

Date Printed: 12/31/2008

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JTS Box Number: IFES\_21  
Tab Number: 23  
Document Title: THE LAW ON ELECTION OF THE MEMBERS OF THE  
PEOPLE S COUNCIL  
Document Date: 1994  
Document Country: VIE  
Document Language: ENG  
IFES ID: EL00220



\* 5 0 4 0 8 A 3 5 - 6 9 B 1 - 4 B 4 4 - A 4 8 B - 8 D C 3 0 9 E 1 3 A E C \*

law/VIE/1994/003/eng



Vietnam legal Document page

The President of  
the State  
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The Socialist Republic of Vietnam  
Independence-freedom-Happiness.  
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Hanoi, July 5th, 1994.

### ***THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM***

- Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam
- Pursuant to Article 78 of the Law on Organization of the National Assembly;

### **PROMULGATES :**

Law on election of the members of the People's Council (Amended). Which was approved by the 9th National Assembly of the Socialist Republic of Vietnam at its 5th Session on the 21st of June, 1994.

The President of the  
Socialist Republic of Vietnam  
LE DUC ANH

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The National Assembly

The Socialist Republic of Vietnam  
Independent-freedom-Happiness.

## **THE LAW ON ELECTION OF THE MEMBERS OF THE PEOPLE'S COUNCIL**

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, this Law shall provide for the election of the members of the People's Council.

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### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1**

The election to the People's Council is conducted on the principles of universal suffrage equality, direct and secret ballot.

#### **Article 2**

All citizens of the Socialist Republic of Vietnam, irrespective of their ethnicity, sex, social standing, belief, religion, educational level, occupation, length of residence, who have reached 18 years of age, are eligible to vote, and who have reached 21 years of age, are eligible to stand for election to the People's Council in accordance with law, except that they are mentally deficient and those who are stripped of these rights by law or by the People's Court.

### Article 3

Members of the People's Council must be loyal to the socialist fatherland of Vietnam, outstanding among the people, eager to carry out renewal for a prosperous People and a strong country, possessed of high ethical norms, exemplary in the observance of the law, protect the State interests and the legitimate rights and interests of the citizens, have a good cultural standard and are capable of discharging the tasks of a member of the People's Council and taking part in making decisions on important issues of the locality, and are trusted by the people.

### Article 4

Citizens who meet the conditions and criteria stipulated in Article 2 and 3 of this Law can be elected as members of the People's Council of only two levels at the same time, if they are deputies to the National Assembly, they can be elected to the People's Council of only one level.

### Article 5

The Standing Committee of the National Assembly shall supervise the election of the members of the People's Council and ensure that the election be conducted in democratic and lawful manners.

The Government shall direct the People's Committee at all levels to carry out the election in accordance with law.

### Article 6

The Central committee of the Vietnam fatherland front shall guide its local chapters to organize consultations to select and nominate candidates for the People's Council and take part in the supervision of the election of the members of the People's Council.

### Article 7

The Standing Committee of the National Assembly shall set and announce the date for the election of the People's Council at all level.

The election day must be Sunday and must be announced at least 90 days in advance.

In special cases when it is impossible to hold the election in accordance with the term of the People's Council, the Standing Committee of the National Assembly shall consider and make decision.

### Article 8

The budget for the election of the members of the People's Council shall be drawn from the State Budget.

## CHAPTER II SIZE OF THE PEOPLE'S COUNCIL ELECTION UNITS AND POLLING STATIONS

### Article 9

The number of members of the People's Council at each level is determined as follows :

1. The People's Council at communes, urban wards and townships : A low-land commune or township with a population of three thousand or below shall elect nineteen members, for every one thousand and five hundred people above three thousand, one additional member shall be elected, but the total number shall not exceed twenty five.

A mountainous island commune or township with a population of two thousand or below shall elect nineteen members; for every five hundred people above two thousand, one additional member shall be elected but the total number shall not exceed twenty five.

A commune with a population of one thousand or below shall elect fifteen members.

An urban ward with a population of five thousand or below shall elect nineteen members; for every three thousand people above five thousand, one additional member shall be elected, but the total number shall not exceed twenty five.

