

LAW

ON ELECTION OF THE DEPUTIES TO THE NATIONAL ASSEMBLY

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

This Law provides for the election of the deputies to the National Assembly.

Chapter I

GENERAL PROVISIONS

Article 1. The election of the deputies to the National Assembly of the Socialist Republic of Vietnam shall be 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 attained the age of full eighteen years and over shall have the right to vote and who have attained the age of full twenty one years and over shall have the right to stand for the National Assembly election in accordance with the provisions of law.

Article 3. A National Assembly deputy must have the following qualifications:

1. Be loyal to the Fatherland and abide by the Constitution of the Socialist Republic of Vietnam, strive to carry on the renewal process for the cause of national industrialization and modernization, for a prosperous people, a strong country, and an equitable and civilized society;
2. Be possessed of good ethical norms, be industrious, thrifty, public-minded, selfless, exemplary in the observance of law; resolutely combat all manifestations of bureaucratism, imperiousness, authoritarianism, corruption and law-breaking acts;
3. Be qualified and capable of discharging the tasks of a National Assembly deputy and participating in deciding important issues of the country;
4. Keep in close contact with the people, attentively listen to their opinions and enjoy their confidence;
5. Be able to take part in activities of the National Assembly.

Article 4. The Standing Committee of the National Assembly shall announce and assume the main responsibility for the election of the deputies to the National Assembly; supervise the election of the deputies to the National Assembly, ensuring that the election is conducted in a democratic and lawful manner.

The Government shall direct the electoral work in accordance with the provisions of law.

Article 5. The Vietnam Fatherland Front shall organize consultations to select and nominate candidates for the National Assembly election; take part in supervising the election of the deputies to the National Assembly.

Article 6. The Standing Boards of the People's Councils of the provinces and the cities directly under the Central Government, of the rural and urban districts, towns and cities under the provinces, the

Chairmen and Vice Chairmen of the People's Councils of the communes, wards and townships, and the People's Committees of all levels shall, within the scope of their tasks and powers, have to carry out the electoral work in accordance with the provisions of law.

Article 7. The fund for organizing the election of the deputies to the National Assembly shall be ensured by the State Budget.

Chapter II

NUMBER OF THE NATIONAL ASSEMBLY DEPUTIES, CONSTITUENCIES AND ELECTORATES

Article 8.

1. The total number of the deputies to the National Assembly of the Socialist Republic of Vietnam shall not exceed four hundred fifty.

2. Bases for assigning the number of National Assembly deputies to each province or city directly under the Central Government:

a/ Each province or city directly under the Central Government shall have at least three deputies who reside and work in the locality;

b/ The number of other deputies shall be determined according to the size of population and characteristics of each locality;

c/ The capital city of Hanoi shall be assigned an appropriate number of deputies.

3. Pursuant to the provisions in Clauses 1 and 2 of this Article, the Standing Committee of the National Assembly shall propose the number of National Assembly deputies to be elected in each province or city directly under the Central Government.

Article 9. On the basis of the number of National Assembly deputies prescribed in Article 8 of this Law, the tasks and powers of the National Assembly and in order to ensure reasonable proportions of representatives of the various strata of the people in the National Assembly, after consulting the Standing Board of the Central Committee of the Vietnam Fatherland Front and the representatives of the socio-political organizations, the Standing Committee of the National Assembly shall, within eighty days before the election day, make the first proposition on:

1. The proportion and composition of the National Assembly deputies;

2. The number of the National Assembly deputies to be elected from the political, socio-political and social organizations, the People's Armed Forces and State agencies at the central and local levels.

Article 10. The number of the National Assembly deputies who are ethnic minority people shall be proposed by the Standing Committee of the National Assembly at the suggestion of the Nationality Council of the National Assembly in order to ensure that the different ethnic minorities have a proper number of deputies.

Article 11. The National Assembly deputies shall be elected according to constituencies. Each constituency may elect not more than three deputies. Each province or city directly under the Central Government shall be divided into various constituencies.

The number and the list of constituencies and the number of deputies for each constituency shall be determined according to its size of population by the Standing Committee of the National Assembly

and made public not later than seventy days before the election day.

Article 12. Each constituency shall be divided into various electorates. Such division shall be decided by the commune, ward and township People's Committees and ratified by the immediate higher People's Committee.

Each electorate has from three hundred to two thousand voters. For a mountainous, island or sparsely populated area, an electorate can be set up even though it has less than three hundred voters.

The People's Armed Forces units shall establish their own electorates, except for cases specified in paragraph 3, Article 17 of this Law.

A hospital, maternity house, sanitarium or nursing home for handicapped people with fifty or more voters may set up its own electorate.

An educational establishment or medical treatment establishment for persons who are serving administrative sanctions may set up its own electorate.

Chapter III

ORGANIZATIONS IN CHARGE OF THE ELECTION

Article 13. The organizations in charge of the election of National Assembly deputies include:

- The Election Council at the central level;
- The Election Committees of the provinces and the cities directly under the Central Government;
- The Election Boards of the constituencies;
- The Election Teams of the electorates.

Article 14. Not later than ninety days before the election day, the National Assembly shall set up the Election Council composed of from fifteen to twenty one persons, including a Chairman, Vice-Chairmen, a General Secretary and other persons who are representatives of the Standing Committee of the National Assembly, the Government, the Central Committee of the Vietnam Fatherland Front, and a number of concerned agencies and organizations.

