CONTENT

Page

LAW ON THE ELECTION OF MEMBERS OF THE NATIONAL ASSEMBLY 1

Chapter 1 GENERAL PROVISIONS 4

Chapter 2 ELECTORAL SYSTEM AND DETERMINATION OF SEATS 5

Chapter 3 POLITICAL PARTY AGENTS AND ELECTION OBSERVERS 6

Chapter 4 REGISTRATION OF POLITICAL PARTIES AND LISTS OF CANDIDATES RUNNING IN THE ELECTION 11

Chapter 5 POLLING STATIONS 20

Chapter 6 VOTER REGISTRATION AND VOTER LIST..... 22

Chapter 7 ELECTORAL CAMPAIGN..... 40

Chapter 8 POLLING, VOTE COUNTING AND CONSOLIDATION OF ELECTION RESULTS 51

Chapter 9 LOSS OF SEATS AND REPLACEMENT OF MEMBERS OF NATIONAL ASSEMBLY 79

Chapter 10 PENALTIES 83

Chapter 11 TRANSITIONAL PROVISIONS 93

Chapter 12 FINAL PROVISIONS 95

LAW ON AMENDMENT TO THE LAW ON THE ELECTION OF MEMBERS OF THE NATIONAL ASSEMBLY 97

Law
on
the Election of Members of the National Assembly

Royal Kram

NS/RKM/0315/003

We,

Preah Karona Preah Bath Samdech Preah Boromneath

Norodom Sihamoni

Saman Phoum Cheat Sasna Rakhakhattiya Khemararothreas Puthintreatha-Reamohaksat

Khemreach Chornea Samohorpheas Kampuch Ekareach Roth Poranaksante Sopheakmeangolea Sereivipolea Khemarasreipireash Preahchau Krong Kampuchea thipadey,

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree *No. 0913/903*, dated 24th September 2013 on the Appointment of the Royal Government of Cambodia;
- Having seen Royal Kram *No. 02/94* dated 20th July 1994 promulgating the Law on Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram *No. 0498/06* dated 08th April 1998 promulgating the Law on the Organization and Functioning of the Constitutional Council;
- Having seen the Royal Kram *No. 0107/005* dated 31st January 2007 promulgating the Law on Amendments to the Law on the Organization and Functioning of the Constitutional Council;
- Having seen the request of Samdech Aka Moha Sena Padei Techo Hun Sen, the Prime Minister of the Royal Government of Cambodia;

HEREBY PROMULGATE

The Law on Election of Members of the National Assembly which was enacted by the National Assembly on 19th March 2015 during its extraordinary session of the fifth legislature and reviewed and finalized entirely by the Senate on its modality and legal spirit on 23rd March 2015 during its sixth plenary session of the third legislature, and was declared compatible with the Constitution by the Constitutional Council in its Resolution No. 154/002/2015, dated 24th March 2015 and which is of the following contents:

CHAPTER 1
GENERAL PROVISIONS

Article 1._

The purpose of this Law is to determine the modality and conduct of the Election of Members of the National Assembly of the Kingdom of Cambodia.

Article 2._

The Election of Members of the National Assembly shall be conducted in accordance with the principles of multi-party liberal democracy.

Article 3._

The Election of Members of the National Assembly shall be held every 5 (five) years.

The date of Election shall be determined and announced by the Prime Minister upon the request of the Minister of Interior.

The Election of Members of the National Assembly shall be held only 1 (one) day on Sunday except for the following circumstances:

- Force majeure, in which the Election Day shall be postponed;
- Dissolution of the National Assembly before the end of its mandate; in this case, the election shall be held within sixty (60) days following the dissolution of the National Assembly;
- Extension of the legislative term of the National Assembly pursuant to paragraph 5 of Article 78 of the Constitution of the Kingdom of Cambodia.

Article 4._

The management of the Election of Members of the National Assembly shall be under the jurisdiction of the National Election Committee as defined in **Law on Organization and Functioning of the National Election Committee.**

CHAPTER 2
ELECTORAL SYSTEM AND DETERMINATION OF SEATS

Article 5._

The Members of the National Assembly shall be elected by a general, universal, free, fair, equal, direct, and by means of secret voting.

The electoral system shall be proportional representation with the provincial and capital constituencies.

Article 6._

The National Assembly shall have at least 125 (one hundred and twenty-five) seats divided by provincial and capital constituencies as follows:

- Banteay Meanchey	6 (six) seats
- Battambang	8 (eight) seats
- Kampong Cham	10 (ten) seats
- Kampong Chhnang	4 (four) seats
- Kampong Speu	6 (six) seats
- Kampong Thom	6 (six) seats
- Kampot	6 (six) seats
- Kandal	11 (eleven) seats
- Koh Kong	1 (one) seat
- Kratie	3 (three) seats
- Mondulkiri	1 (one) seat

- Phnom Penh	12 (twelve) seats
- Preah Vihear	1 (one) seat
- Prey Veng	11 (eleven) seats
- Pursat	4 (four) seats
- Ratanakiri	1 (one) seat
- Siem Reap	6 (six) seats
- Preah Sihanouk	3 (three) seats
- Stung Treng	1 (one) seat
- Svay Rieng	5 (five) seats
- Takeo	8 (eight) seats
- Kep	1 (one) seat
- Pailin	1 (one) seat
- Uddor Meanchey	1 (one) seat
- Tbaung Khmum	8 (eight) seats

CHAPTER 3
POLITICAL PARTY AGENTS AND ELECTION OBSERVERS

Article 7._

Each political party running for the election shall have the right to assign two representatives, one full-right and one reserved representative among those in the voter list, known as political party agents to participate in observing the election at each polling station and ballot counting station.

The full-right agent shall be allowed to enter the polling station and ballot counting station.

The reserved agent shall be allowed to replace the full-right agent in case of absence of full-right agent.

Each political party shall have the right to change its political party agent.

Article 8._

Any political party that has a list of candidates running for the Election of Members of the National Assembly shall submit application form to register its full-right and reserved agents to the Commune/Sangkat Election Commission not later than 7 (seven) days after the date on which the candidate list is displayed as stipulated in article 37 of this law.

The political party agent registration form shall state surname, given name, date of birth, address and voter registration certificate at any polling station in the commune/Sangkat and the polling station where the agent is going to perform his/her work.

Article 9._

The Commune/Sangkat Election Commission shall register and issue identification card for any political party agent who has adequate qualifications as stated in article 7 and article 8 of this law.

In case a full-right and reserved agent cannot meet the requirements as stipulated in article 7 and article 8 of this law, the Commune/Sangkat Election Commission shall reject the name of that person in writing and send the written rejection to his/her political party not later than 3 (three) days after receiving the application form.

The political party has the right to apply for registration of its full-right and reserved agent again to replace the party agent who is rejected with the Commune/Sangkat Election Commission not later than 3 (three) days after receiving the written notice about the rejection.

Article 10._

Associations and non-governmental organizations can send their representatives to participate as election observers.

Associations and non-governmental organizations shall arrange and apply for registration of their observers with the National Election Committee according to the timeframe, modalities and procedures as determined by the regulations and procedures of the National Election Committee.

Article 11._

The National Election Committee shall register and issue identification cards for the observers from any associations and non-governmental organizations that have proper qualifications as defined in the regulations and procedures of the National Election Committee.

Article 12._

If any observer is not adequately qualified, the National Election Committee shall make a written rejection of that person to the association and non-governmental organization that applied for registration of its election observer not later than 3 (three) days after receiving the application.

Article 13._

The association and non-governmental organization have the right to apply for registration of their election observer again to replace the observer who is rejected with the National Election Committee not later than 3 (three) days after receiving the written notice about the rejection.

Article 14._

Each political party agent who is permitted shall have the right to be present at the polling station or ballot counting station in accordance with the regulations and procedures of the National Election Committee.

Article 15._

In observing polling and ballot counting process, the political party agents have the right to raise objections or make complaints against any violation of this law or regulations and procedures of the election that the agent witnesses.

Article 16._

The objections or complaints as stated in article 15 of this law shall be made to the chief of the polling station commission or the chief of ballot counting station when violation takes place or after the violation takes place.

Article 17._

The process for objections and complaints as stated in article 15 and article 16 of this law shall be determined by regulations and procedures of the National Election Committee.

Article 18._

In observing polling and ballot counting process, the political party agents shall not:

- Instruct or blame the election and ballot counting officials;
- Disrupt or interfere with polling and ballot counting process;

- Raise objections or make complaints to someone else other than the chief of the Polling Station Commission or the chief of the ballot counting station;
- Violate provisions of this law or regulations and procedures of the National Election Committee.

Article 19._

In observing polling and ballot counting process, the observers shall not:

- Instruct or blame the election and ballot counting officials;
- Disrupt or interfere with polling and ballot counting process;
- Violate provisions of this law or regulations and procedures of the National Election Committee.

Article 20._

The National Election Committee shall conduct dissemination on the management and the conduct of the Election of Members of the National Assembly, important provisions of this law as well as the regulations and procedures for the election to political parties, associations and non-governmental organizations that observe the election.

Article 21._

The National Election Committee shall invite the representatives of foreign non-governmental organizations, foreign countries and international organizations to participate in observing the election.

Article 22._

The National Election Committee can prepare regulations for political party agents and observers in accordance with the provisions of this law.

CHAPTER 4
REGISTRATION OF POLITICAL PARTIES AND LISTS OF CANDIDATES RUNNING FOR THE ELECTION

Article 23._

A Khmer citizen who has the right and willingness to stand as a candidate in the Election of Members of the National Assembly shall meet the following requirements:

1. Be Khmer national by birth;
2. Be at least twenty-five (25) years of age on the date of Polling Day;
3. Have the right to vote and has name registered in the voter lists;
4. Have a residence or temporary residence in the Kingdom of Cambodia;
5. Be nominated by a registered political party running for the Election.

Article 24._

The following persons shall not have the right to stand as a candidate in the Election of Members of the National Assembly:

1. Civil servants, court officials, members of the National Police and members of the Royal Cambodian Armed Forces in position, and religious priests; or

2. Persons who are convicted for a felony or misdemeanour by the courts and who have not yet been rehabilitated; or
3. Persons condemned to be deprived of their right to vote or deprived of the right to run for the election; or
4. Insane persons or persons under general guardianship certified as such by a competent ministry; or
5. Person whose rights to vote is temporarily revoked or his/her name is deleted from the voter list by the National Election Committee; or
6. Members of the National Election Committee and Election Commissions at all levels or
7. Members of the Supreme Council for Magistracy; or
8. Members of the Constitutional Council.

Article 25._

Civil servants, court officials, members of the National Police, members of the Royal Cambodian Armed Forces, members of the Constitutional Council, members of the Supreme Council for Magistracy and religious priests who wish to stand as candidates running for the Election of Members of the National Assembly shall resign from their functions or renounce their priesthood at least 7 (seven) days prior to the date on which the electoral campaign begins until the date of final results declaration.

If elected, he/she shall, through hierarchical rankings, apply to the concerned ministry or institution to be released from duties for the duration of his/her mandate. During his/her tenure outside his/her original service, he/she shall

automatically retain his/her rights for promotion and upgrading and maintain his/her seniority for the retirement purposes.