2. The People's Council at districts, provincial towns and provincial cities :

A low-land or urban district with a population of eighty thousand or below shall elect twenty five members; for every eight thousand people above eighty thousand, one additional member shall be elected, but the total number shall not exceed thirty five;

A mountainous or island district with a population of forty thousand or below shall elect twenty-five members; for every four thousand people above forty thousand, one additional member shall be elected, but the total number shall not exceed thirty five.

A provincial town with a population of fifty thousand or below shall elect twenty-five members, for every eight thousand people above fifty thousand, one additional members shall be elected, but the total number shall not exceed thirty five.

A provincial city with a population of eighty thousand or below shall elect twenty - five members; for every ten thousand people above eighty thousand, one additional member shall be elected, but the total number shall not exceed thirty five.

3. The People's Council of provinces and cities directly under the Central Government.

A low-land province or a city directly under the Central Government with a population of one million or below shall elect forty-five members, for every forty thousand people above one million, one additional member shall be elected, but the total number shall not exceed seventy five.

A mountainous province with a population of five hundred thousand or below shall elect forty-five members; for every twenty thousand people above five hundred thousand, one additional member shall be elected, but the total number shall not exceed seventy five.

Hanoi, Ho Chi Minh city and provinces with more than two and a half million population shall elect not more than eighty-five members.

## Article 10

Members of the People's Council at all levels shall be elected in electoral units. Each election unit shall elect not more than three members.

## Article 11

The number of electoral units in the election of the People's Council at provinces and cities directly under the Central Government, and the list of the electoral units and the number of candidates in each unit, shall be decided by the People's Committee of the provinces and cities directly under the Central Government and approved by the Government. The number of electoral units in the election of the People's Council at the other administrative areas, and the list of electoral units and the number of candidates in each unit shall be decided by the People's Committees of the corresponding level and approved by the People's Committees at the immediate higher level.

## Article 12

The list of electoral units in the election of the People's Council at a level shall be sent by the People's Committee at that level to the Election Council of the same level. fifty days at the latest before the election day, the Election Council shall make public the list of electoral units.

## Article 13

Each electoral unit is divided into many polling stations. Each polling station has three hundred to two thousand voters.

In mountainous and island areas and in areas where the population lives in scattered places, a polling station can be set up even though the population is below three hundred.

A hospital, sanitarium, maternity house or a nursing home for handicapped people with fifty voters or above can set up a separate polling station.

The designation of polling stations for election to the People's Council at all levels shall be made by the People's Committees at commune, urban ward and township, and approved by the People's Committees of the immediate higher level.

The units of the People's Armed forces shall set up their own polling stations.

## CHAPTER III ORGANIZATIONS IN CHARGE OF THE ELECTION.

### Article 14

The organizations in charge of the election to the People's Council are : - Election councils; - Election committees; - Election teams.

### Article 15

Eight days at the latest before the election of the People's Council, the People's Committee, the

Standing Board of the People's Council and the Standing Board of the Vietnam fatherland front Chapter of the same level shall set up an Election Council composed of five to fifteen members, including representative of the Vietnam fatherland front Chapter the Standing Board of the People's Council, the People's Committee and State offices and social organizations; at the commune, urban ward and township level, the People's Committee, the Chairman of the People's Council and the Standing Board of the Vietnam fatherland front Chapter of the same level shall set up an Election Council composed of five to nine members, including representatives of the Vietnam fatherland front, social organizations, the Chairman of the People's Council and the President of the People's Committee. The Election Council shall elect its President, Vice President (or vice-president's) and Secretary.

The list of members of the Election Councils of provinces and cities directly under the Central Government shall be submitted to the Standing Committee of the National Assembly, the Government and the Central Committee of the Vietnam fatherland front. The lists of members of the Election Councils of other levels shall be submitted to the People's Committee, the Standing Board of the People's Council and the Standing Board of the Vietnam fatherland front Chapter of the immediate higher level.

The Election Council has the following tasks and powers : 1. To direct the election in the locality, to monitor and supervise the observance of the legal provisions on the election.

2. To receive files submitted by self-nominated candidates and forward them to the Standing Board of the Vietnam fatherland front Chapter of the same level.

3. To examine and settle complaints and denunciations concerning the work of the Election Committees and Teams. 4. To make public the number of the election units, the list of voters and the number of members to be elected by each election unit;

5. To receive files from, and make public the list of, the candidates to the People's Council in each election unit, and examine and settle complaints on such listings.