The Election Council shall have the following tasks and powers:

1. To direct the organization of the election in the whole country; supervise and urge the implementation of the provisions of legislation on the election of the National Assembly deputies;
2. To direct the election information, propaganda and electioneering work;
3. To direct the work of maintaining security, social order and safety during the election;
4. To receive and consider the files of the National Assembly candidates nominated by the political, socio-political and social organizations, the People's Armed Forces and the State agencies at the central level; forward the summarized biographies of the candidates to the Standing Board of the Central Committee of the Vietnam Fatherland Front;
5. To receive the files and the list of the candidates for the National Assembly election from the

Election Committees;

6. To define the forms of the voters cards and the ballots for the election of the National Assembly deputies;

7. To draw up and make public lists of the National Assembly candidates for all constituencies throughout the country;

8. To consider and settle complaints and denunciations about the work of the Election Committees, Election Boards and Election Teams; consider and settle complaints and denunciations about the election, submitted by the Election Committees or the Election Boards; consider and settle complaints and denunciations about the candidates; consider and settle complaints about the election returns;

9. To receive and check the reports on the election returns, submitted by the Election Committees and Election Boards; make a sum-up report on the national election;

10. To consider and decide re-election or additional election or disregard the election returns at the constituencies;

11. To make public the election returns in the whole country;

12. To issue certificates to the elected candidates;

13. To submit to the Standing Committee of the National Assembly and the new National Assembly the report summing up the national election result, records and documents relating to the election.

Article 15. Not later than eighty days before the election day, the Standing Board of the People's Council of each province or city directly under the Central Government shall, after consulting the People's Committee and the Standing Board of the Fatherland Front Committee of the same level, decide to set up an Election Committee composed of from seven to eleven persons including a Chairman, Vice-Chairmen, a Secretary and other persons who are representatives of the Standing Board of the People's Council, the People's Committee, the Fatherland Front Committee of the same level and a number of concerned agencies and organizations.

The Election Committee shall have the following tasks and powers:

1. To direct the preparation and organization of the election in the constituencies; supervise and urge the implementation of the legislation on the election of National Assembly deputies by the Election Boards and Election Teams;

2. To direct the performance of the election information, propaganda and electioneering work in the locality;

3. To direct the maintenance of security, social order and safety for the election in the locality;

4. To receive and consider the personal records of the National Assembly candidates nominated by the political, socio-political and social organizations, the People's Armed Forces units and the State agencies in the locality and the personal records of the independent candidates for the National Assembly election; send the list and summarized biographies of the nominated and independent candidates to the Standing Board of the Fatherland Front Committee of the province or city directly under the Central Government;

5. To print the documents relating to the election, voters cards and ballots according to the forms defined by the Election Council;

6. To draw up the list of candidates for each constituency and report it to the Election Council;
7. To supervise the drawing up and posting of the voters list;
8. To consider and settle complaints and denunciations about the work of the Election Boards and Election Teams; consider and settle complaints and denunciations about the election, submitted by the Election Boards and the Election Teams; consider and settle complaints and denunciations about the candidates;
9. To receive and check the reports on the election returns from the Election Boards; make a sum-up report on the election result in the locality;
10. To make public the election returns in the locality;
11. To report on the organization and process of the election according to the regulations of the Election Council;
12. To forward the dossier and reports on the election returns to the Election Council;
13. To organize re-election or additional election if so decided by the Election Council.

Article 16. Not later than sixty days before the election day, the Standing Board of the People's Council of each province or city directly under the Central Government shall, after consulting the People's Committee and the Standing Board of the Fatherland Front Committee of the same level, decide to set up in each constituency an Election Board composed of from nine to fifteen persons including a Head, Deputy Heads, a Secretary and other members who are representatives of the Standing Board of the People's Council, the People's Committee, the Standing Board of the Fatherland Front Committee of the same level and a number of concerned agencies and organizations.

The Election Board shall have the following tasks and powers:

1. To supervise and urge the Election Teams in their implementation of the provisions of legislation on the election of the National Assembly deputies;
2. To supervise and urge the arrangement of the polling stations;
3. To supervise the drawing up and posting of the voters lists;
4. To distribute voters cards and ballots to the Election Teams not later than five days before the election day;
5. To post the list of candidates in the constituency;
6. To supervise the electoral work at the polling stations;
7. To receive and check the reports on the vote counting results, submitted by the Election Teams; make a report on the election returns in the constituencies and send it to the Election Council, the Election Committee and make public such results;
8. To receive and send to the Election Committee the complaints and denunciations about the candidates; consider and settle complaints and denunciations about the work of the Election Teams;
9. To report on the organization and process of the election according to the regulations of the

Election Council and the Election Committee;

10. To send the dossier and documents on the election to the People's Committees of the province or the city directly under the Central Government;

11. To hold re-election or additional election.

Article 17. Not later than thirty days before the election day, the Chairman of the commune, ward or township People's Council shall, after consulting the People's Committee and the Standing Board of the Fatherland Front Committee of the same level, decide to set up in each electorate an Election Team composed of from five to eleven persons including a Head, a Deputy Head, a Secretary and other members who are representatives of the People's Council, People's Committee, the Fatherland Front Committee and voters in the locality.

A People's Armed Forces unit shall set up in each of its electorates an Election Team composed of from five to nine persons, including a Head, a Deputy Head, a Secretary and other members who are representatives of the unit's command and soldiers.

In case where a People's Armed Force unit and the locality share an electorate the Chairman of the commune, ward or township People's Council shall, after consulting the People's Committee, the Standing Board of the Fatherland Front Committee of the same level and the command of the People's Armed Force unit, decide to set up an Election Team composed of from five to eleven persons who are representatives of the People's Council, the People's Committee, the Fatherland Front Committee of the same level together with the representatives of the unit's command and soldiers and the local constituents.