At the end of his/her mandate as member of the National Assembly, he/she shall be entitled to return to his/her previous ministry or institution, but his/her position shall be determined by the concerned ministry or institution.

Article 26._

The formality for implementing Article 23 and Article 24 of this Law shall be determined by regulations and procedures of the National Election Committee.

Article 27._

The opening of the registration of political parties running for the Election shall begin 90 (ninety) days before the Polling Day.

To officially register the political party running for the Election of Members of the National Assembly, a political party shall submit, to the National Election Committee, an application for registration of political party running for the election in a form approved by the National Election Committee not later than 70 (seventy) days before the Polling Day, and shall provide the following documents:

1. A copy of the certificate of registration of the political party issued by the Ministry of Interior;
2. The full name of the political party together with its acronym and logo;
3. The address of the headquarters of the political party;
4. A list of all candidates throughout the country. The list shall include a number of full-right candidates

equal to at least 1/3 (one-third) of the seats in the National Assembly, and number of reserved candidates, equal to those of full-right candidates;

5. The names of the constituencies corresponding to those constituencies where the party wishes to run and the corresponding lists of candidates. The number of the candidates on list for a constituency shall be the same as the number of the [parliamentary] seats allocated for that constituency and shall conform with the form provided by the National Election Committee.

   There shall be at least 3 (three) reserve candidates for the constituency that has only 1 (one) or 2 (two) seats.
6. A bank statement indicating the party's bank account in which revenue, including contributions from whatever sources, has been deposited by the political party in any bank in the Kingdom of Cambodia accredited by the National Bank of Cambodia;
7. The statute of the political party and other documents certifying the formation of the political party;
8. A statement of the political party's commitment to participate in and accept the result of the Election conducted in a free and fair manner as well as participate in complying with the Law on Election of Members of the National Assembly, the Code of Conduct and the Law on Political Party;

9. A list of members of the Party's Executive Committee or Standing Committee or an equivalent organization of the political party;
10. A receipt for deposit of 15,000,000 (fifteen million) Riels issued by the National Treasury. This deposit shall be returned to the concerned political party if it receives at least 3 (three) percent of the valid votes or it wins 1 (one) seat in the National Assembly.

In the event of the dissolution of the National Assembly before the end of its mandate, the registration of political parties running for the Election shall be conducted in 10 (ten) days following its dissolution.

Article 28._

The list of candidates for each constituency shall contain:

1. Names of the candidates listed in descending order of priority as determined by the political party;
2. A certification of voter registration issued by the commune/Sangkat authority in which a concerned candidate has been registered;
3. A declaration by each candidate accepting his/her nomination in the relevant constituency by the political party running for the Election.

Article 29._

Each candidate shall have his/her names appeared on the candidate list of only 1 (one) constituency.

A candidate whose name appears on the candidate lists in more than 1 (one) constituency shall be declared by the National Election Committee as having lost his/her rights to be a candidate in the Election, even if he/she seeks to be a candidate of another political party.

Article 30._

The National Election Committee shall determine the date of the receipt of a political party's application running for the Election of Members of the National Assembly.

The National Election Committee shall announce in public the date, location and duration of the receipt of political party's application for registration.

The duration for the receipt of political party's application for registration shall last 15 (fifteen) days, everyday starting at 7:00 am till 11:30 am in the morning and 14:00 pm till 17:30 pm in the afternoon.

In the event of the dissolution of the National Assembly before the end of its mandate, the duration for political party's application for registration to run in the election shall be determined differently by the National Election Committee.

The National Election Committee shall issue the receipt of application with signatures or thumbprints of the receiver and the giver to the concerned party and keep 1 (one) copy as a file.

Article 31._

The National Election Committee shall examine the applications for registration of the political parties running for the Election not later than 7 (seven) days after receiving the application.

In the event of the dissolution of the National Assembly before the end of its mandate, the National Election Committee shall immediately examine and decide on the applications for registration of the political parties running for the Election.

If the National Election Committee agrees to register the political party running for the election, it shall issue a letter certifying its registration to the concerned party.

If the National Election Committee finds that the party does not fulfil the requirements as set out in Articles 23, 24, 25, 26, 27and 28 of this Law, the National Election Committee shall notify the concerned party accordingly so that it can complete the requirement.

The concerned party shall complete the missing requirements not later than 5 (five) days from the date after receiving the notice.

In the event of the dissolution of the National Assembly before the end of its mandate, the concerned party shall complete the requirement before the closure of the registration of political parties running for the Election.

If the political party fails to meet the requirements at the expiration of this period, the National Election Committee shall consider that the political party has abandoned its registration to run for the Election.

Article 32._

If a candidacy or a list of candidates is rejected pursuant to the provisions stated in Article 23 or Article 24 or Article 25 or Article 28 of this Law, the National Election Committee shall:

- complete the rejection form of candidacy or the candidate list, indicating the reasons for the rejection and the date of the rejection;
- provide 01 (one) copy of the rejection form to the concerned candidate and concerned political party;
- inform the candidate and the concerned political party that, “In accordance with Article 33 of this Law,

the concerned candidate or party may appeal in writing to the Constitutional Council within 5 (five) days after receiving the notification of the rejection";

- in the event of dissolution of the National Assembly before the end of its mandate, the candidate or concerned political party may immediately appeal in writing to the Constitutional Council;
- send a copy of the rejection form to the Constitutional Council for information and keep 01 (one) copy for filing.

Article 33._

Any candidacy or list of candidates of a political party that is rejected by the National Election Committee, the candidate or concerned political party shall have the right to appeal in writing to the Constitutional Council not later than 5 (five) days after receiving the rejection notice.

In the event of dissolution of the National Assembly before the end of its mandate, the candidate or the concerned political party may appeal in writing with the Constitutional Council immediately.

In the event of the receipt of a copy of the decision to reject and the appeal form, but the concerned political party or its representative fails to file an appeal according the time specified in paragraph 1 and paragraph 2 above, that political party shall be considered as having failed to appeal.

The Constitutional Council shall examine and decide on the appeal not later than 10 (ten) days after receiving the appeal.

In case of dissolution of the National Assembly before the end of its mandate, the Constitutional Council shall examine and rule on the appeal immediately.

Article 34._

If the Constitutional Council agrees upon the appeal, it shall issue a decision and a notice to the concerned political party or its representative and orders the National Election Committee to immediately register the political party in the list of political parties running for the election of members of National Assembly.

After receiving the decision from the Constitutional Council the National Election Committee shall issue to the concerned political party a letter certifying the registration of political party running in the election.

The National Election Committee shall send 01 (one) copy of this letter to the Constitutional Council.

Article 35._

If the Constitutional Council decides to rule out the appeal this decision shall be final without recourse.

The Constitutional Council shall give 01 (one) copy of this decision of rejection to the concerned political party or its representative and send a copy of this decision of rejection to the National Election Committee.

Article 36._

A hearing or part of a hearing conducted by the Constitutional Council to rule on the appeal shall be open.

The Constitutional Council shall publicize the date, place and time of the hearing on the appeal.

Article 37._

After the end of the registration of political parties running in the Election or/and after all appeals are finally settled, the National Election Committee shall post the list of all registered political parties running for the Election and the list of their candidates in the province/capital in accordance with the regulations and procedures.

CHAPTER 5
POLLING STATIONS

Article 38._

The National Election Committee shall decide to establish 1 (one) or more polling stations in each commune/Sangkat in accordance with the regulations and procedures of the National Election Committee.

Each polling station shall serve for a specific area as determined.

Each polling station and its coverage areas must locate within their commune/Sangkat boundary.

Article 39._

Each polling station shall not have more than 750 (seven hundred and fifty) registered voters.

Each polling station shall consist of the whole village and shall make it accessible to all household members in that village to cast their vote at that polling station.

In case a polling station has more than 750 (seven hundred and fifty) registered voters, the National Election Committee shall integrate these exceeding names into the list

of voters of the nearest polling station in the same commune/ Sangkat or establish another polling station as needed.

Article 40._

All polling stations and ballot counting stations shall have their inner perimeter recognized by the National Election Committee.

The inner perimeter is the surrounding area of the polling station and vote counting station shall be separated by a proximity with an axis of at least 15 (fifteen) meters.

The inner perimeter shall be arranged to have an entrance and an exit.

Article 41._

All polling stations and ballot counting stations shall have their outer perimeter marked by the National Election Committee.

The outer perimeter is outside area of those stations shall be separated by a proximity with an axis of at least 100 (one hundred) meters or with a different form or with a smaller axis according to the actual situation of the outer perimeter of each station.

Article 42._

The National Election Committee shall have the right to select a compound or building to establish 2 (two) or more polling stations if it does not affect the regularity of the management and the functioning of the election.

More polling stations located in the same compound or buildings must be arranged separately.

Each polling station located in the same compound or buildings must be administered separately and differently in accordance with the regulations and procedures as determined by the National Election Committee.

Article 43._

The names and locations of the polling stations, once established, shall be posted in public.

Political parties that have been registered to run for the Election may request for the list of the names and locations of the polling stations by paying a fee.

Such fee shall not exceed the cost of production.

The National Election Committee shall send 01 (one) copy of the list of names and locations of polling stations of each constituency to the Constitutional Council.

CHAPTER 6
VOTER REGISTRATION AND VOTER LISTS

Article 44._

Voter registration and voter lists shall guarantee the right to vote of all Cambodian citizens who meet the requirements of this law.

The National Election Committee shall ensure that voter list is available at each polling station established in accordance with the provisions prescribed in Article 38 and article 39 of this Law.

The voter lists must record the following information of the voters:

- Surname and given name
- Sex

- Date of birth
- Residence or temporary residence in the commune/ Sangkat where the concerned person will vote, and
- The only mark identifying each voter such as photo and thumbprint or/and other marks as determined by the National Election Committee

The surname, given name, sex and date of birth of each voter shall be extracted from his/her Khmer Identity Card.

The voter list of each polling station shall be recorded into a register or a database and be kept permanently at the commune/Sangkat office, the Secretariat of the Provincial/Capital Election Commission and at the headquarters of the National Election Committee in accordance with the regulations and procedures determined by the National Election Committee.

The National Election Committee shall validate and publicize the official voter lists at least 90 (ninety) days before the Polling Day.

In the event that the National Assembly is dissolved before the end of its mandate, the latest valid voter lists shall be used as official voter lists and shall be publicized at least 50 (fifty) days before the Polling Day.

Article 45._

The register of voters or voter list data shall be kept permanently at the commune/Sangkat office, the Secretariat of the Provincial/Capital Election Commission and at the headquarters of the National Election Committee in accordance with the regulations and procedures of the National Election Committee.

The duration of voter list revision, voter registration and voter list validation shall begin from 1st May to 31st July of each year.

In the year in which the universal election is organized, the National Election Committee may decide on a different date and duration of voter list revision, voter registration and voter list validation. The National Election Committee may extend the duration for voter list revision and voter registration within 50 (fifty) days.

In the event that the National Assembly is dissolved during the voter list revision and voter registration or due to the force majeure or insecurity, the National Election Committee may decide on the duration of voter list revision and voter registration other than the above said duration.