6. To receive documents and ballots from the People's Committee of the same level and distribute them to the Election Committees twenty days at the latest before the election day.

7. To receive and examine the report on election returns submitted by the Election Committees and file the final report on the local election;

8. To direct additional or reelection in accordance with Articles 53,54,55 and 56 of this Law.

9. To announce the election results;

10. To submit to the People's Council the final report on the election and transfer the dossiers and documents on the election in accordance with Article 57 of this Law.

#### Article 16

forty days at the latest before the day of election to the People's Council, the People's Committee, the Standing Board of the People's Council and the Standing Board of the Vietnam fatherland front Chapter of the same level shall set up at each election unit an Election Committee composed of five

to eleven members, including representatives of social organizations and voting groups in the locality, at the commune, urban ward and township level, the People's Committee, the Chairman of the People's Council and the Standing Board of the Vietnam fatherland front Chapter of the same level shall set up at each election unit an Election Committee composed of five to nine members, including representatives of social organizations and voting groups.

The Election Committee shall elect its Chairman, Vice Chairman (or Vice-Chairmen) and Secretary.

The Election Committee has the following tasks and powers.

1. To monitor and supervise the observance of the legal provisions on election by the election teams in the election unit.
2. To monitor and supervise the preparation and posting of the list of voters and the list of candidates by the Election Teams in the election unit.
3. To monitor and supervise the arrangement of, and procedures at, the polling stations;
4. To receive documents and ballots from the Election Council, and distribute them, to the Election Teams 10 days at the latest before election day.
5. To examine and settle complaints on the work of the Election Teams;
6. To receive, synthesize and check reports on the election returns submitted by the Election Teams and draw up the report to certify the election results at the unit.
7. To transfer the certifying report and the dossiers and documents concerning the election in accordance with Article 51 of this Law,
8. To organize additional or re-election by decision of the Election Council.

#### Article 17

Thirty days at the latest before the election of the People's Council, the People's Committee, the Chairman of the People's Council and the Standing Board of the Vietnam fatherland front Chapter at the commune, urban ward and township level shall set up at each polling area an Election Team composed of five to nine members including representatives of local social organizations and voting groups.

In case an election unit has only one polling station the Election committee shall also assume the duty of the Election Team.

An Election Team shall elect its head, deputy head and secretary.

An Election Team has the following tasks and powers.

1. To oversee the election in the polling area;
2. To arrange the polling station and ballot boxes;

3. To receive documents on the election from the Election Committee and distribute ballots bearing its seal to voters;
4. To keep voters constantly informed of the election day and the polling place and time during the ten days before election day.
5. To ensure that the regulations at the polling station are properly observed;
6. To examine and settle complaints on election activities in the polling area;
7. To count the cast ballots and draw up the report on the election returns;
8. To transfer the report on election returns, the cast ballots and other documents on the election in accordance with Article 50 of this Law.

#### Article 18

The organizations in charge of the election and their members are not allowed to campaign for any candidate.

#### Article 19

The organizations in charge of the election shall work collectively. Their meetings shall be convened only with the participation of at least two thirds of their members. Their decisions shall be approved only by majority vote.

#### Article 20

The Vietnam fatherland front Chapters, State agencies, social and economic organizations and units of the People's Armed forces shall delegate their staffs and employees to take part in the election activities at the request of the Election Council, Election Committees and Election Teams and, within the framework of their functions and tasks, create favorable conditions to help the organizations in charge of the election discharge their duties as stipulated by this Law.

#### Article 21

The Election Council shall expire after it has submitted the final report and the other dossiers and documents on the election to the session of the new People's Council.

The Election Committees and Teams shall expire after the Election Council has announced the election results.

### CHAPTER IV LIST OF VOTERS

#### Article 22

During the voting registration, all citizens eligible to vote at the election of the People's Council shall be included in the list of voters at their places of residence.



Each voter shall register in only one list of voters.

#### Article 23

The list of votes shall be drawn by the People's Committee at communes, urban wards and townships in each polling area.

The list of voters at units of the People's Armed forces shall be drawn by the command of each unit in each polling area; army personnel who have permanent residence in a locality may register to vote at their places of residence.