The Election Team shall have the following tasks and powers:

1. To organize the election in the electorate;
2. To arrange the polling stations and ready the ballot box(es);
3. To distribute the voters cards to voters not later than two days before the election day, except for cases specified in Clause 2 Article 23 of this Law; distribute to the voters the ballots sealed by the Election Team;
4. To ensure order at the polling station;
5. To count the votes and make the report on the vote counting results for submission to the Election Board;
6. To hand over the report on the vote count results and all the votes to the commune/ward/township People's Committee;
7. To report on the organization and process of the election as stipulated by the higher level organizations in charge of the election;
8. To hold re-election or additional election.

Article 18. The Election Council, Election Committees, Election Boards and Election Teams are not allowed to campaign for candidates.

Article 19. The organizations in charge of the election shall work collectively; their meetings shall only

be held with the participation of at least two thirds of total members; decisions shall be passed when more than half of the members vote for them.

The organizations in charge of the election may summon officials and cadres from State agencies, socio-political and social organizations for their assistance under a decision of the Chairman of the Election Council, the Chairman of the Election Committee or the Head of the Election Board.

Article 20. State agencies, political, socio-political and social organizations and People's Armed Forces units shall have to provide all favorable conditions for the organizations in charge of the election to perform their tasks and powers.

Article 21. The Election Council shall fulfill its tasks after submitting to the new National Assembly the sum-up report on the election result, the records and documents relating to the election. The Election Committees, Election Boards and Election Teams shall finish their tasks after the Election Council announce the election returns in the whole country.

Chapter IV

LISTS OF VOTERS

Article 22. During the time the voters lists are drawn up, the citizens eligible to elect National Assembly deputies shall be included in the lists.

Each voter can register his/her name only in the list in the place where he/she is permanently or temporarily residing.

Article 23.

1. The persons who are deprived of the voting right under legally effective judgments or decisions of the Court, who are serving prison terms, are temporarily detained or are insane shall not have their names registered in the lists of voters.
2. If twenty four hours before the voting, the persons defined in Clause 1 of this Article have their voting right restored, are set free or certified by the competent agency that they are no longer insane, they shall have their names added to the voters lists and be given the voters cards.
3. If persons who have already had their names in the voters lists, are, by the time of voting, deprived of their voting right by the Court, having to serve prison terms, temporarily detained or are insane, the commune/ward/township People's Committee shall cross out their names from the voters lists and withdraw their voters cards.

Article 24. The voters lists shall be drawn up by the commune/ward/township People's Committee according to the electorates.

The voters list in a People's Armed Forces unit shall be drawn up by the unit's command according to the electorate. A military personnel who has his/her permanent residence registration in a locality near his/her encampment area may be granted a certificate by the unit command so that his/her name shall be included in the voters list and he/she shall vote in such locality. When issuing the certificate, the unit commander must write down in the list next to his/her name "Vote in the place of residence."

Article 25. Not later than thirty days before the election day, the agency that draws up the voters list must post it at the office of the commune/ward/township People's Committee and public places of the electorate and at the same time announce the posting so that the people can check the voters list.

Article 26. When checking the voters list, if any mistake is detected therein, the people are entitled, within twenty days from the date the list is posted, to make an oral or written complaint, denunciation or petition about it to the agency that draws up the voters list. The agency that draws up the voters list

must receive and write down in a book such complaint, denunciation or petition. Within three days from the date of receiving a complaint, denunciation or petition, the agency that draws up the voters list must settle it and inform the complainant, denouncer or petitioner of the settlement.

In cases where the complainant, denouncer or petitioner disagrees with the settlement by the voters list-making agency, he/she shall be entitled to appeal to the Court of the rural or urban district, town or city under the province. Within five days from the date of receiving the appeal, the Court must complete the settlement. The ruling of the Court is the final decision.

Article 27. If, from the time the voters list is posted to the election day, any voter moves to another place and cannot vote at the place where his/her name has already been included in the voters list, he/she shall be entitled to ask for a certificate from the People's Committee of the concerned commune, ward or township to so that he/she can have his/her name included in the voters list and vote in the new place. When issuing the certificate, the People's Committee must immediately write down in the voters list next to the name of such voter "Vote elsewhere."

Chapter V

CANDIDACY AND CONSULTATION, NOMINATING CANDIDATES

FOR THE NATIONAL ASSEMBLY ELECTION

Section 1

Candidacy and candidacy dossiers

Article 28. Citizens who stand for the National Assembly election (nominated and independent candidates) in accordance with the provisions of this Law must submit their candidacy dossiers not later than sixty days before the election day.

The candidacy dossier includes:

a/ An application for candidacy;

b/ A curriculum vitae certified by the agency, organization or unit where the he/she is working or by the People's Committee of the ward, commune or township where he/she is residing;

c/ A summarized biography and three color photos in 4 cm x 6 cm size.

2. The candidates nominated by the political, socio-political or social organizations or the People's Armed forces units or State agencies at the central level shall submit their dossiers to the Election Council.

The candidates nominated by the political, socio-political or social organizations, or the People's Armed force units or State agencies at the local level and the independent candidates shall submit their dossiers to the Election Committee of the place where they stand for the election.

3. After receiving and considering the candidates dossiers, and seeing that they conform to the provisions of this Law, the Election Council shall transfer the summarized biographies of those nominated by the political, socio-political, social organizations, the People's Armed Forces units and the State agencies at the central level to the Standing Board of the Vietnam Fatherland Front Central Committee; the Election Committees shall transfer the summarized biographies of those nominated by the political, socio-political, social organizations, the People's Armed Forces and the State agencies at the local level and the summarized biographies of the independent candidates to the Standing Board of the Fatherland Front Committee of the province or the city directly under the Central Government to include them into the list for consultation.