The voter list revision and voter registration and voter list validation in the newly created commune/Sangkat, which its boundaries change based on the conditions determined in the Law on Administrative Management of Commune/Sangkat, shall comply with the provisions and the conditions described in this Law and the regulations and procedures defined by the National Election Committee.

Article 46._

To be able to vote, every citizen shall have his/her name in the voter list and shall have Khmer Identity Card.

To have his/her name in the voter list, every citizen shall meet the following requirements:

- Be a Khmer national;
- Be at least 18 (eighteen) years old, on the Polling Day;

- Have residence or temporary residence in the commune/Sangkat where he/she is going to casts;
- Not be in a situation of serving a prison term or not deprived of the right to vote;
- Not be insane or under general guardianship as certified by a competent ministry or institution.

The National Election Committee shall issue regulations and procedures to implement this article precisely.

Article 47._

The candidates running for the Election, their spouses and children can go to vote in the constituency in which the candidates stand for the Election.

A candidate who has his/her name in the candidate list of an approved political party running for the election by the National Election Committee, including his/her spouse and children who have been registered as voters in a constituency other than the one he/she stands for, the candidate can request the National Election Committee to register his/her name and the name of his/her spouse and children, in case the spouse and children agree to do so in any polling station for which at the constituency where he/she is running.

The National Election Committee shall order to delete that candidate's name and his/her spouse's and children's names from the voter list in the commune/Sangkat where they have previously registered and then instruct to register the candidate's name and his/her spouse's and children's names in the voter list of a polling station in the constituency where he/she is running upon his/her request.

Article 48._

Each citizen shall have only one name in the voter list of one polling station only.

Any Khmer citizen who has more than one residence or/and temporary residence in the Kingdom of Cambodia shall choose only one residence or temporary residence where he/she makes a living to register as a voter.

The residence shall be the location where each person makes a living.

In case the location where each person makes a living is not permanent, a temporary residence will be considered as the residence. A temporary residence refers to a place where an individual resides or actually lives for a specific period of time.

Article 49._

The National Election Committee shall issue regulations and procedures to enable the citizen who does not have actual residence or has left home to stay in other places in the Kingdom of Cambodia can register to vote in the commune/Sangkat where he/she resides.

Article 50._

The National Election Committee shall delegate powers to the Commune/Sangkat Council to perform functions on its behalf in order to handle the voter list revision, voter registration in the voter list and the register of voters for the commune/Sangkat.

The National Election Committee shall assign a voter registration team for each commune/Sangkat to assist the

Commune/Sangkat Council in performing their roles and responsibilities above. The voter registration team of each commune/Sangkat shall be composed of a leader appointed by the National Election Committee, one vice-chief, who is the clerk of the concerned commune/Sangkat and some members as determined by the National Election Committee to update the voter list and register voters annually in accordance with the electoral law and regulations and procedures for the election.

The commune/Sangkat council shall lead the voter registration team to enforce the Law on Election, Regulations and Procedures for Election.

During the period of voter list revision and voter registration of each year, the Commune/Sangkat Council shall assign 1 (one) to 2 (two) of its council members for the commune/Sangkat that has 5 (five) council members and 2 (two) to 3 (three) of its members for commune/Sangkat that has over 7 (seven) council members to be on duty for monitoring the conduct of voter registration during the period of the voter list revision and voter registration. The Members of the Commune/Sangkat Council assigned to be on this current duty shall not receive any additional remuneration.

The National Election Committee shall consult with the Ministry of Interior on the delegation of authority in accordance with the capacity and resources of Commune/Sangkat Council and shall provide appropriate training, capacity building, means, materials, and budget to the Commune/Sangkat Council and the voter registration team to implement these responsibilities.

Article 51._

A) In order to register to vote, citizens shall appear in person at their commune/Sangkat office or at any place in the commune/Sangkat where they are living as determined by the National Election Committee.

When appearing in person, citizens shall:

- Show their Khmer Identity Card to the voter registration team;
- Have their right to vote as stipulated in Article 46 of this law;
- Have not yet been registered to vote or have already been registered in another commune/ Sangkat or have not yet been registered at any place in the commune/Sangkat.

After the voter list is validated, if a citizen dies or his/her right to vote has been temporarily deprived or his/her name is deleted from the voter list or has changed his/her actual residence or temporary residence and moved to another commune/Sangkat with supporting documents, the commune/ Sangkat clerk shall record the names of those citizens in a separate list in a form determined by the National Election Committee. This list shall be made and copied to the Secretariat of the Provincial/Capital Election Commission every 2 (two) months. During the voters list revision and voter registration as stated in Article 45 of this law, the Secretariat of the Provincial/Capital Election Commission shall cooperate with voter registration teams of each commune/Sangkat to delete the names of those citizens from voter lists and the voter register in the commune/Sangkat.

After the voter list is already validated, in case citizens who have not been previously registered because they just

reach the voting age and just have newly moved in the commune/Sangkat, the commune/Sangkat clerk shall record the names of those citizens in a separate list in a form determined by the National Election Committee. This list shall be made and copied to the Secretariat of the Provincial/Capital Election Commission every 2 (two) months. During the voter list revision and voter registration, those citizens shall fulfil the voter registration requirements as stipulated in the paragraphs 1 and 2 (A) of this article.

When necessary, the Commune/Sangkat Council shall consult with the Secretariat of the Provincial/Capital Election Commission to assign the voter registration team to conduct a mobile registration in accordance with the regulations and procedures determined by the National Election Committee.

B) In order to prove his/her identity, age, Khmer nationality and residence or temporary residence, a citizen shall personally show his/her Khmer Identity Card to the voter registration team

For a citizen who does not have Khmer Identity Card or whose Khmer Identity Card is damaged or lost, he/she must immediately report to the competent authority so that they can fill out the form to provide a Khmer Identity Card for him/her.

In the event that the competent authority cannot provide Khmer Identity Card on time, the citizen concerned shall appear in person before the authority of the commune/Sangkat where he/she is accompanying with 2 (two) witnesses who are eligible to vote and have residences or temporary residence in the same commune/Sangkat so that the commune/Sangkat authority can fill out the form to provide identity certificate document for him/her.

The above-mentioned identification document shall have a photo of the person concerned and shall state the surname, given name, sex, date of birth, nationality and residence or temporary residence of the person concerned and those of the 2 (two) witnesses together with the thumbprint of the right hand of the person concerned and those of the 2 (two) witnesses.

Where necessary, the Minister of Ministry of Interior and Chairperson of the National Election Committee shall issue a joint instruction about the form and procedures for delivering the identity certificate as stipulated in paragraph 3 (B) of this article.

C) The citizen, who has a residence or temporary residence other than the one that appears in his/her Khmer Identity Card, shall appear before the voter registration team with the original copy of the residence record book or the family book registering therein his/her surname, given name, sex, nationality and date of birth.

In case the citizen does not yet have a residential record book or family book, he/she can request for a residence confirmation letter from the authority of the commune/ Sangkat where he/she has a residence or temporary residence. The commune/Sangkat authority shall issue the residence confirmation letter in a timely manner during the voter registration period in accordance with the procedures and official documents that are determined.

D) In case a citizen has sufficient documents as stated in item B and C of Article 51 of this law, the voter registration team shall:

- Register the name of that citizen in the voter list;
- Record the name of that citizen in the voter register;
- Issue a receipt of the voter registration to the concerned person;
- Tell the concerned citizen about the polling station where he/she shall go to cast his/her vote.

For any citizen whose name is already recorded in the voter register, the voter registration team shall simply examine the registration evidence of that person; if that person is not under any of the cases stipulated in paragraph 3 (A) of Article 51 of this law, the voter registration shall update the name of that person in the voter list.

Article 52._

During the period of the voter list revision and voter registration, it is prohibited to bring in weapons, explosives and ammunitions, and other dangerous objects into the commune/ Sangkat office or into any designated place for the voter list revision and voter registration.

In case a person causes disturbance, then the voter registration team shall request for an immediate intervention from the competent authority.

The National Election Committee shall ensure that the process of the voter list revision and voter registration is conducted safely and without fear or intimidation.

Article 53._

In the process of the voter list revision and voter registration, when there is an evidence proving that a person does not sufficiently meet the requirements stated in Article 46 and in item (A), (B) and (C) of Article 51 of this law, the voter registration team shall refuse to register that person by:

- filling out a rejection form, giving reasons and the rejection date;
- providing a copy of the rejection to the concerned person;
- informing the concerned person that according to Article 54 of this law, the concerned person or his/her representative can file an appeal in writing to his/her Commune/Sangkat Council within 3 (three) days after receiving the rejection notice.
- sending a copy of the rejection record to the National Election Committee through the secretariat of the Provincial/Capital Election Commission for information and keeping one (1) copy for filing.

Article 54._

Any person, whose registration is rejected by the voter registration team, he/she or his/her representative may file an appeal in writing with his/her Commune/Sangkat Council within 3 (three) days after receiving the rejection notice.

Article 55._

The Commune/Sangkat Council shall hold a meeting in public to decide on the appeal by an absolute majority votes of

the entire Commune/Sangkat Council within 3 (three) days after receiving the appeal.

Article 56._

If the Commune/Sangkat Council rules in favour of the request of complainant, the Commune/Sangkat Council shall instruct the voter registration team to proceed with the registration in accordance to the requirements stated in item (D) of Article 51 of this law.

If the Commune/Sangkat Council rules out the request of complainant, the Commune/Sangkat Council shall:

- Fill out the rejection form, giving reasons and the date of the rejection.
- Provide a copy of the rejection to the concerned person;
- Inform the concerned person that according to Article 57 of this law, the concerned person or his/her representative can file an appeal to the National Election Committee within 5 (five) days after receiving the rejection notice;
- Send a copy of the rejection file to NEC through the secretariat of the Provincial/Capital Election Commission for information and keep 1 (one) copy for filing.

Article 57._

Any person, whose complaint is rejected by the Commune/Sangkat Council, the concerned person or his/her representative can file an appeal in writing to the National Election Committee not later than 5 (five) days after receiving the rejection notice.

Article 58._

The National Election Committee shall decide on the appeal by conducting a public hearing not later than 5 (five) days after receiving the appeal.

If the National Election Committee rules in favour of the request of the complainant, the National Election Committee shall issue a decision to the Commune/Sangkat Council to instruct the voter registration team to register the name of the rejected person in accordance with the registration requirements provided in item (D) of Article 51 of this law.

If the National Election Committee rules out the request of the complainant, the National Election Committee shall:

- Fill out the rejection form, giving reasons and the date of the rejection;
- Provide a copy of the rejection to the concerned person;
- Inform the concerned person that according to Article 59 of this law, the concerned person or his/her representative can file an appeal with the Constitutional Council within 5 (five) days after receiving the rejection notice;
- Send a copy of the rejected file to the Constitutional Council for information and keep 1 (one) copy for filing.

Article 59._

Any person whose registration is rejected by the National Election Committee, that person or his/her representative may file an appeal in writing with the Constitutional Council within 5 (five) days after receiving a copy of rejection notice.

The Constitutional Council shall decide on the appeal by conducting a public hearing not later than 10 (ten) days after receiving the appeal.