#### Article 24

Thirty days at the latest before election day, the office which has drawn the list of voters shall post it at the office of the People's Committee of the commune, urban ward or township and in public places of the polling area and, at the same time, widely popularize the list as well as its posting for people to check.

#### Article 25

Through checking, any one who discovers an error in the list of votes has the right to make a verbal or written complain to the office that has drawn it within twenty days from the date of posting. This drawing office shall record the complaint. Within five days from the receipt of the complain, the drawing office must solve it and communicate the result to the complainant.

If the complainant does not agree with the solution he/she may lodge a complaint to the People's Court at the district, provincial town or provincial city. Within five days from the receipt of the complain, the People's Court must solve it. The decision of the People's Court is final.

#### Article 26

Between the date of the posting of the list of voters and the election day, any voter who changes his/her place of residence has the right to request a certification by the People's Committee at his/her old place of residence to register as voter at the new place of residence. In issuing this certification, the People's Committee must at once write "vote else where" next to his/her name in the list of voters.

### CHAPTER V

Self-nomination, nomination and convention to nominate candidates for the People's Council

Article 27 Self nominated candidates for the People's Council in accordance with this Law shall, forty five days at the latest before election day, submit their files to the Election Council at the place where they stand for election. The file shall comprise :

1. An application for candidacy
2. A summarized biography;

3. A certification from the People's Committee at the commune, urban ward or township of residence confirming the right of the applicant to nominate himself/herself as provided for in Article 2 of this Law.

forty days at the latest before election day, the Election Council shall transmit the files of the self-nominees to the Standing Board of the Vietnam fatherland front Chapter of the same level.

Article 28: Seventy days at the latest before election day, the Standing Board of the Vietnam fatherland front at the level for which a People's Council is being elected, shall convene a conference with the participation of representatives from its member organizations to discuss and agree on the composition and number of nominees from the locally-based State agencies, social and economic organizations and units of the People's Armed forces.

Article 29 On the basis of the agreed composition and number of nominees and the criteria for a member of the People's Council, the Vietnam fatherland Chapter, State agencies, social and economic organizations and units of the People's Armed forces shall nominate their candidates.

forty-five days at the latest before election day, the nominees shall submit their files to the Standing Board of the Vietnam fatherland front at the level of the People's Council to which they are nominated for election. The file shall comprise an application, a summarized biography and a certification of the People's Committee at the commune, urban ward or township of the nominee's residence to prove his/her right to stand for election as provided for in Article 2 of this Law.

Article 30 Candidates self-nominated or nominated to the People's Council election in a locality must be residing or working permanently in that locality

Self-nominated and nominated candidates shall run for election at only one electoral unit and are not allowed to participate in the Election Committee or Election Team of that unit.

Article 31 On the basis of the criteria, composition and number of candidates already agreed upon, the Standing Board of the Vietnam fatherland front Chapter and representatives of the front member organizations shall draw up a tentative list of the self-nominated and nominated candidates and sent it for public comments at the places of residence and work of the candidates. The gathering of public comments shall be conducted in accordance with Article 32 of this Law. Article 32 The voter's conferences at communes urban wards and townships shall be organized according to hamlets, villages and resident groups at the request and under the conduct of the Standing Board of the Vietnam fatherland front Chapter in co operation with the local authority of the same level.

The voters' conferences at State agencies and social and economic organizations shall be convened and presided over by their chiefs in cooperation with the local trade union organizations. At units of the People's Armed forces, the conferences shall be convened and presided over by the unit commanders.

At these conferences, voters shall, on the basis of the criteria for the People's Council, pass judgments on and express their trust in the self-nominated and nominated candidates by either a show of hands or a secret ballot, depending on the decision of the conference.

The self-nominated and nominated candidates or representatives of their organizations or agencies or

units are invited to such conferences.

**Article 33** On the basis of the list of the self-nominated and nominated candidates and the results of the voters' conference conducted in accordance with Article 32 of this Law, the Standing Board of the Vietnam fatherland front Chapter shall hold consultations with representatives to draw up the official list of candidates for the People's Council. Representatives of the Election Council are invited to this convention.