Article 29. The following persons shall not be entitled to stand for the National Assembly election:

1. The persons in the cases defined in Clause 1 Article 23 of this Law;
2. The persons who are being prosecuted for penal liability;
3. The persons who are serving penal sentences or decisions of the Court;
4. The persons who already served penal sentences or decisions of the Court but their convictions have not yet been wiped off;
5. The persons who are serving administrative sanctions through forced education at the commune, ward or township, at the educational establishments and medical treatment establishments or who are put on administrative probation.

If persons who have registered their names in the list of National Assembly candidates are, by the time the election starts, being prosecuted for penal liability, arrested in the acts of committing crimes or insane, the Election Council shall cross out their names from the lists of candidates for the National Assembly election.

Section 2

CONSULTATION AND NOMINATING CANDIDATES FOR NATIONAL ASSEMBLY ELECTION

Article 30. Not later than seventy five days before the election day the first consultative conference at the central level shall be organized by the Presidium of the Central Committee of the Vietnam Fatherland Front with the participation of the Presidium of the Central Committee of the Vietnam Fatherland Front and representatives of the leading bodies of the member organizations of the Front.

The consultative conference shall agree on the proportions, composition and number of the people from the agencies, organizations and units at the central level to be elected as National Assembly deputies on the basis of the first proposition sent by the Standing Committee of the National Assembly, The representatives of the Election Council, the Standing Committee of the National Assembly and the Government shall be invited to attend this conference.

The minutes of the consultative conference must clearly state the composition and number of the participants, the process and results of this conference and shall be immediately sent to the Standing Committee of the National Assembly and the Election Council.

Article 31. Not later than seventy five days before the election day the first consultative conference of the province or the city directly under the Central Government shall be organized by the Standing Board of the Fatherland Front Committee of such province or city; the participants shall include members of the Standing Board of the Fatherland Front Committee and representatives of the leading bodies of the member organizations of the Front and representatives of the Standing Boards of the Fatherland Front Committees of the rural and urban districts, towns and cities under the province.

The consultative conference shall agree on the proportion, composition and number of the people of the local agencies, organizations and units to be elected as National Assembly deputies on the basis of the first proposition sent by the Standing Committee of the National Assembly, The representatives of the Election Committee, the Standing Board of the People's Council and the People's Committee shall be invited to attend this conference.

The minutes of the consultative conference must clearly state the composition and number of the participants, the process and results of this conference and shall be immediately sent to the Standing Committee of the National Assembly, the Standing Board of the Central Committee of the Vietnam Fatherland Front and the Election Committee.

Article 32. On the basis of the first consultation results as prescribed in Articles 30 and 31 of this Law, not later than seventy days before the election day, the Standing Committee of the National Assembly shall make the second proposition on the proportion, composition and number of the people of the central and local agencies, organizations and units to be elected as National Assembly deputies.

Article 33. On the basis of the second proposition by the Standing Committee of the National Assembly and the requisite qualifications of National Assembly deputies, the central and local agencies, organizations and units shall be assigned the number of their people to be nominated as candidates for the National Assembly election.

Article 34. The nomination of candidates for the National Assembly election by the central agencies, organizations and units shall be conducted as follows:

1. The leading body of a political organization, socio-political or social organization shall propose its people to be candidates for the National Assembly election, gather comments from a conference of voters held in the working place(s) of such people. On the basis of these comments, the leading body of the organization shall organize a meeting of the expanded Executive Board or the expanded Presidium to discuss and nominate the people to stand for the National Assembly election;

2. The leading board of a State agency shall, in coordination with the Executive Committee of the agency's Trade Union, propose its people to be National Assembly candidate(s), gather comments from a conference of voters held in the working place(s) of such people. On the basis of these comments, the leading board of the agency shall organize a conference with the participation of the leading officials of the agency, the Executive Committee of the Trade Union, representatives of the leading officials of the attached units to discuss and nominate the agency's candidate(s) for the National Assembly election;

3. For a unit of the People's Armed Forces, its command shall propose person(s) from the unit to be candidate(s) for the National Assembly election, gather comments from a conference of voters held in the working place of such person(s). On the basis of these comments, the command of the unit shall organize a conference with the participation of the leaders or commanders of the unit, the representative of the Executive Committee of the Trade Union (if any), the representatives of the soldiers of the immediate-lower commanding officers to discuss and nominate the person(s) of the unit to stand for the National Assembly election.

The conference of voters mentioned in this Article shall be conducted in accordance with the provisions of Article 39 of this Article

Article 35. The nomination of the National Assembly candidates by the local agencies, organizations and units shall be conducted as follows:

1. The leading board of the political organization, socio-political or social organization shall propose its member(s) to be National Assembly candidate(s), gather comments from a conference of voters held in the place where such person(s) work. On the basis of these comments, the leading board of the organization shall organize a meeting of the expanded Executive Board to discuss and nominate the organization's candidate(s) for the National Assembly election.

2. The leading board of a State agency shall, in coordination with the Executive Committee of the agency's Trade Union, propose its people to be National Assembly candidate(s), to gather comments from a conference of voters held in the place where such people work. On the basis of these comments, the leading board of the agency shall organize a conference with the participation of the leading officials of the agency, the Executive Committee of the Trade Union, representatives of leading bodies of the attached units to discuss and nominate the agency's candidate(s) for the National Assembly election;

3. For a unit of the People's Armed Force, its command shall propose person(s) from the unit to be National Assembly candidate(s), gather comments from a conference of voters held in the place where such person(s) work. On the basis of these comments, the command of the unit shall organize a

conference with the participation of the leaders or commanders of the unit, representatives of the Executive Committee of the Trade Union (if any), of the soldiers and commanders of the immediate lower units to discuss and nominate the person(s) of the unit to run for the National Assembly election.