In the event that the Constitutional Council agrees or disagrees with the appeal, the Constitutional Council shall:

- Issue a decision to instruct the National Election Committee to register or reject the registration of that concerned person;
- Send a copy of the decision on approval or rejection of registration to the person who filed the appeal or his/her representative;

If the decision of the Constitutional Council requires the name of the concerned person to be registered, the National Election Committee shall instruct the Commune/Sangkat Council to assign the voter registration team to register the name of the concerned person pursuant to the registration requirement prescribed in (D) of Article 51 of this law, then send a copy of the newly revised voter list to the Constitutional Council.

Article 60._

After the closing date of the voter list revision and voter registration and after all complaints related to the registration have been totally resolved, the National Election Committee shall enter the names and data of new voters in the voter list database in commune/Sangkat or in the capital/province or in the national voter list database centre of the National Election Committee.

In case the National Election Committee finds someone's name registered in more than one places, the National Election Committee shall delete his/her name from those places by

keeping only one name of that person in the last commune/ Sangkat where she/he registered.

After verifying the voter list in the database, the National Election Committee shall manage to post the preliminary voter lists as well as the lists of voters' names to be deleted from the voter lists with reasons as mentioned in paragraph 3 of item (A) of Article 51 of this law and the lists of voters whose names appear in more than one place and will be deleted in each commune/Sangkat at the commune/Sangkat office and at a designated location in the commune/Sangkat as determined by the National Election Committee.

The political parties that have been registered according to the Law on Political Parties have the rights to request for a copy of voter list by paying a fee. This fee shall be charged only to cover the production cost.

Article 61_

Within a maximum 5 (five) days after the preliminary voter list is posted, every person can file a complaint in writing with his/her Commune/Sangkat Council regarding the disappearance of name [from the voter list] or object to the registration or the retention of name of a person in the voter list, in case he/she has the evidence to prove that:

- That person does not meet the requirements as stated in Article 46 and Article 51 of this law.
- That person has name registered in more than 1 (one) voter list.
- That person comes to be registered and has a registration receipt proving his/her registration, but he/she does not have his/her name in the voter list and in the voter register.

- The name of that person is deleted wrongly by the National Election Committee.
- That person has name in the voter list, but the record is unclear.

The person who files a complaint shall provide any document as evidence to the Commune/Sangkat Council.

The person who files an objection shall provide additional information upon the request of the Commune/Sangkat Council.

In the year in which the universal election is organized, the filing of complaints stipulated in the paragraph 1 of this article shall last no longer than 10 (ten) days after the preliminary voter list is posted.

Article 62._

The Commune/Sangkat Council shall hold a public meeting to make decision on a complaint or an objection within 3 (three) days after receiving the complaint/objection.

If the complaint or objection is sustained, the Commune/Sangkat Council shall instruct the voter registration team to register or to correct data of the concerned person or delete the name of the concerned person from the voter list.

If the concerned person who lodges the complaint or the objection or the person who has problem is not satisfied with the decision of the Commune/Sangkat Council, he/she or his/her representative may appeal in writing to the National Election Committee within 5 (five) days after receiving the notice of the Commune/Sangkat Council.

The National Election Committee shall decide on the complaint or objection by conducting a public hearing within 5 (five) days after receiving the complaint/objection.

If the complaint or objection is sustained, the National Election Committee shall instruct the Commune/Sangkat Council to appoint voter registration team to register the concerned person in the voter list according to the requirements stated in (D) of Article 51 of this law, or to delete the name of the person in question from the voter list and the voters register or voter list database.

If the person who files a complaint or objection is not satisfied with the decision of the National Election Committee, the concerned person or his/her representative can file an appeal in writing to the Constitutional Council within 5 (five) days after receiving the copy of the rejection decision of the National Election Committee.

Article 63._

The Constitutional Council shall rule on the complaint or objection in a public hearing within 10 (ten) days after receiving the complaint.

If the complaint or the objection is valid, the Constitutional Council shall:

- Issue a decision to instruct the National Election Committee to register or reject the registration of the person who lodges the complaint or objection or the person who has problem;
- Send a copy of the decision on approval or rejection of the registration to the person who lodges the complaint or objection or the person who has problem;

If the decision of the Constitutional Council requires to register the name of complainant or the concerned person, the

National Election Committee shall instruct the Commune/ Sangkat Council to assign the voter registration team to register the name of the concerned person according to the requirements stated in (D) of Article 51 of this law, then send a copy of the newly revised voter list to the Constitutional Council.

Article 64._

When all complaints or objections are definitely resolved, the National Election Committee shall instruct to send a copy of the official voter list of each year to the secretariat of the Provincial/Capital Election Commission and a copy to commune/Sangkat office to keep as official document.

The citizen, who is eligible to vote in the commune/ Sangkat, has the right to review his/her name in this official voter list.

The political party that has been legally registered in accordance with the Law on Political Party has the right to request for a copy of this official voter list by paying a fee. This fee shall be charged only to cover the production cost.

Article 65._

The National Election Committee shall manage to post the official voter list in public at each polling station in the commune/Sangkat, at the office of Commune/Sangkat Election Commission and at the Provincial/Capital Election Commission as scheduled by the National Election Committee.

Article 66._

Political parties or local and foreign non-governmental organizations, international organizations, and other countries,

can send their agents or representatives as observers during the period of voter list revision and voter registration every year.

All agents or representatives shall be accredited by the National Election Committee.

CHAPTER 7
ELECTORAL CAMPAIGN

Article 67._

The goal of the electoral campaign is to allow political parties and candidates running in the Election to publicize their political platforms to voters.

Article 68._

The electoral campaign involves some activities carried out in public to convince voters to vote in favour of a candidate or a political party. These activities include as follows:

- Public meeting held by political parties or candidates.
- Marches or rallies organized by groups of pedestrians or vehicles of all kind in the capitals, provinces, municipalities, districts and Khan not more than 4 (four) times during the electoral campaign period.
- Door-to-door meetings or visits.
- Broadcasts on radios or televisions or the media.
- Broadcasts on air or propaganda on loudspeakers or playing tape recorders, videos or VCDs or DVDs in public cinemas/theatres or public spaces.
- Public display of banners with slogans or political platform or campaign pictures.
- Distribution of political party's leaflets.

- Distribution of the political party's logo or caps, clothes, other materials printed or drawn or produced with political party's logo or candidate to the voters.
- Putting up banners in any public places or/and installing bulletin boards for displaying papers of notice.
- Concerts organized at any place or singing campaign songs or electoral campaign musical performances.
- Organizing sport tournaments.

Article 69._

The logos of political parties may be put up in a public place with facilitation by the commune/Sangkat authority based on the principle of equality, security, public order and public beauty.

The logos of political parties and their campaign materials shall not be allowed to be put up or posted in the premises or buildings or offices of the State.

All political parties are prohibited from putting up or posting their logos, campaign banners, campaign signs, slogans or leaflets at the citizens' houses, if there is no prior agreement from the owners of the house. The citizen who owns the house has the right to decide whether or not to put up or post the campaign banners, campaign signs, slogans or leaflets of any political party.

The logos of political parties and their campaign materials that are situated within a perimeter of 100 (one hundred) meters away from the polling station shall be removed not later than the day on which the electoral campaign is closed,

except the logos that are displayed in the permanent office of the political parties.

Political parties shall remove all pamphlets or stickers, banners and all campaign documents from all public places within 15 (fifteen) days after the polling day.

Article 70._

Dressing or/and wearing caps that display the logos or political messages of political parties or photos of a candidate do not include in the electoral campaign activities, except dressing in the polling station or in the inner compound or in the outer compound of the polling station on the Election Day.

Article 71._

All political parties and candidates shall avoid using threats, intimidation or violence against citizens, other political parties or candidates.

All political parties and candidates shall not incite their supporters or voters to commit abuses, threats, violence or intimidation against individuals or other political parties.

All political parties, candidates or representatives shall not make direct or indirect verbal remarks or make a written statement that is immoral and insults any candidates, their supporters or any person.

All political parties, candidates or supporters shall not threaten, intimidate and entice anyone to affix thumbprint, swear or promise to vote for any political party.

All political parties, candidates or representatives shall not make donations in cash or incentives, by any means or in any form, to institutions, organizations or any person to buy votes.

Article 72._

The electoral campaign period shall last 21 (twenty-one) days and all activities of the electoral campaign shall end 24 (twenty-four) hours prior to the Election Day.

All surveys and dissemination of the survey findings related to the election shall come to an end 7 (seven) days before the Election Day. The election-related survey is the use of selected sample or/and questionnaires to gather opinions of the citizens about the election. All surveys related to the election shall be subject to the following principles:

- Transparent and impartial process
- Conducted by professional organizations or institutions
- Respecting for human rights and freedoms of individuals
- Confidentiality of voting by voters
- Not causing insecurity, unrest or harm to public order or confusion in the election process
- The findings from the surveys shall be shared equally with political parties and disseminated to the public.

Article 73._

All electoral campaign activities of all political parties shall start from 6:00 am till 10:00 pm.

All electoral campaign activities of all political parties shall have a break between 10:00 pm till 6:00 am.

The electoral campaign activities using the loudspeakers shall be prohibited from 12:00 pm till 2:00 pm.

The electoral campaign activities using the loudspeakers shall be banned near the hospitals, schools or education institutions during students' learning time.

Article 74._

During the electoral campaign period and election, all political parties, all candidates, all members and all supporters of political parties shall comply with the rules, provisions and principles set out in the Law on the Election of Members of the National Assembly and the Codes of Conduct, Regulations and Procedures of the National Election Committee, and shall respect the principles of human rights and democracy enshrined in the Constitution of the Kingdom of Cambodia.

The procedures and modality for filing a complaint or objection during the electoral campaign and the complaint resolution shall be determined by Regulations and Procedures of the National Election Committee. The Constitutional Council is the highest competent body in issuing final decisions.

Article 75._

All media outlets, including the state-run press, television and radio, shall publish and broadcast all information upon the request of the National Election Committee, free of charge, for the purpose of publicizing the work related to the election and voter education.

Article 76._

The National Election Committee shall take measures to publicize the campaign texts upon the request of the political

parties that have registered for running in the election based on the principle of equality and in sequence.

Article 77._

In exercising their rights to publicize, all political parties and candidates shall avoid using violence, abuse or contemptuous language, causing fear, confusion and chaos, and causing a loss of trust in the secret of voting.

Article 78._

The manager of the public theatres, sport centres and public parks and halls shall provide their own spaces available for all candidates or political parties that have registered for running in the election and request for rent to use them for their electoral campaigns based on the principle of equality and in sequence.

Article 79._

During the electoral campaign period of the Election of Member of the National Assembly, the political parties and candidates, who wish to rent the public theatres, sport centres, public parks and halls, as stated in Article 78 of this law, shall submit an application to the manager(s) of these facilities at least 3 (three) days before their scheduled campaign meeting; and shall make a copy of this application to be sent to the Commune/Sangkat Electoral Commission.

The manager of the facilities shall respond to the applicant within 24 (twenty four) hours after receipt of the application.

Article 80._

The use of budget, materials, equipment and means of transportation that belong to the State to carry out campaign activities for any political party or candidate, and the use of means of transportation belong to the State to bring voters to the polling stations shall be prohibited.

Article 81._

Political parties or candidates can carry out their campaign activities in private spaces or halls if there is an agreement from the owner of those facilities, but they need to notify the Commune/Sangkat Election Commission.

