To deal with all requests or petitions of voters within the scope of their responsibility;
7. To count the votes, [and] scrutinise and record the election results, [and] then to submit all records and documents to the district election committee;
8. To keep all ballots until the official announcement of the names of those who have been elected as members of the National Assembly; and then to destroy them;
9. To assess the election for lessons that may be learned, and to select those who have outstanding performance and to propose to the district election committee to consider rewarding them.

Chapter 6
Time, Date and Rules for Voting[20]

Article 27. Determination of Date for Voting

The National Assembly Standing Committee determines the date for voting, and this is then promulgated by a decree of the President of the State 130 days before the voting. Voting is carried out simultaneously, on the same day throughout the country. The polling day is on a Sunday.

Article 28. Time for Voting

The time for voting starts from seven in the morning to five in the afternoon. Committees at the level of polling units may decide when [to conduct] the opening and closing [formalities], which may be before or after the time established [for voting], according to the real situation in the location. But [such opening formalities] shall not be earlier than five in the morning and [such closing formalities] shall not be later than seven in the afternoon.

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[19] The same Lao word may be translated as "equipment". However, the context suggests that the reference is to less mechanised facilities such as ballot boxes and furniture.

[20] The same Lao word may be translated as "election", "voting" or "polling". Here, the context suggests that the reference is to voting or polling.

Article 29. Rules[21] for Voting

Rule for voting are as follows:

1. The location for voting shall be in an appropriate place, for example: schools, halls, and other places;
2. The election committees shall advise on [and] disseminate all rules and methods relating to voting to all voters to ensure that they understand;
3. Before voting commences, the committees at the level of polling units shall open the ballot box in front of the people;
4. Voters shall present [voting] certificates to the committees at the level of polling units in order to get their ballots;
5. When voters are filling out their ballots, other people are prohibited from interfering;
6. For illiterate voters who cannot fill out their ballots by themselves, the committee at the level of polling unit shall nominate someone to assist them in filling out the ballot according to the voters' choice, and then let them deposit the ballot by themselves. In the event that such persons cannot deposit the ballot by themselves, the committee at the level of polling unit shall nominate someone to help them to do so in their presence;
7. If voters are sick, disabled or old and cannot come to the voting location, the committee at the level of polling unit shall organise mobile teams to go and collect the ballots from those persons at their locations;
8. If voters make any mistake in filling out their ballots, they shall ask for a new ballot from the committee at the level of polling unit;
9. Voters shall go one-by-one to deposit their ballot into the ballot box;
10. On polling day, no one is allowed to campaign for any candidate or cause public disorder that violates this Law on the Election of Members of the National Assembly.

Article 30. Measures to Deal with Emergency Situations at Voting Locations

If there is any emergency situation during voting time, the committee at the level of polling unit shall immediately suspend voting, but shall consider and deal with the matter in order to continue afterwards. If the problem cannot be dealt with, voting shall be stopped and [the committee at the level of polling unit] shall report to the district election committee in order to set a new date for voting.

[21] The same Lao word may be translated as "regulations". However, the context suggests that the less formal "rules" is more appropriate.

Chapter 7
Counting of Votes and Announcement of Results

Article 31. Counting of Votes

The counting of votes shall be done openly in front of at least 3 witnesses, who are voters in that unit, but not the candidates. Journalists and representatives of candidates may observe and follow the counting of votes.

The committees at the level of polling units shall divide their responsibilities for counting votes as follows:

One person is to read the ballots, one person is to check, and the others are to follow [the proceedings] and record.

Article 32. Invalid Ballots

Invalid ballots are as follows:

1. Ballots with no stamps[22] from the polling unit;
2. Ballots which select more or less than the number of required candidates;
3. Blank ballots where no candidates have been selected.

Article 33. Record of Results of Voting

The record of the results of voting consists of the following contents:

1. The times at which the opening and closing [formalities] took place in the election;
2. The list of candidates;
3. The total number of eligible voters;
4. The actual number of voters on the polling day;
5. The actual number of ballots received;
6. The number of ballots with mistakes that were exchanged for new ballots;
7. The number of valid ballots;
8. The number of invalid ballots;
9. The number of votes for each candidate;
10. The petitions that the committee at the level of polling unit dealt with, and those that they could not deal with (if any).

The record must be signed by the chairman of the committee at the level of polling unit, the secretary and the 3 witnesses who observed the counting of votes. One copy of the record shall be sent to the district election committee and the other copy is kept by the village chief.

[22] The ballot is stamped when given to the voter.

Article 34. Candidates Elected as Members of the National Assembly

The candidates who are elected as members of the National Assembly shall be those who receive the highest number of votes [corresponding to] the number [of members] required for that constituency.[23]

If there is an equal number of votes for two candidates for [the position of] the final member required by the constituency, the more experienced candidate shall be selected, but in the event that the two candidates have equal experience, the older candidate shall be selected as the member of the National Assembly.

Chapter 8
Election of Replacement Members of the National Assembly

Article 35. (New) Election of Replacements

The election of replacement members of the National Assembly is organised in a constituency when there is a vacancy.

Such election can only take place after a majority vote of members of the National Assembly attending the session that supports the replacement, based on the proposal of the National Assembly Standing Committee.

Article 36. Organisation of Election of Replacements

The National Assembly Standing Committee appoints the election committee and determines the date for the election of replacements.

The election of replacements shall be done according to this Law on the Election of Members of the National Assembly.

Chapter 9
Policies for Outstanding Performance and Measures against Persons who Violate this Law on the Election of Members of the National Assembly[24]

Article 37. Policies for Outstanding Performance

Organisations and individuals who have outstanding performance in implementing this Law on the Election of Members of the National Assembly shall be rewarded appropriately according to the policy of the Party and the State.

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[23] The literal translation of this phrase is "candidates who receive the highest votes to the last one as required for that constituency".

[24] In this context, the term "policies" takes the meaning of "privileges" and the term "measures" takes the meaning of "sanctions".

Article 38. Measures Against Violators

Organisations and individuals who violate this Law on the Election of Members of the National Assembly shall be subject to the following measures:

1. Re-education[25], for minor violations;
2. Legal proceedings, for serious cases.

Chapter 10
Final Provisions

Article 39. Implementation

The National Assembly Standing Committee of the Lao People's Democratic Republic is assigned to issue guidelines for the implementation of this law.

Article 40. Effectiveness[26]

This Law on the Election of Members of the National Assembly replaces the Law on the Election of Members of the National Assembly, No 02-91/ NA, 14 August 1991.

This law enters into force on the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

Vientiane, 12 April 1997
President of the National Assembly

[Seal and Signature]

Samane VIGNAKET

[25] Here, "re-education" does not mean the same as "re-education without deprivation of liberty" referred to in the Penal Law.

[26] This effectiveness provision pertains to the 1997 Law on the Election of the Members of the National Assembly. The effectiveness provisions for 2001 amendments are contained in the relevant National Assembly Resolution and Presidential Decree (both of which reproduced at the beginning of this translation).