The conference of voters mentioned in this Article shall be conducted in accordance with the provisions of Article 39 of this Law

Article 36. The central agencies, organizations and units that nominate candidates for the National Assembly election shall send the minutes of the conferences of voters in the working place of such candidates and the minutes of the conferences of the leading boards of the agencies, organizations and units with the comments on the nominated persons to the Standing Board of the Central Committee of the Vietnam Fatherland Front. The Standing Board of the Central Committee of the Vietnam Fatherland Front shall register their names in the lists for consultation.

The local agencies, organizations and units that nominate candidates for the National Assembly election shall send the minutes of the conferences of voters in the working place of such candidates and the minutes of the conferences of the leading boards of the agencies, organizations and units with the comments on the nominated persons to the Standing Board of the Fatherland Front Committees of the provinces and the cities directly under the Central Government. The Standing Board of the Fatherland Front Committees shall register their names in the lists for consultation.

Article 37. Not later than fifty five days before the election day, the second consultative conference at the central level shall be organized by the Presidium of the Central Committee of the Vietnam Fatherland Front; the participating composition of the conference shall comply with the provisions of Article 30 of this Law.

The consultative conference shall, on the basis of the requisite qualifications of the National Assembly deputies, the proportion, composition and number of deputies to be elected from the central agencies, organizations and units as proposed the second time by the Standing Committee of the National Assembly, draw up a preliminary list of candidates for the National Assembly election and distribute it to the voters in the places of residence of the candidates for their comments.

The minutes of the consultative conference must clearly state the composition and number of the participants, the process and result of the conference and shall be immediately sent to the Standing Committee of the National Assembly and the Election Council.

Article 38. Not later than fifty five days before the election day, the second consultative conference in the province or city directly under the Central Government shall be organized by the Standing Board of the Fatherland Front Committee of such province or city; the composition of the Conference shall comply with the provisions of Article 31 of this Law.

The consultative conference shall, on the basis of the requisite qualifications of the National Assembly deputies, the proportion, composition and number of deputies to be elected from the local agencies, organizations and units as proposed the second time by the Standing Committee of the National Assembly, draw up a preliminary list of candidates for the National Assembly election and distribute it to the voters in the places of residence of the candidates for their comments; for independent candidates (if any) comments shall be also collected from voters in their working place(s).

The minutes of the consultative conference must clearly state the composition and number of the participants, the process and results of the conference and shall be immediately sent to the Standing Committee of the National Assembly, the Election Council and the Election Committee.

Article 39.

1. The conference of voters in a commune, ward or township organized in each rural village or hamlet, urban street group, mountainous hamlet, where the candidate(s) permanently resides, shall be convened and chaired jointly by the Standing Board of the Fatherland Front Committee of such village,

ward or township and the People's Committee of the same level.

The National Assembly candidates, representatives of their agencies, organizations and units shall be invited to attend this conference.

2. The conference of voters in a political, socio-political or social organization shall be convened and chaired by its leading board; the conference of voters in a State agency shall be convened and chaired jointly by the leading board and the Executive Committee of the Trade Union of the agency; The conference of voters in a People's Armed Force unit is the conference of the military personnel convened and chaired by the command of the unit.

The National Assembly candidates shall be invited to attend this conference.

3. At the conferences defined in Clauses 1 and 2 of this Article, the voters shall make their comments on the basis of the requisite qualifications for National Assembly deputies and make a vote of confidence for the candidates by either a show of hands or secret ballots under the decision of the Conference.

The minutes of the conference of voters to collect comments on the persons nominated by central agencies, organizations and units shall be sent to the Standing Board of the Central Committee of the Vietnam Fatherland Front. The minutes of the conference of voters to collect comments on the persons nominated by local agencies, organizations, and units and on the independent candidates shall be sent to the Standing Board of the Fatherland Front Committee of the province or city directly under the Central Government.

4. The organization of the conferences of voters defined in this Article shall be jointly guided by the Standing Committee of the National Assembly and the Presidium of the Central Committee of the Vietnam Fatherland Front.

Article 40. The responsibility for verifying and answering the voters' questions relating to the candidates is prescribed as follows:

1. For the questions relating to the candidate's working place, the agency, organization or unit directly managing the candidate shall be responsible for verifying and making a written reply to the Standing Board of the Central Committee of the Vietnam fatherland Front, the Standing Board of the Fatherland Front Committee of the province or the city directly under the Central Government.

If the candidate is the head of the agency, organization or unit, the immediate higher agency shall be responsible for verifying and making a reply. If the agency, organization or unit does not have an immediate higher managing agency, the agency competent to decide the establishment of such agency, organization or unit shall be responsible for verifying and making a reply.

2. For the questions relating to the candidate's living quarters, the agency, organization or unit nominating the candidate shall, in coordination with the People's Committee of the commune, ward or township, verify and make a written reply to the Standing Board of the Central Committee of the Vietnam Fatherland Front and the Standing Board of the Fatherland Front Committee of the province or the city directly under the Central Government.

3. For an independent candidate, the Election Committee shall, in coordination with the agency, organization or unit directly managing such candidate or the People's Committee of the commune, ward or township where he/she resides, verify and make a written reply to the Standing Board of the Fatherland Front Committee of the province or the city directly under the Central Government.

4. Not later than forty days before the election day, the verification and reply to the voters questions relating to the candidates prescribed in this Article must be completed.

Article 41. On the basis of the results of the second consultative as prescribed in Articles 37 and 38 of

this Law, not later than forty days before the election day, the Standing Committee of the National Assembly shall make the third proposition on the proportion, composition and number of the persons of the central and local agencies, organizations and units to be elected as National Assembly deputies.

Article 42. Not later than thirty five days before the election day the third consultative conference at the central level shall be organized by the Presidium of the Central Committee of the Vietnam Fatherland Front; the participating composition of the conference is prescribed in Article 30 of this Law.