Article 82._

The civil servants, members of local authorities at all levels, members of the Royal Cambodian Armed Forces, National Police and court officials shall not:

- Use the influence and power of their roles, directly or indirectly on the election process, for example, direct or indirect verbal remarks or written statement that threaten the life, body or attempt to destroy or damage property, display or use of weapons to intimidate;
- Use the state buildings or offices to carry out electoral campaign to seek support for any political party or candidate;
- Participate actively in election campaign for any political party or candidate.

Active participation in the election campaign that is prohibited for civil servants and members of local authorities at

all levels, members of the Royal Cambodian Armed Forces, National Police and court officials who are performing their duties shall be determined as follows:

- Be members of Standing Committee for Information and Media or Campaign Committee of a political party
- Gathering or participating in marches or rallies to support a political party or/and a candidate
- Participating in citizen's opinion polls conducted for a political party or a candidate
- Driving vehicles of a political party or a candidate
- Carrying out activities to distribute campaign materials to voters with the aim of supporting a political party or/and a candidate
- Making public statements in support of a political party or a candidate
- Participating in playing music or/and singing songs or/and disseminating political messages through loudspeakers to support a political party or a candidate.

Article 83._

After finishing working hours or beyond working hours or while not performing work in their formal capacity, civil servants, local authorities at all levels, Cambodian Royal Armed Forces, National Police and courts officials can participate in electoral campaign activities in support of a political party or a candidate, but they shall not wear uniforms, carry weapons and do anything that causes threats.

Article 84._

Local non-governmental organizations or associations and international associations or organizations that perform their work in the Kingdom of Cambodia or foreigners shall have neutral and impartial position in the Election of Members of the National Assembly.

Local non-governmental organizations or associations and international associations or organizations that perform their work in the Kingdom of Cambodia shall not do any activity, directly or indirectly, as follows:

- Initiating or participating in the electoral campaign of a political party or a candidate. Initiation or participation in the electoral campaign includes as the followings:
  - Persuading or mobilizing the people to participate in the electoral campaign to support any political party or candidate.
  - Participating in rallies or meetings of any political party or candidate.
  - Participating in dissemination of policy or electoral campaign materials of any political party or candidate.
  - Joining as a member of the electoral campaign commission of any political party.
- Releasing a statement or conducting any activities with the purpose of supporting or expressing bias towards or against any political party or candidate. Releasing a statement, conducting activities in support of or expressing bias towards includes as follows:

- Conducting opinion poll in favour of any political party or candidate.
- Writing or making interview with the media in support of a political party or a candidate.
- Direct or indirect remarks or writing aiming to insult any political party or candidate.
- Displaying or posting pictures or other documents on their association's vehicles or in the premises of their workplace in supporting a political party or a candidate.

– Providing means in budget, materials or equipment, human resource or other means to support any political party or candidate, including:
  - Providing all kinds of vehicles as means for the electoral campaign of any political party or candidate.
  - Providing money, materials and equipment for use for the people to participate in the campaign activities in support of any political party or candidate.
  - Providing, directly or indirectly, money, materials and equipment for campaign rallies, public meetings, arts performance and printing campaign materials to support any political party or candidate.

Article 85._

Foreigners who are present in the Kingdom of Cambodia shall be prohibited from carrying out direct or indirect activities in the election campaign to support or oppose any political party or candidate.

Article 86._

All political parties and candidates shall not interfere with or obstruct the activities of other political parties or candidates.

Article 87._

Authorities at all levels, responsible for security, public order and other fields of work shall absolutely cooperate with the National Election Committee and the Election Commissions at all levels to protect and maintain security, safety and public order during the election period, registration of candidates running for the election, electoral campaign, polling, vote counting and announcement of the election results upon the request of the National Election Committee or the Election Commissions at all levels.

Article 88._

All expenses for the electoral campaign incurred by each political party and each candidate shall be borne by that political party or candidate.

Article 89._

All registered political parties running for in the election shall have an account book to record the incomes, the source of income and the expenses for the electoral campaign.

Article 90._

All contributions received by the political party shall be credited into a bank account and all expenses for electoral campaign shall be debited from the same account.

Article 91._

The National Election Committee may examine the account book of the political party registered to run for the election if necessary.

CHAPTER 8
POLLING, VOTE COUNTING AND CONSOLIDATION OF ELECTION RESULTS

Article 92._

The polling stations shall be organized as provided in Article 38 and Article 39 of this law.

Article 93._

The polling shall be conducted in 1 (one) day only.

The polling shall start from 7:00 (seven) in the morning until 15:00 (fifteen) in the afternoon, unless otherwise decided by the National Election Committee.

If all voters who have names in the voter list of a polling station have already casted their ballots, the Polling Station Commission may declare to close the polling before 15:00 (fifteen).

The chairperson of the polling station shall declare to close the polling at 15:00 (fifteen).

All individuals who wish to cast his/her vote shall not be permitted to enter into the inner perimeter [of the polling station] after 15:00 (fifteen).

Eligible voters who have the rights to vote after 15:00 (fifteen) and shall be allowed to vote are the persons inside the

polling station or the inner perimeter of the polling station at 15:00 (fifteen).

Article 94._

The National Election Committee shall publicize the lists of names and locations of all polling stations and display the lists at all polling stations at least 30 (thirty) days before the polling day.

Article 95._

The political parties registered to run for the Election can request for a copy of the list of names and locations of polling stations by paying a fee. This fee shall be charged only to cover the production cost.

Article 96._

The National Election Committee shall provide each polling station, 1 (one) day before the polling day, with an appropriate amount of the following polling materials:

1. Voter lists.
2. Ballot papers which are still unused.
3. Ballot box(es).
4. Secret booths.
5. Secret seal to stamp on the ballot papers.
6. Indelible ink to indicate of having casted the ballots.
7. Padlocks and security seal.
8. Polling minutes and the vote tally forms.
9. Ball-point pens with good quality.
10. Printed envelopes on the back.
11. Plastic bags.
12. Other necessary materials and equipment.

Article 97._

01 (one) day before the polling day, the Chairperson of the Polling Station Commission shall convene a meeting of all members to verify the presence of its members, examine the location of the polling station and check the polling materials and equipment to be used for the polling.

If any member of the Polling Station Commission is absent, such member shall be replaced by a new member recruited in accordance with the regulations and procedures.

The Chairperson of the Polling Station Commission shall instruct to ensure that the polling station has materials, equipment and furniture necessary for the conduct of the polling.

The Chairperson of the Polling Station Commission shall inspect the security situation at the polling station and, if necessary, shall take appropriate measures to maintain the security as needed.

Article 98._

On the Polling Day, the members of the Polling Station Commission shall arrive at the polling station to organise the election not later than 6:00 (six) in the morning.

The political party agents and electoral observers shall be allowed to enter the polling station at 6:00 (six) in the morning.

The Polling Station Commission shall verify the credentials of the political parties' agents and of the electoral observers before allowing them to enter into the polling station.

Article 99._

Between 6:00 (six) and 6:30 (six thirty) in the morning on the Polling Day, the polling station officers shall perform the following tasks:

- Re-check the given ballot box(es) and check the labels or signs marking the ballot box properly
- Show everyone inside the polling station that inside the ballot box is empty
- Then, lock the box and security seal
- Attach labels and signs to the box stamping it with the seal of the polling station on it
- Allow all agents of political parties and observers to check the ballot box, labels and signs posted on it
- Tables and chairs for political party agents and electoral observers are in place on the left-hand side of the Chairperson's table or/and behind the tables of the vice-chief and secretary if available.

In the event that polling materials and equipment are given to the polling station after 6:30 (six thirty) in the morning, the Chairperson of the Polling Station Commission shall implement the procedures above upon receipt of those materials and equipment; in this case, the Chairperson of the Polling Station Commission can delay the polling at that polling station temporarily until the above-said procedures are completed.

After the label numbers or signs are already posted on the ballot boxes, the ballot boxes cannot be kept open, except for the purpose of vote counting as stipulated in this law and cannot be removed from the polling station, except that they

are transported to other places for counting in case the law or regulations require that the ballots be counted at another place.

Article 100._

Between 6:30 (six thirty) and 7:00 (seven) in the morning, the Chairperson of the Polling Station Commission shall have the envelope opened with a secret seal to stamp on the back of each ballot, count the ballot papers and record the number and serial numbers on the stub of the ballot papers according to the modality determined by the National Election Committee.

Article 101._

The Chairperson of the Polling Station Commission shall open the polling station at 7:00 (Seven) in the morning.

Article 102._

Those who have the right to enter the inner perimeter and the polling station shall be only those who have names in the voter list and Khmer Identity Card and have not yet casted their votes.

Each voter shall be given a ballot paper in the polling station only if he/she fulfils the following requirements:

- Has a name in the voter list of the polling station where he/she is going to vote
- Has Khmer Identity Card
- Has not yet casted his/her vote and allows the electoral officers to check his/her fingers

Each voter shall place a mark on the ballot paper alone in a separate voting booth and insert the marked ballot in the ballot box in the polling station, then he/she shall allow the

polling station official to dip his/her finger with inedible ink in accordance with the defined procedures.

How the ballot papers will be marked and inserted in the ballot box shall be defined by the Regulations and Procedures of the National Election Committee.

The National Election Committee shall prepare the regulations to actually implement this article and determine the management of the election procedures in the polling station.

Article 103._

The members of the Polling Station Commission shall be asked to cast their votes first, followed by the political party agents and electoral observers whose names are on the voter list of that polling station.

Article 104._

The voter, who unintentionally damages the ballot paper, shall give it to the polling station officials, who shall then give him/her another ballot paper to replace in accordance with the procedures determined by the National Election Committee.

Article 105._

Each voter shall have the right to cast only one vote and only one time, casting the vote in person.

Each voter shall vote by placing a mark on the ballot paper only one against the political party of his/her choice without making any change or addition. Other detailed manners of voting shall be determined by the National Election Committee.

Article 106._

Voting shall be a secret of a voter.

Any attempt in any form to discover or to reveal the secrecy of voting shall be prohibited (regardless of any form).

Article 107._

Any handicapped voter, who is unable to vote by him/herself, shall has the rights to bring along an assistive adult or to seek assistance from the Chairperson of the Polling Station Commission.

The National Election Committee shall prepare regulations to protect the rights of people with physical/hand disabilities that cannot dip a finger into indelible ink.

Article 108_

To maintain the order inside the polling station, each person shall respect the voting regulations of the National Election Committee.

Article 109._

Any person, who has only document proving his/her identity certificate, but his/her name doesn't appear in the voter list, shall not be allowed to vote.

Article 110._

Only voters are allowed to enter the polling station, except there is an authorization from the National Election Committee.

Article 111._

No one shall be allowed to enter to interfere with or assist voters while they are in the inner perimeters or inside the polling station, except there is an authorization in accordance with the provisions of this law.

Article 112._

Entering into the security range of a polling station with a weapon or any type of explosives and entering into the polling station in armed forces uniform shall be prohibited, except it is a special authorization of the Chairperson of the National Election Committee.

Article 113._

The polling station officials or political party agents can file a complaint against someone in the polling station if they find that person does not follow the requirements as stipulated in Article 102 of this law.