**Article 34** Thirty days at the latest before election day, the Standing Board of the Vietnam fatherland front Chapter shall send to the Election Council the list and files of the candidates for the People's Council. Each file comprises :

1. An application for candidacy;
2. A certification of the People's Committee at the commune or urban ward or township of the candidate's residence on his/her right to stand for election as provided for in Article 2 of this Law.
3. A summarized biography.

Upon receiving these papers, the Election Council shall issue a receipt.

**Article 35** Twenty days at the latest before election day, the Election Council shall make public the lists of candidates in the election units. The Election Teams shall post in polling areas the list of candidates made public by the Election Council.

**Article 36** The number of candidates for the People's Council at an election unit must exceed the number of members to be elected by that unit.

**Article 37** from the date of the publication of the list of candidates, all citizens have the right to complain to the Election Committee about the errors concerning the candidates. The Election Committee shall record these complaints and settle them within seven days at the latest.

If the complainants do not agree with the results of the settlement by the Election Committee, they have the right to lodge their complaints to the Election Council. The decision of the Election Council shall be final.

**Article 38** Those whose names have been included in the announced list of candidates for the People's Council have the right to campaign through their meetings and contacts voters in accordance with law to brief them of their plans to fulfill their duties if elected to the People's Council.

These meetings and contacts with voters shall be organized by the Standing Board of the Vietnam fatherland front Chapter at communes, urban wards and townships.

## CHAPTER VI ELECTION PROCEDURE

**Article 39**

The polling shall begin at seven o'clock and end at nineteen o'clock on the same day. Depending on the local situation, the Election Team may decide to start the polling earlier and end it later than

scheduled, but it must not begin earlier than five o'clock and close later than twenty o'clock on the same day. At polling stations where all the registered voters have cast their ballots, the Election Team may close the polling earlier than the prescribed time

Prior to the polling, the Election Team must examine the ballot box under the witness of votes.

#### Article 40

Each voter has the right to cast a ballot in the election to each People's Council level.

Voters shall cast the ballots by themselves and shall not request other people to do that for them, except for cases as provided for in Article 41 of this Law.

#### Article 41

Voters who cannot write the ballots by themselves, may ask other people to do that for them, but they will cast the ballots by themselves. The persons who are asked for help in ballot writing must keep secret the names of the voters whom they help. If the voters cannot cast the ballots into ballot boxes by themselves for reasons of disability, they can ask other people to do so for them.

In case the voters are so sick, old and weak or handicapped that they cannot personally go to the polling station, the Election Team may bring the mobile ballot box to their places of residence so that these voters can cast their ballots.

#### Article 42

When voters are writing their ballots, not one, including the members of the Election Team, is allowed to observe them.

If voters are not satisfied with the writing they have made, they have the right to ask for a new ballot.

#### Article 43

Every person has to obey the regulation of the polling station. No one is allowed to campaign at the polling station.

#### Article 44

If there are still voters waiting to cast their ballots at the polling station when the polling schedule is over, the Election Team shall declare that the polling closed only after voters have cast their ballots.

#### Article 45

During the election day, the polling shall be open continuously. If it is disrupted by an emergency, the Election Team shall immediately seal up ballot box and all other papers, report at once to the Election Committee and, at the same time, take necessary measures to ensure that the polling is continued

In case a special development forces a delay or an advancement of the election day, the Election Team shall, in a timely manner, report it to the Election Committee which shall submit to the

Election Council for consideration and decision.

## CHAPTER VII ELECTION RESULTS

### Section I Vote count

#### Article 46

The counting of the votes must be conducted at the polling station immediately after the polling is over

Before opening the ballot box, the Election Team shall count, record and seal away the unused ballots and shall invite two voters who are not candidates to witness the vote count.

The candidates and/or representatives of the agencies, organizations and units of the candidates have the right to witness the vote count and lodge complaints about it. Reporters of the press, film makers, photographers, television and radio stations are allowed to witness the vote count.

#### Article 47

The following votes shall be dismissed as irregular :

1. Votes made on ballots which are not in the form issued by the Election Team;
2. Votes made on ballots which do not bear the seal of the Election Team;
3. Votes which elect more candidates than the number of members to be voted at the election unit; 4. Votes which cross out all the names of the candidates on the ballots.
5. Votes which include non-candidate names.

#### Article 48

If a vote suspected of being irregular the head of the Election Team shall bring it up to the attention of the whole team to resolve.