The consultative conference shall, on the basis of the requisite qualifications of the National Assembly deputies, the proportion, composition and number of deputies to be elected from the central agencies, organizations and units as proposed the third time by the Standing Committee of the National Assembly and the voters comments to select and draw up the official list of the National Assembly candidates.

The minutes of the consultative conference must clearly state the composition and number of the participants, the process and result of the conference.

Article 43. Not later than thirty five days before the election day the third consultative conference in a province or city directly under the Central Government shall be organized by the Standing Board of the Fatherland Front Committee of such province or city; the participating composition of the conference shall comply with Article 31 of this Law.

The consultative conference shall, on the basis of the requisite qualifications for the National Assembly deputies, the proportion, composition and number of deputies to be elected from the local agencies, organizations and units as proposed the third time by the Standing Committee of the National Assembly and the voters comments, select and draw up the official list of the National Assembly candidates.

The minutes of the consultative conference must clearly state the composition and number of the participants, the process and result of the Conference.

Section 3

LIST OF CANDIDATES

Article 44. Not later than thirty days before the election day, the Standing Board of the Central Committee of the Vietnam Fatherland Front shall send to the Election Council the report of the third consultative conference and the official list of National Assembly candidates nominated by the Presidium of the Central Committee of the Vietnam Fatherland Front.

Article 45. Not later than thirty days before the election day, the Standing Board of the Fatherland Front Committee of a province or city directly under the Central Government shall send to the Election Committee the report of the third consultative conference and the official list of National Assembly candidates nominated by the Fatherland Front Committee of such province or city.

Article 46. On the basis of the official list of candidates nominated by the Presidium of the Central Committee of the Vietnam Fatherland Front, the Election Council shall send to each Election Committee a list of candidates in the locality.

Not later than twenty five days before the election day, the Election Council shall draw up and announce the list of candidates for each of the constituencies in the whole country according to the official list from the Standing Board of the Central Committee of the Vietnam Fatherland Front and the Election Committee.

The list of candidates must clearly state their full names, birth dates, native places, places of

residence, race, religion, educational level, expertise, profession, working position and places. The candidates' names shall be arranged in the alphabetical order.

The number of candidates in the list for each constituency must be greater than the number of deputies to be elected therein.

Each candidate shall only have his/her name included in the list of candidates of one constituency.

Article 47. Not later than twenty days before the election day, the Election Committee must post the list of candidates in the locality by decision of the Election Council.

Article 48. A candidate must not be a member of the Election Board or Election Team in the agency, organization or unit that nominates him/her. If he/she is already selected as a member of the Election Board or Election Team in the agency, organization or unit that nominates him/her, the candidate must, from the date his/her name is registered in the official list of candidates, withdraw his/her name from the list of the persons of such election unit.

Article 49.

1. From the date when the list of candidates is made public, citizens shall have the right to lodge complaints and denunciations about the candidates, complaints and petitions about errors in the listings of candidates with the Election Board, the Election Committee or the Election Council. The Election Board, the Election Committee or the Election Council shall write down and settle according to its competence such complaints, denunciations and petitions.

If the complainant, denouncer or petitioner disagrees with the settlement by the Election Board or the Election Committee, he/she shall be entitled to lodge a complaint to the Election Council. The decision of the Election Council shall be the final.

2. Within ten days before the election day, the Election Council, the Election Committees and the Election Boards shall stop considering and settling all complaints, denunciations and petitions relating to the candidates and the listings of candidates.

Section 4

ELECTION PROPAGANDA AND CAMPAIGNING

Article 50. The Election Council shall direct the information and propaganda work and the campaigning for the election on the national scale; the Election Committees shall direct the implementation of the information and propaganda work as well as the campaigning for election in the localities.

Article 51. State agencies, political, socio-political and social organizations, People's Armed Force units and information and press agencies shall, within the scope of their tasks and powers, have to propagate for the election.

Article 52. The persons on the list of candidates for the National Assembly election shall be entitled to electioneer through their meetings and contacts with the voters and the mass media so as to brief the voters on their plan for discharging the tasks of a National Assembly deputy once they are elected.

The Vietnam Fatherland Front shall arrange the candidates meetings and contacts with the voters for electioneering.

Article 53. The electioneering shall be conducted in a democratic and equitable manner, in accordance with law while it must ensure social order and safety.

Chapter VI

ELECTORAL ORDER

Section 1

ELECTION DAY

Article 54. The voting to elect National Assembly deputies shall take place on the same day throughout the country.

The election day must be a Sunday to be fixed by the National Assembly Standing Committee and announced not later than ninety days before the election day.

Article 55.

Article 56. Within ten days before the election day, the Election Team shall have to regularly notify the voters of the election day, the polling station and time through forms of posting, broadcasting and other information means available in the locality.

Section 2

VOTING PROCEDURE

Article 57. The voting shall begin from seven am to seven p.m. Depending on the situation of each locality, the Election Team may decide to start the voting earlier but not before five am or to end later but not after ten p.m.

Prior to the voting, the Election Team must check the ballot box to the witness of voters.

Article 58. Each voter shall have the right to cast only one ballot.

Voters shall cast their ballots by themselves, not be allowed to vote by mail, except for cases prescribed in Article 59 of this Law.

Article 59.

Any voter who is unable to write his/her ballot may ask another person to do that for him/her but must cast the ballot by himself/herself; the person who helps in writing the ballot must keep secret the voter's ballot; if, due to his/her disability, the voter is unable to cast ballot by himself/herself, he/she can ask another person to cast the ballot into the ballot box.

In cases where a voter is ill, old or disabled, being unable to go to the polling station, the Election Team shall bring an auxiliary ballot box and the ballot to his/her residence so that he/she can receive the ballot and cast it.