The complaint shall be made to the Chairperson of the Polling Station Commission.

If the Chairperson of the Polling Station Commission sees that the person involved does not meet the requirements as stated in Article 102 of this law, he/she shall not be allowed to vote and the polling station officials shall accompany him or her to leave the polling station and the inner perimeter.

If the Chairperson of the Polling Station Commission decides that the concerned person meets the requirements as stated in Article 102 of this law, he/she shall be allowed to vote.

The National Election Committee shall determine the modality for filling, settling and recording complaint as determined by its regulations.

Article 114._

In case a political party agent finds that the polling is irregular, he/she can object or complain to the Chairperson of the Polling Station Commission.

The modality of filing objection or complaint shall be determined by the Regulations and Procedures.

The Polling Station Commission shall settle the objection or complaint.

The decision of the Polling Station Commission shall be confined to the matter within its jurisdiction if the polling is conducted regularly.

If the party agent persists in objecting or complaining, the Polling Station Commission shall record the objection or complaint in the minute form, which shall be co-signed by the person who files the objection or complaint.

Article 115._

After the announcement of the closing of the polling and soon after every voter has already casted their vote, in the presence of the political party agents and election observers, the Chairperson of the Polling Station Commission shall,

- Close the hole of the ballot box through which the ballot is inserted with the signature of Chairperson of the Polling Station Commission and political party agents on the paper used to close the hole, then cover the lid on top outside and lock it, and allow the political party agents and election observers to check the ballot box
- Record the number of voters who have casted their votes in the minute form

- Fill out and sign up the form that shows the number of ballot papers received, the number of ballot papers given to the voters, the number of spoiled or seized ballots in the polling station
- Separate the stub of used ballots from the stub of the unused ballots
- Show the above-mentioned form that he/she already completed and signed on it for the political party agents and election observers to check.

The political party agents can sign or affix thumbprints on the above-mentioned minute as witnesses

Article 116._

Ballots counting shall be conducted in each polling station in the commune/Sangkat.

If the counting of ballots cannot be conducted at a given polling station due to force majeure or insecurity, the National Election Committee shall issue a particular directive regarding the case.

The National Election Committee shall organize and manage the ballot counting station in accordance with the provisions of this law.

Article 117._

Electoral officials at each polling station shall be responsible for ballot counting in their polling station in the case the polling station becomes the ballot counting station.

In case ballots have to be counted in other place than the polling station as mentioned in paragraph 2 of Article 116 of this law, the National Election Committee shall ask the electoral

officials from such polling station to count the ballots or may assign other officials to count the ballots if the electoral officials from the polling station concerned are absent.

Article 118._

Every person in the ballot counting station and in the inner perimeter shall be under the management and control of the Chairperson of the ballot counting station as instructed by the National Election Committee.

Article 119._

The Polling Station Commission shall verify the number of ballots placed inside the ballot box with the number of voters who have casted their votes with the mark in the voter list.

In case the number of ballots in the ballot box is different from number of the marked voters, the Chairperson of the Polling Station Commission shall arrange a recount.

If the numbers still differ, the Chairperson of the Polling Station Commission shall record this difference in the minutes form.

Before counting the ballots, the Chairperson of the Polling Station Commission shall make a hole or cut off all unused ballots to nullify the remaining unused ballots, and then shall put the nullified ballots and the stubs of the used ballots in the same plastic bag, which is tightly sealed.

Then, the Chairperson of the Polling Station Commission shall direct to count the ballots in accordance with the Regulations and Procedures.

After completing the forms according to the requirements stated in article 115, Article 116 and Article 117 of this law, the Chairperson of the ballot counting station shall

order to open the ballot box and pour all ballots out of the box, then shall:

- Put the objects that are not ballots aside, if any.
- Unfold the ballots with secret seal on the back, putting them upsize-down on the first pile.
- In case there are casted ballots that do not have official secret seal on the back, put them aside on the second pile.
- Count the ballots that are put upsize-down in the two piles and record them, then show the number of the upsize-down ballots in the two piles to the political party agents and election observers.

The Chairperson of the ballot counting station shall verify the number of ballots poured out from the ballot box against the number of ballots recorded in the forms as required by Article 115 of this law, then show the result of this verification to the political party agents and electoral observers to check, monitor and evaluate the result.

Article 120._

The ballot counting station officials shall put face-up the ballots with secret seals on the back in the first pile as mentioned in Article 119 of this law and divide them into valid ballots and invalid ballots.

Only the ballot paper provided by the Polling Station Commission that is marked in favour of a political party shall be deemed valid. Any ballot paper shall be deemed invalid if:

1. It is not an official ballot paper, or
2. It is not marked or marked but the Polling Station Commission is unable to determine for which political party is voted, or

3. It bears a mark which the voter can be identified, or
4. It is torn or damaged, or
5. It does not have the stamp of the secret seal on its back.

The invalid ballots as described in items 1, 2, 3, 4, and 5 above shall be determined by the Regulations and Procedures of the National Election Committee.

Then, the ballot counting station officials shall count the valid ballots which are marked to support each political party.

The ballots shall be counted in a way that the mark of all votes is visible to the political party agents and electoral observers.

Article 121._

When there is an objection to the ballots that are counted in accordance with the requirements as provided in Article 120 of this law, the objected ballots shall be put aside and resolved pursuant to the requirements as provided in Article 122 of this law.

Article 122._

The ballot counting station officials shall check all invalid and objected ballots as stated in Article 120 and Article 121 of this law.

Checking out of these ballots shall be conducted openly in the presence of political party agents and electoral observers and ask them to give comments.

After considering those comments, the Chairperson of the Ballot Counting Station shall decide to reject and not to count the ballots that:

- are not provided by the polling station
- are not stamped with official secrete seal
- are marked for more than one political party
- are not marked
- are marked but the Polling Station Commission is unable to determine for which political party is voted
- bear marks by which the voters can be identified
- are torn or damaged.

The ballots that are decided as the accepted pursuant to this article shall be counted in combination with valid ballots that are counted in accordance with the requirements as stated in paragraph 2 and paragraph 3 of article 120 of this law, regardless of admission or objection or without objection to the decision.

Article 123._

After the ballot counting is finished, the Polling Station Commission shall prepare minutes regarding the ballot counting and send them to the Commune/Sangkat Election Commission by enclosing the voter lists, the valid and invalid ballots, the unused ballots, the objections or complaints, if any, and other documents, and post it at the polling station and share them with the political party agents that are present.

The valid, invalid and unused ballots, the objection or complaints and other documents shall be packed separately in the supplied envelopes.

The Chairperson and members of the Polling Station Commission shall sign the minutes of the ballot counting. The political party agents may sign the ballot counting minutes as witnesses.

Article 124._

The method for sending, delivering and receiving the minutes shall be determined by the Regulations and Procedures.

Article 125._

The political party agents and national and international observers may participate as witnesses in the delivery or receipt of the polling minutes.

Article 126._

The Commune/Sangkat Election Commission shall collect the minutes and other documents from all Polling Station Commissions and make the minutes of consolidation of the election results in their commune/Sangkat. The minutes shall be made in 04 (four) copies, 01 (one) of which shall be sent to the National Election Committee, 01 (one) copy is sent to the concerned Provincial/Capital Election Commission, 01 (one) copy is posted at the Commune/Sangkat Election Commission office and 01 (one) copy is kept for filing.

In case there are complaints against the election results or irregularities at a particular polling station, the Commune/ Sangkat Election Commission shall immediately hold a public meeting to make decision to solve those complaints.

In case the complainant is not satisfied with the Commune/Sangkat Commission's decision, he/she or his/her representative has the right to appeal to the Provincial/Capital Election Commission immediately.

Article 127._

The Provincial/Capital Election Commission shall collect all minutes from the Commune/Sangkat Election Commissions and make the consolidated minutes of election results in their respective capital and province. The consolidated minutes shall be made in 03 (three) copies; 01 (one) copy of which shall be sent to the National Election Committee enclosed with the voter lists, the valid, invalid and unused ballots, the objections or complaints, if any, and other documents; and 01 (one) copy shall be posted at the office of the Provincial/Capital Election Commission while the another copy shall be kept for filing.

Article 128._

If there is a complaint against the result of the election or against serious irregularities, the Provincial/Capital Election Commission shall immediately hold a public hearing to decide on such complaint and shall send its decision attached with the minutes of the consolidated results of the election to the National Election Committee.

In case the complainant is not satisfied with the decision of the Provincial/Capital Election Commission, he/she or his/her representative shall file a complaint immediately to the National Election Committee.

The National Election Committee shall examine and decide whether the election results are valid or to organize a re-election.

The re-election shall be organized within 08 (eight) days the latest after this decision.

Article 129._

The National Election Committee shall collect all election results for examination and then decide on the results.

If there are no serious irregularities, the National Election Committee shall announce its recognition of the election results.

If there are serious irregularities that affect the results of the election, the National Election Committee shall reject the results of the election of the concerned polling station or of these polling stations and inform the political parties accordingly. In this case, a re-election of that particular polling station or of those concerned polling stations shall be organized within 08 (eight) days after its decision.

Article 130._

After examining and deciding on the results of the elections, the National Election Committee shall announce the provisional results of the Election of Members of the National Assembly.

01 (one) copy of the provisional results shall be sent to the King and 01 (one) copy shall be sent to the Constitutional Council. The political parties that have registered to run for the election shall have the right to request a copy of the provisional results of the election.

Article 131._

After the announcement of the provisional results of the Election, all political parties registered to run for the election may file a complaint against all or part of the election results within 72 (seventy two) hours to the National Election

Committee or directly to the Constitutional Council by indicating irregularities caused by the Commissions or Members of the Commissions, the date and the place of the irregularities taken place, the names and addresses of witnesses, and other documents or evidence.

Article 132._

The National Election Committee shall decide on the complaint not later than 72 (seventy-two) hours after receiving the complaint.

If the National Election Committee decides that the complaint is unacceptable, it shall:

- fill out the rejection form by indicating the reasons and the date of the rejection;
- provide a copy of the rejection to the complainant or/and the political party;
- inform the complainant or/and the political party that pursuant to Article 134 of this law, the concerned person or the political party has the right to appeal in writing to the Constitutional Council within 72 (seventy-two) hours after receiving the rejection notice;
- send a copy of the rejection to the Constitutional Council for information and keep one copy for filing.

Article 133._

If the National Election Committee finds that the objection has reasonable ground and proofs, it shall open a public hearing to decide on the case. In such case, the National Election Committee shall announce the date and place of the

hearing and inform the complainant or/and the political party, and notify the Constitutional Council.

The complainant and/or the political party and the members of the Election Commissions or/and Election Commissions concerned shall appear at the hearing.

If the National Election Committee upholds the objection justifiable, it shall:

- reject the election results at that particular polling station or those concerned polling stations and organize re-election at that polling station or at those concerned polling stations within 8 (eight) days after its decision;
- complete an approval form, indicating the reasons and the date of the approval;
- send a copy of the approval form to the complainant or/and the political party;
- send a copy of the approval to the Constitutional Council for information, and keep one copy as its file.