The Election Team must not cross out or fiddle with the name of the voted ballots.

#### Article 49

On-the-spot complaints on the vote count shall be received, settled and clearly recorded in the report of the Election Team. If the Election Team is not able to settle, it must report to the Election Committee.

#### Article 50

After the vote count, the Election Team shall make a report which clearly states the following : - The total number of in the polling area; - The number of who have cast the ballots; - The number of ballots issued; - The number of ballots received; - The number of valid votes; - The number of votes

for each of the candidates; - The complaints which have been received, the complaints which have been resolved and the way they are settle; and the complaints which have been submitted to the Election Committee for resolution

The report on the vote count shall be made into three copies, each shall be signed by the head, deputy head and secretary of the Election Team and the two voters who are invited to witness the vote count, and shall be sent to the Election Com mittee, the People's Committee and the Vietnam fatherland front Chapter of the commune, urban ward or township.

## Section II Election result at election unit

### Article 51

After receiving the vote-count report from the Election Team, the Election Committee shall examine them and draw a report certifying the election result of its election unit.

The report shall clearly state : - The number of members of the People's Council to be elected by that election unit; - The number of candidates; - The total number of voters in the election unit; - The number of voters who have cast the ballots their percentage in the total number of voters; - The number of ballots issued; - The number of ballots received; - The number of valid votes; - The number of invalid votes; - The number of votes for each of the candidates; - The list of the winning candidates; - The complaints resolved by the Election Team; the complaints resolved by the Election Committee and the complaints submitted passed to the Election Council for settlement

The report shall be made into four copies, each copy shall be signed by the Chairman, Vice Chairman and Secretary of the Election Committee, and shall be sent to the Election Council, the Standing Board of the People's Council, the People's Com mittee and the Vietnam fatherland front Chapter of the same level. As regards the election of the members of the People's Council of the commune, urban ward and township, the minute shall be sent to the Election Council, the Chairman of the Pe ople's Council, the People's Committee and the Vietnam fatherland front Chapter of the same level.

### Article 52

The candidates who win more than half of the valid votes and have more votes shall be elected. In case many candidates have the same number of votes and all win more than half of the regular votes, the Election Council shall consider and d ecide the member elect upon the proposals of the Vietnam fatherland front Chapter of the same level and the Election Committee of that election unit.

## Section III Supplementary election and re-election

### Article 53

In the first election, if the number of members elect is less than two-thirds of the number of members designated for the election unit, the Election Committee shall state is clearly in its report on the election result and immediately report to the Election Council to decide on the date for the supplementary election. This supplementary election must be held fifteen days at the latest after the first election. In the supplementary election, voters shall only choose from among the candidates who have run and failed at the first election. If the supplementary election fails to fill all the seats, no further election shall be held.

#### Article 54

Election units which have less than half of the registered voters going to the poll shall be clearly recorded in the report of the Election Committee which shall immediately send to the Election Council. The Election Council shall decide the date for the re-election to be held fifteen days at the latest after the first election.

#### Article 55

The Standing Committee of the National Assembly shall, at the request of the Government, annul the election results of election units where there are serious violations of the law and decide the date for the re-election at those units.

#### Article 56

The supplementary or re-election shall be based on the list of the votes drawn up for the first election and shall obey the provisions of this Law.

#### Section IV Round-up of the election

#### Article 57

After receiving and checking the reports on election results sent by the Election Committees and settling the complaints, the Election Council shall make a report summing up the election to the People's Council at its administrative unit.

The sum-up report shall state clearly : - The number of members designated for the People's Council at that level; - The number of candidates; - The number of election units and polling areas;; - The total number of voters; - The number of voters who cast the ballots, their percentage in the total number of voters; - The number of ballots issued; - The number of ballots received; - The number of valid votes; - The number of invalid votes; - The number of votes cast for each of the candidates; - The list of the members elected; - The important incidents and their settlements.

The report shall be made in six copies, each shall be signed by the President, Vice President and Secretary of the Election Council, and shall be sent to the People's Council, the People's Committee, the Vietnam fatherland front Chapter of the same and immediate higher levels. The report of the election of the members of the People's Council at provinces and cities directly under the Central Government shall be sent to the People's Council, the People's Committee and the Vietnam fatherland front Chapter of the same level, the Standing Committee of the National Assembly, the Government and the Central Committee of the Vietnam fatherland front.