Article 60. When a voter is writing a ballot, nobody, even persons of the Election Team, is allowed to come and see him/her; if the voter makes a writing error, he/she may ask the Election Team to change the ballot.

Article 61. Everyone must abide by the rules of the polling station; is not allowed to campaign for the election at the polling station.

Article 62. When the voting time is over but there are still voters at the polling station waiting to cast their ballots, only after these voters have cast their ballots, can the Election Team declare to close the

voting.

Article 63. On the election day, the voting must be continuous. If it is disrupted by an unexpected incident, the Election Team shall immediately seal the ballot box and documents directly relating to the election, promptly report it to the Election Board and at the same time take necessary measures to ensure the resumption of the voting.

Chapter VII

ELECTION RESULTS

Section 1

VOTE COUNT

Article 64. The counting of votes must be conducted in the polling station immediately after the voting is over.

Before opening the ballot box, the Election Team must count, write a report on and seal the unused ballots and have to invite two voters who are not candidates to witness the vote count.

The candidates, the representatives of the agencies, organizations and units that nominate the candidates and/or the authorized persons shall have the right to witness the vote count and make complaints about it. Reporters of the press shall be allowed to witness the vote count.

Article 65. The following votes shall be invalid:

1. Votes made on ballots which are not in the prescribed form distributed 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 designated number of deputies to be elected in the constituency;
4. Votes which cross out all the names of candidates;
5. Votes which elect persons outside the list of candidates.

Article 66. If a vote is in doubt about its validity, the head of the Election team shall show it so that the whole Team can settle.

The Election Team is not allowed to cross out or amend the names on the votes.

Article 67. On-the-spot complaints about the vote count shall be received and settled by the Election Team which shall state the ways of settlement in its report.

If the Election Team fails to settle a complaint, it shall clearly state its opinion in the report on the complaint settlement and refer it to the Election Board.

Article 68. After counting the votes, the Election Team must make a report on the vote counting result.

The report must clearly state:

- The total number of voters of the electorate;

- The number of voters who have cast their votes;
- The percentage of voters who have cast their votes against the total number of voters;
- The number of valid votes;
- The number of invalid votes;
- The number of votes for each candidate;
- The complaints received, the complaints already settled and ways of settlement, complaints referred to the Election Board.

The report shall be made in four copies, each affixed with the signatures of the Head and the Secretary of the Election Team and two voters who have been invited to witness the vote count. Not later than three days after the election day the report shall be sent to the Election Board and the Chairman of the People's Council, the People's Committee, the Standing Board of the Fatherland Front Committee of the commune, ward or township.

Section 2

ELECTION RESULT AT THE CONSTITUENCY

Article 69. After receiving the reports on the results of the vote counts from the Election Teams, the Election Board shall check these reports and draw up a report confirming the election result in its constituency.

The report shall clearly state:

- The number of National Assembly deputies determined for each constituency;
- The number of candidates;
- The total number of voters in the constituency;
- The number of voters who cast their votes;
- The percentage of voters who cast their ballots against the total number of voters;
- The number of valid votes;
- The number of invalid votes;
- The number of votes for each candidate;
- The list of elected candidates;
- The complaints settled by the Election Teams, complaints settled by the Election Board; and complaints referred to the Election Committee and the Election Council.

The report shall be made in five copies, each affixed with the signatures of the Head, Deputy Heads and the Secretary of the Board. Not later than five days after the election day, it shall be sent to the Election Council, the Election Committee, the Standing Board of the People's Council, the People's Committee and the Fatherland Front Committee of the province or the city directly under the Central

Government.

Article 70. Among the candidates to be elected in the constituency, those who poll more than half of the valid votes and more votes than others shall be elected. In cases where there are more than one candidate polling the same number of votes, the eldest shall be elected.

Section 3

ADDITIONAL ELECTION, RE-ELECTION

Article 71. If, In the first election, the number of elected candidates is less than that designated by the Standing Committee of the National Assembly for the constituency, the Election Board of which must clearly state it in a report and promptly report it to the Election Committee which shall request the Election Council to consider and decide on an additional election in such constituency.

In case of an additional election, the election day shall be not later than twenty days after the first election. In the additional election, voters shall only choose from the candidates on the list of candidates who failed in the first election. The elected candidates shall be those who poll more than half of the valid votes and more votes than others. If even after the additional election but the number of elected candidates is still below than the designated number, there shall not be the second additional election.

Article 72. If, in a constituency, the number of poll-goers is not more than half of the number of voters registered in the voters list, the Election Board shall clearly state it in a report and immediately report it to the Election Committee which shall request the Election Council to consider and decide a re-election in such constituency.

In case of a re-election, the election day shall be not later than fifteen days after the first election. In the re-election, voters shall choose from the candidates on the list of the first election candidates. If, in the re-election, the number of poll-goers is still not more than half of the number of voters registered in the list, no re-election shall be held for the second time.

Article 73. The Election Council shall disregard by itself or at the proposal of the Government, the Central Committee of the Vietnam Fatherland Front or the Election Committee the election result in a constituency where there have been violations of law and decide the re-election day in such constituency. In the re-election voters shall only choose from those on the list of the first election candidates.

Article 74. An additional election or re-election shall be based on the list of voters drawn up in the first election and conducted in accordance with the provisions of this Law.

Section 4

SUMMING UP OF THE ELECTION

Article 75. After receiving and checking the reports of the Election Boards on the election returns and the settlement of complaints (if any), the Election Committee shall make a report ascertaining the election returns in the locality.