If the National Election Committee rejects the complaint, it shall:

- complete the rejection form, indicating the reasons and the date of rejection;
- send a copy of the rejection to the complainant or/and the political party;
- inform the complainant or/and the political party that in accordance with Article 134 of this law, the concerned person or the political party has the right to appeal in writing to the Constitutional Council within 72 (seventy-two) hours after receiving the rejection notice;

- send a copy of the rejection to the Constitutional Council for information, and keep one copy as its file.

Article 134._

Any person or/and political party whose complaint is rejected by the National Election Committee, he she or/and the political party may appeal in writing to the Constitutional Council within 72 (seventy-two) hours after receiving the rejection notice.

The Constitutional Council shall open a public hearing to rule on the appeal within 10 (ten) to 20 (twenty) days after receiving the appeal.

The decision of the Constitutional Council shall be final.

If the Constitutional Council finds that the appeal is unacceptable, it shall:

- complete the appeal rejection form, indicating the reasons and the date of rejection;
- send a copy of the rejection to the appellant or/and the concerned political party and to the National Election Committee;
- Announce the decision and keep one copy as its file.

If the Constitutional Council finds that the appeal has reasonable ground and proofs, it shall open a public hearing to review and decide on the appeal within 10 (ten) to 20 (twenty) days after receiving the appeal.

A. If the Constitutional Council upholds the appeal, it shall:
   - Complete the approval form, indicating the reasons and the date of approval;

- Send a copy of the approval to the appellant or/and the political party;
- Issue a decision instructing the National Election Committee to reject the election results of that polling station or those polling stations and to organize the re-election at that polling station or those polling stations within 08 (eight) days following its decision;
- Announce its decision and keep one copy as its file.

B. If the Constitutional Council rejects the appeal, it shall:
- Complete the rejection form, indicating of the reasons and the date of rejection;
- Send a copy of the rejection to the appellant or/and the concerned political party, and to the National Election Committee;
- Announce its decision and keep one copy as its file.

Article 135._

A) After having resolved all complaints completely and after receiving all results of the election, including the results of the re-election, if any, the National Election Committee shall officially announce the results of the election and allocate the number of seats for each political party per each constituency based on the number of valid votes received by each political party.

Allocation of seats by the Capital and province shall be made in accordance with the highest average formula based on

the number of seats and the result of the election in the Capital and province by applying the steps described below.

Step 1: Determine the quota required for a political party to gain 1 (one) seat, by dividing the total of the valid votes in the capital/province by the total number of seats allocated to the capital/province under the following formula; and it shall be applied separately for each individual capital/province:

$$Q = \frac{V}{S}$$

Where:

Q = Represents the quota, disregarding the remainder

V = Represents the total number of the valid votes received by all political parties running in the Election in the capital/province;

S = Represents the total number of seats allocated to each Provincial/Capital constituency.

Step 2: Determine the preliminary number of seat(s) that each political party obtained in the capital/province.

The following formula shall be applied separately for each individual political party running in the Election in the capital/province:

$$N = \frac{V}{Q}$$

Where:

N = Quotient, disregarding the remainder, represents the number of seat(s) that each political party is entitled to receive prior to any necessary calculation indicated in step 3.

V = Represents the number of the valid votes received by each political party in the capital/ province;

Q = Represents quota determined in step 1.

After the calculation of seats in step 2 for all political parties running in the Election in the capital/province is done, and if there is no seat left for further allocation; therefore, the number of seats allocated is considered as final.

In case of having the remaining seat(s) after allocating for all political parties running in the election in the capital/ province, the remaining seat(s) shall be allocated in accordance with formula set out in step 3.

Step 3: the remaining seat(s) shall be allocated to each qualified political party in the capital/province by a highest average. The following formula shall be applied separately for each political party running in the Election in the capital/ province:

$$H = \frac{V}{N + 1}$$

Where:

H = Represents the highest average;

V = Represents the number of valid votes received by a political party;

N = Represents the number of seat(s) allocated to a political party.

In case there is 1 (one) remaining seat to be allocated, after applying the formula in step 3 for all qualified political parties, that seat shall be allocated to the political party that has gained the highest average

In case there is more than 01 (one) seat left to be allocated, the formula in Step 3 shall be applied and 01 (one) seat left shall be apportioned to the political party that has gained the highest average. Then, this formula shall be applied again by increasing the value of N to (N + 1) for the political party that received one seat during the first application of the formula. Thus, 01 (one) seat will be allocated to the political party that gained the highest average resulted from the second application of this formula. In case of remaining seat, repeat the same calculation by allocated 01 (one) seat at a time successively until there is no seat left.

B) The declaration of the elected Members for the National Assembly shall be made in accordance with the party's list of candidates and in a descending order as stipulated in Article 28 of this law.

C) If, an elected candidate in the party's candidate list is deceased, resigns or loses his/her parliamentary candidacy, the next candidate listed on the same party's candidate list shall be declared to be elected as a Member of the National Assembly of the concerned party.

D) If a party's list of candidates does not have enough candidates due to reasons as mentioned in item (C) of this Article, the National Election Committee shall make a request in writing to the concerned party to provide more names of candidates to be added to its own party's list within 14 (fourteen) days after the receipt of the request.

The modality and approval of the added candidates to the list shall be based on the provisions stipulated in Article 23, 24, 25, 26, 28, 32, 33, 34, 35 and Article 36 of this Law.

In case any political party fails to meet such request within the time frame mentioned above or is unable to fulfil the requirements needed for completing the vacant seat(s), it is considered that the concerned political party has abandoned the vacant seat(s).

E) In case a political party received 01 (one) seat or more in the National Assembly, but this party declares to abandon its seat(s) in the National Assembly or it is deleted from the political party list in accordance with the Law on the Political Party, the party's candidate list and the candidates on such party's list that has been declared elected, is no longer valid or qualified.

In such a case, the National Election Committee shall allocate the vacant seat within 07 (seven) days to other political parties that have received seat(s) in the same capital/province, excluding the political party that has abandoned its seat(s), by applying the following steps:

Step 1: Determine the quota required for a political party to gain 01 (one) seat by using the formula below:

$$Q' = \frac{V'}{S'}$$

Where:

Q' = Represents the quota disregarding the remainder;

V'= Represents the total number of valid votes received by all political parties receiving the seat(s) in the capital/province, deducted the valid votes of the political party that has abandoned its seat(s) in the capital/province;

S' = Represents the number of the abandoned seat(s) in the capital/province.

Step 2: Determine the preliminary number of seat(s) that each political party could gain by applying the following formula:

$$N' = \frac{V}{Q'}$$

Where:

N' = Represents the number of seat(s) that each political party in the capital/province to receive prior to any necessary calculation made in step 3.

V = Represents the total number of valid votes cast for each political party in the capital/province;

Q' = Represents the quota determined in step 1.

After the allocation of seats in step 2 is made and there are no more seats to be further allocated, the number of seat(s) that all political parties attained in the capital/province, except the political party that has abandoned its seat(s) in the capital/province, shall be finalized as determined in this step.

After step 2 has achieved and there are still seat (s) left for further allocation, the remaining seats shall be apportioned as indicated in step 3.

Step 3: The remaining seat(s) shall be allocated based on the highest average by using the following formula:

$$H' = \frac{V}{N' + 1}$$

Where:

H' = Represents the highest average;

V = Represents the total number of valid votes received by each political party in the capital/ province;

N' = Represents the number of seat(s) a political party gains.

The method outlined in item (A) in paragraph 9 (nine) and paragraph 10 (ten) of this article shall be applied for the calculation in step 3 and the subsequent calculation.

F) After the calculation using the formula mentioned above, if there are 02 (two) or more political parties having the same highest average making it unable to allocate the remaining

seat to any political parties, that seat shall be allocated to the political party receiving the highest number of valid votes. In case the political parties received the same number of the valid votes, the remaining seat shall be allocated based on drawing lots determined by the Regulations and Procedures of the National Election Committee.

G) In case a political party receives 01 (one) or more additional seats, but it has fewer candidates than the seats, the procedures stated in item (D) of this article shall be applied.

H) Based on the result of the election as stated in item (A) of this article, the National Election Committee may announce the result of the Election of each constituency consecutively.

I) Prior to the announcement of the official result of the election, the National Election Committee shall report to all parties' representatives running for the election the number of the printed ballot papers, the number of the used ballots and the number of the remaining ballots.

Article 136._

The period allowed for filing and deciding on the complaints and appeals as stipulated in Chapter 4, Chapter 6 and Chapter 8 of this Law shall not include the official public holidays.

Article 137._

During the polling, ballot counting and announcement of the election results, local non-governmental organizations or associations and international associations or organizations performing works in the Kingdom of Cambodia or foreigners shall be neutral and impartial pursuant to the provisions mentioned in article 84 of this law.

The provision of paragraph 1 (one) above shall not obstruct the exercise of freedom of expression in accordance with the law in force.

CHAPTER 9
LOSS OF SEATS AND REPLACEMENT OF MEMBERS OF NATIONAL ASSEMBLY

Article 138._

After the election process conducted in a free and fair manner in accordance with the Cambodian Constitution, the Law on Organization and Functioning of the Constitutional Council, the Law on Organization and Functioning of the National Election Committee and the Law on the Election of Members of National Assembly and after the announcement of the official election results by the National Election Committee, any party winning one or more seats in the National Assembly shall be considered to have abandoned their seats in one of the following cases:

- That party boycotts the first sitting of the National Assembly as convened by the King.
- That party boycotts and refuses to participate in the National Assembly's meeting to announce the validity of its members' mandate.

- That party boycotts and refuses to participate in the sworn-in ceremony to take the office

In the above-mentioned cases, the candidate list and candidate of such political party that is announced to have been elected is invalid and not qualified anymore.

The National Assembly shall give notice to the National Election Committee immediately or within 24 (twenty-four) hours. The National Election Committee shall allocate the vacant seat within 72 (seventy-two) hours upon receipt of notice from the National Assembly to other party that registered their candidates running for the election in the same Capital and province, excluding the party that has lost its seats as mentioned in paragraph 1 (one) above, based on the following steps:

Step 1: Determine the quota required for a political party to gain 01 (one) seat by using the formula below:

$$Q' = \frac{V'}{S'}$$

Where:

Q' = Represents the quota disregarding the remainder

V' = Represents the total number of valid votes voted for other political parties that have registered the candidate list running for the election in the capital/province, deducted the valid votes of the political party that has abandoned its seat(s) in the capital/province;

S' = Represents the number of the abandoned seat(s) in the capital/province.

Step 2: Determine the preliminary number of seat(s) that each political party gains by applying the following formula:

$$N' = \frac{V}{Q'}$$

Where:

N' = Represents the number of seat(s) that each political party in the capital/province gains prior to any necessary calculation made in step 3.

V = Represents the total number of valid votes casted for each political party in the capital/ province;

Q' = Represents the quota determined in step 1

After the calculation in step 2 is made, in case there are no more seats to be further allocated, the number of seat(s) that all political parties gained in the capital/province, except the political party that has abandoned its seat(s) in the capital/ province shall be finalized as determined in this step.

In case the calculation step 2 has been done, but there are still seat(s) left to be further allocated, the remaining seat(s) shall be allocated as indicated in step 3.