#### Article 58

The Election Council shall make public the election results at the latest : - five days after the day of the elections to the People's Council at communes, urban wards and townships; - Seven days after the day of the elections to the People's Council at low-land and urban districts, provincial towns and provincial cities. - Ten days after the day of the elections the People's Councils in mountainous and island districts, provinces and cities directly under the Central Government; and fifteen days for

mountainous provinces.

## CHAPTER VIII SUPPLEMENTARY ELECTION TO THE PEOPLE'S COUNCIL

### Article 59

During the tenure of a People's Council, any election unit which has a vacancy in the membership of the People's Council, may hold a supplementary election in accordance with the procedure provided for in this Law.

### Article 60

The Standing Committee of the National Assembly shall decide on and announce the date for the supplementary election to the People's Council at provinces and cities directly under the Central Government.

The Standing Board of the People's Council at provinces and cities directly under the Central Government shall decide on and announce the date for the supplementary election to the People's Council at districts, provincial towns, provincial cities, communes urban wards and townships.

The date of the election must be announced no later than thirty days before the election day.

### Article 61

No later than twenty days before the supplementary election to the People's Council, the People's Committee, the Standing Board of the People's Council and the Standing Board of the Vietnam fatherland front Chapter of that level shall establish a Council for Supplementary Election composed of three to five members and fifteen days at the latest before the election, a Supplementary Election Committee in each election unit composed of three to five members, including representatives of State agencies and social organizations.

The Council and Committee for Supplementary Election to the People's Council at communes, urban wards and townships shall be set up by the People's Committee, the Chairman of the People's Council and the Standing Board of the Vietnam fatherland front Chapter of the same level. The number of members, the composition and the time for the establishment of the Council and Committee for the Supplementary Election shall follow the provision of this Article.

The Council for Supplementary Election shall elect its President and Secretary.

The Committee for Supplementary Election shall elect its Chairman and Secretary.

### Article 62

No later than ten days before the supplementary election, the People's Committee at communes, urban wards and townships shall set up at each polling area a Team for Supplementary Election which shall comprise five to seven members including representatives of social organizations and voters groups.

The Team for Supplementary Election shall elect its head, deputy head and secretary.



### Article 63

The organizations in charge of the supplementary election shall discharge their duties and powers in accordance with the provision on the duties and powers of the organizations in charge of election stipulated in this Law.

### Article 64

The list of voters shall be drawn up and posted by the People's Committee at communes, urban wards and townships fifteen days at the latest before the day of the supplementary election.

### Article 65

No later than fifteen days before the supplementary election to the People's Council at a level, the Standing Board of the Vietnam Fatherland Front Chapter at that level shall hold a consultative convention to select, introduce and draw up the list of candidates.

The list of the candidates to fill the vacancies in the People's Council shall be announced by the Council for Supplementary Election ten days at the latest before the election day.

### Article 66

The complaints and denunciations concerning the work of the supplementary election shall be settled in accordance with law.

## CHAPTER IX HANDLING OF THE VIOLATIONS OF THE ELECTION PROCEDURE

### Article 67

Those persons who resort to cheating, inducement or coercion to prevent the voting and standing for election to the People's Council by the citizens; and the responsible persons in charge of the election work who commit fraudulence in paper work and vote count, or resort to other tricks to distort the election results, shall be subjected to administrative sanctions or investigated for penal liability, depending on the extent of their violations.

### Article 68

Every person has the right to denounce unlawful acts committed in the election to the People's Council. Those who hinder or take revenge on the denouncers shall, depending on the seriousness of their violations, be given administrative sanctions or investigated for penal liability.

## CHAPTER X PROVISIONS FOR IMPLEMENTATION

### Article 69

This Law replaces the Law on Election to the People's Council on the 30th of June, 1989.

All previous provisions which are contrary to this Law shall be annulled.

Article 70

The Government shall issues detailed provisions for the implementation of this Law.

This Law is passed by the Ninth National Assembly of the Socialist Republic of Vietnam at its fifth Session on the 21st of June, 1994.

The Chairman of the National Assembly NONG DUC MANH (Signed)