The report must clearly state:

- The number of constituencies;
- The number of candidates;

- The total number of voters in the locality;
- The number of voters who have cast their votes;
- The percentage of voters who have cast their ballots against the total number of voters;
- The number of valid votes;
- The number of invalid votes;
- The number of votes for each candidate;
- The list of elected candidates;
- The complaints already settled by the Election Teams and Election Boards;
- The complaints already settled by the Election Committee;
- The important incidents and solutions thereto;
- The complaints, denunciations and petitions referred to the Election Council.

The report shall be made in five copies, each affixed with the signatures of the Chairman and the Secretary of the Election Committee.. Not later than seven days after the election day the report shall be sent to the Election Council, the Central Committee of the Vietnam Fatherland Front, the Standing Board of the People's Council, the People's Committee, the Fatherland Front Committee of the province or the city directly under the Central Government.

Article 76. After receiving and checking the Election Boards and the Election Committees reports ascertaining the election results and the settlement of complaints and denunciations (if any), the Election Council shall make a sum-up report on the nation-wide election.

The report must clearly state:

- The total number of the elected National Assembly deputies;
- The total number of candidates;
- The total number of voters;
- The total number of voters who have cast their votes;
- The percentage of voters who have cast their ballots against the total number of voters;
- The number of valid votes;
- The number of invalid votes;
- The number of votes for each candidate;
- The list of elected candidates;
- The complaints and denunciations settled by the Election Council;

- The important incidents and solutions thereto;

The report shall be made in five copies, each affixed with the signatures of the Chairman and the General Secretary of the Election Council.. Each copy of the report shall be sent to the Standing Committee of the National Assembly, the Government, and the Central Committee of the Vietnam Fatherland Front; one copy shall be submitted to the National Assembly new legislature and another used for filing.

Article 77.- the Election Council shall, on the basis of the sum-up report on the nation-wide election, make public the election returns and the list of the elected deputies of the National Assembly.

Section 5

SETTLEMENT OF COMPLAINTS ABOUT THE ELECTION RETURNS

Article 78.

1. All complaints about the election returns must be sent to the Election Council within ten days from the date the Election Council announces the election result.

2. The Election Council shall have to consider and settle the complaints about the election result within thirty days from the date of receiving them.

The Election Council's decision on the settlement of the complaints shall be the final.

Chapter VIII

BY-ELECTION

Article 79. During a National Assembly's term, if there is any vacancy of a National Assembly deputy in a constituency, the Standing Committee of the National Assembly may decide to hold a by-election to fill such vacancy in that constituency; No by-election shall be held if the remainder of the National Assembly's term is less than two years.

Article 80. The Standing Committee of the National Assembly shall establish a By-Election Committee composed of from five to seven persons, including a Chairman, Vice Chairmen, a Secretary and other members who are representatives of the Standing Committee of the National Assembly, the Government, the Central Committee of the Vietnam Fatherland Front and a number of concerned agencies and organizations.

The Standing Committee of the National Assembly shall decide the date for the by-election and announce it not later than thirty days before such date.

Article 81. Not later than fifteen days before the by-election date, the voters list drawn up by the People's Committee of the concerned commune, ward or township must be announced.

Article 82. Not later than twenty days before the by-election date, the Standing Board of the People's Council of the concerned province or city directly under the Central Government shall, after consulting the People's Committee and the Standing Board of the Fatherland Front Committee of the same level, decide to set up in each constituency a By-Election Board composed of from three to five persons, including a Head, a Deputy Head, a Secretary and other members who are representatives from the local administration and Fatherland Front Committee.

Article 83. Not later than fifteen days before the by-election date, the Chairman of the People's Council of the concerned commune, ward or township shall, after consulting the People's Committee and the Standing Board of the Fatherland Front Committee of the same level, decide to set up in each electorate a By-Election Team composed of from five to seven persons, including a Head, a Deputy

Head, a Secretary and other members who are representatives from the People's Council, the People's Committee and the Fatherland Front Committee in the locality.

Article 84. The tasks and powers of the By-Election Committee, the By-Election Board and the By-Election Team shall comply with the relevant provisions on the Election Council, the Election Committee, the Election Board and the Election Team; the polling procedures, the electoral order and the ascertainment of the by-election returns shall comply with the corresponding provisions of this Law.

On the basis of the principles of this Law, the Standing Committee of the National Assembly shall, in coordination with the Presidium of the Central Committee of the Vietnam Fatherland Committee, provide for the consultation to nominate the National Assembly candidates for the by-election.

Article 85. Not later than ten days before the by-election date the list of candidates for National Assembly candidates in the constituency where there is a vacancy of a deputy shall be made public.

Article 86. Any complaints, denunciations and petitions about the by-election and the settlement thereof shall comply with the corresponding provisions of this Law.

Chapter IX

HANDLING OF VIOLATIONS

Article 87. Any person who resorts to cheating, inducement or coercion to hinder the citizens voting and standing for the National Assembly election; any person responsible for the electoral work who forges documents, commits fraudulence in the vote count or resort to other tricks to distort the election result shall, depending on the seriousness of the violation, be disciplined, subject to administrative sanctions or examined for penal liability.

Article 88. Any person who obstructs or take revenge on the complainants and denouncers about the election shall, depending on the seriousness of the violation, be disciplined, subject to administrative sanctions or examined for penal liability.

Chapter X

IMPLEMENTATION PROVISIONS

Article 89. This Law takes effect from the date of its promulgation.

This Law replaces the Law on Election of the National Assembly deputies passed by the National Assembly on April 15, 1992.

Article 90. The Standing Committee of the National Assembly, the Government, the Central Committee of the Vietnam Fatherland Front shall provide guidance for the implementation of this Law.

This Law was passed by the 9th National Assembly of the Socialist Republic of Vietnam at its 11th session on April 15, 1997.

**THE STANDING
COMMITTEE OF
NATIONAL ASSEMBLY
CHAIRMAN**
(Đã ký)

Nong Duc Manh