Step 3: The remaining seat(s) shall be allocated based on the highest average by using the following formula:

$$H' = \frac{V}{N' + 1}$$

Where:

H' = Represents the highest average;

V = Represents the total number of valid votes casted for each political party in the capital/province;

N' = Represents the number of seats allocated to a political party.

In case there is 1 (one) remaining seat to be allocated, after the calculation using the formula mentioned in Step 3 above for all qualified political parties that seat shall be allocated to the political party gaining the highest average.

In case there is more than 01 (one) seat left to be allocated, apply the formula in step 3 and the 01 (one) seat shall be allocated to the political party with the highest average.

Then, this formula shall be applied again by increasing the value of N to (N+1) for the political party that gains 1 (one) seat during the first application of the formula. Thus, 01 (one) seat will be allocated to the political party that gains the highest average resulted from the second application of this formula. If there are still more seat(s) left to be allocated repeat the same calculation of allocating 01 (one) seat at a time successively until there is no seat left.

In applying the formula above, if two or more political parties receive equal results that cannot be determined to allocate the remaining seats to any political party, the item (F) of Article 135 of this law shall be applied.

In case a political party's candidate list does not have adequate candidates, the National Election Committee shall give a written notice to that party to add their candidates within 48 (forty-eight) hours upon receipt of such notice.

In the event that a political party fails to meet the above-mentioned timeframe that party shall be considered to have abandoned its seat(s) as vacant.

Article 139._

A member of the National Assembly shall lose his/her membership in one of the following cases:

- He/she is deceased.
- He/she loses his/her professional aptitude as certified by competent ministries/institutions.
- He/she resigns in writing as a Member of the National Assembly.
- He/she has been sentenced with imprisonment for a felony or a misdemeanour.
- He/she loses membership from his/her own political party.

If any member of the National Assembly loses his/her membership for at least 06 (six) months before the end of the legislature, his/her political party may propose to nominate a new member to replace him/her by choosing among the existing candidates pursuant to the order in the list of candidates standing for the election in its constituency without holding a by-election.

CHAPTER 10
PENALTIES

Article 140._

Regardless of any other possible criminal penalties, any person, who intentionally commits any of the following acts,

shall be fined from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels by the National Election Committee:

- Issuing a registration receipt, but refused to record that citizen's name in the voter lists and the voter register;
- Intentionally register a person who does not substantially meet the requirements to be eligible to vote;

Article 141._

Regardless of any other possible criminal penalties, any person, who falsifies the identity certificate related to election, shall be fined from 1,000,000 (one million) Riels to 5,000,000 (five million) Riels by the National Election Committee.

Article 142._

Regardless of any other possible criminal penalties, a fine from 5,000,000 (five) Riels to 20,000,000 (twenty million) Riels shall be imposed by the National Election Committee on any person, who, by all illegal means,

- Prevents the citizens who are eligible to vote from registering to vote or deter the citizens who are eligible to vote from being registered in the voter lists and the voter register.
- Causes disturbances or prevents the regular activities at the areas for voter list revision and voter registration during the period of voter list revision and voter registration.
- Let supporters or voters commit abuses, threats or violence against other candidates or political parties.

- Prevents the eligible voters from going to cast their votes.
- Prevents candidates or supporters of political parties from conducting campaign activities as determined.
- Causes the loss of trust in the secrecy of voting.
- Causes confusion resulting in the loss of trust in the election.
- Disrupts the polling process;
- Disrupts the ballot counting process;
- Disrupts the order during the polling; and
- Buys votes by offering material or monetary incentives.

Any person, who commits the above-mentioned crimes, shall have his/her name removed from the voter list or his/her candidacy deleted by the National Election Committee in addition to the criminal penalty provided in paragraph 1 (one) above.

Article 143._

The political party that commits the criminal offenses provided in Article 142 above shall have its candidacy deleted or/and shall be fined from 10,000,000 (ten million) Riels to 30,000,000 (thirty million) Riels by the National Election Committee. Regardless of any other possible criminal penalties.

Article 144._

Unless it is authorized by this law, any person who dishonestly tries to register his/her name in the voter list more than one shall be fined from 10,000 (ten thousand) Riels to 100,000 (one hundred thousand) Riels by the National Election Committee.

Article 145._

Any member of the Provincial/Capital Election Commission, the Commune/Sangkat Election Commission and Polling Station Commission, falsifying any electoral documents, ballot papers or using tricks to cheat the election result shall be fined from 10,000,000 (ten million) Riels to 25,000,000 (twenty-five million) Riels, regardless of any other criminal penalties, or/and shall have his/her name deleted from the voter list for a period of 05 (five) years by the National Election Committee.

Article 146._

Any person, who carries weapons, explosives, all kind of ammunitions or weapons that fall under the jurisdiction of Article 489 (Production or Trafficking of Other Assault Weapons) of the Penal Code into the prohibited areas and during the period as provided in Article 52 and into security range of the polling station as provided in Article 112 of this law without authorization from the competent authorities or without reasons permitted by law, shall be fined from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels and shall have his/her name deleted from the voter list by the National Election Committee, regardless of other criminal offenses.

In case the offender is an agent or a staff member of the National Election Committee, an agent, a staff member or member of the Election Commission at all levels, he/she shall be dismissed and shall be barred from further employment with the National Election Committee or the Election Commissions at all levels for 10 (ten) years starting from the current election in addition to the criminal penalty as provided in paragraph 1 of this article.

Article 147._

The National Election Committee shall remove the name of any civil servant or responsible person from the voter list for 05 (five) years and shall request the head of their respective institution to impose administrative sanctions, ranging from placement in vacant positions without pay to dismissal from positions if he/she violates Article 87 of this law.

Article 148._

If any local non-governmental organization or association and international association or organization performing works in the territory of the Kingdom of Cambodia conduct any activity to violate directly or indirectly the provisions of Article 84 of this law, they shall be fined from 10,000,000 (ten million) Riels to 20,000,000 (twenty million) Riels by the National Election Committee.

The above-mentioned liability is not exempt from the liability of a natural person for the same act above or other offences as prescribed for in the Penal Code.

Article 149._

The National Election Committee shall fine any foreigner who is present in the territory of the Kingdom of Cambodia from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels for carrying out directly or indirectly activities with intention to campaign in support of or against a political party or a candidate.

The person, who commits the above-mentioned act, may be deported from Cambodia in accordance with the provisions of the Law on Immigration.

Article 150._

Any person, who, during the polling period, directs, induces, deceives or commits an act by all illegal means to instruct the voters to cast their votes to choose a political party against their wills, shall be fined from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels or/and shall have his/her name removed from the voter list for 05 (five) years by the National Election Committee regardless of other criminal penalties.

In case the offender is an agent or a staff member of the National Election Committee or of the Election Commissions at all levels, he/she shall be dismissed and shall be barred from further employment with the National Election Committee or the Election Commissions at all levels for 10 (ten) years starting from the current election.

In case offender is a candidate running for the election, the National Election Committee shall delete his/her candidacy in addition to the penalty provided in paragraph 1 (one) of this article.

Article 151._

Any person, who intentionally damages, destroys or exacerbates the ballot box or labels for maintaining the safety of the ballot box or causes the ballot box containing ballots to be lost, confiscated, stolen, occupied or destroyed, shall be fined from 10,000,000 (ten million) Riels to 25,000,000 (twenty-five million) Riels or/and shall have his/her name removed from the voter list for 05 (five) years, regardless of other criminal penalties, by the National Election Committee.

In case the offender is an agent or a staff member or a member of the National Election Committee or of the Election

Commission at all levels, he/she shall be dismissed and shall be barred from employment with the National Election Committee or the Election Commissions at all levels for 10 (ten) years starting from the current election.

In case offender is a candidate running in the election, the National Election Committee shall revoke his/her candidacy in addition to the penalty provided in paragraph 1 of this article.

Article 152._

Any person who, by all means, publicly insults a political party or a candidate running for the election or incites to cause discrimination against members of any particular ethnics, groups of nationalities, races or religions during the electoral campaigns and the polling, shall be fined from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels and warned in writing, irrespective of other criminal penalties by the National Election Committee.

In case of non-compliance with the above-said warning, the National Election Committee shall remove the offender name from the voter list for 5 (five) years and shall delete the candidacy of the person concerned from the candidate list if the offender is the candidate running in the election.

Article 153._

Regardless of other criminal penalties, any political party that commits the offences provided in Article 152 above shall be fined from 10,000,000 (ten million) Riels to 30,000,000 (thirty million) Riels and/or shall have its name deleted from the list of political parties running for the election by the National Election Committee.

Article 154._

Any person, who violates Article 78 or paragraph 2 (one) of Article 79 of this law, shall be warned in writing by the National Election Committee.

In case of non-compliance with the above-said warning, the National Election Committee shall remove the offender's name from the voter list for 5 (five) years or/and shall fine him/her from 1,000,000 (one million) Riels to 2,000,000 (two million) Riels.

Article 155._

Any person, who breaches Article 68 regarding the election campaign rallies or violates paragraph 1 (one) of Article 72 of this law, shall be warned in writing by the National Election Committee.

In case of non-compliance with the above-said warning, the National Election Committee shall fine him/her from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels and remove his/her name from the voter list for 5 (five) years If the offenders are a candidate running for election.

Article 156._

Any political party that commits the offences provided in Article 155 above shall be fined from 10,000,000 (ten million) to 20,000,000 (twenty million) Riels and/or shall have its candidacy be deleted from the list of political parties running in the election by the National Election Committee.

Article 157._

Any person, who breaches paragraph 2 of Article 72 of this law, shall be fined from 10,000,000 (ten million) Riels to

20,000,000 (twenty million) Riels by the National Election Committee.

His/her name shall be deleted from the voter list or his/her candidacy shall be deleted by the National Election Committee in addition to the penalty provided in paragraph 1 above.

Article 158._

Any person, who uses the State materials or means of transport to carry out campaign activities for a political party or a candidate, shall be warned in writing by National Election Committee.

In case of non-compliance with the above-said warning, the National Election Committee shall fine him/her from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels.

Article 159._

Any local non-governmental organization or association and international association or organization performing works in the Kingdom of Cambodia that violates Article 137 of this law shall be fined from 10,000,000 (ten million) Riels to 20,000,000 (twenty million) Riels by the National Election Committee.

The above-mentioned liability is not exempt from the liability of a natural person for the same act above or other offences as prescribe in the Penal Code.

Article 160._

The Chairperson of Polling Station Commission shall issue a written warning to any political agent or observer, who instructs or blames the election officers or vote counting officers.

In case of non-compliance with the above-mentioned warning, he/she shall be fined from 1,000,000 (one million) Riels to 10,000,000 (ten million) Riels by the National Election Committee.

Article 161._

Upon the request of the National Election Committee, the competent authority may decide to impose disciplinary punishments in accordance with the law and legal standard documents in force against any public civil servant or citizen in charged with public mandate by vote in the framework of civil service or while performing his/her function that violates the provisions of this chapter.

Article 162._

The offence committed by a political party shall be considered the crime committed by its organization or representative(s) for the benefit of that political party.

The political party's organization or representative(s) refers to organizations or individuals that hold decision-making rights in the name of the political party in accordance with the Statute of that political party.

Article 163._

Formalities and procedures to issue decision of the National Election Committee in implementing the provisions of this chapter shall be determined by the National Election Committee.

Article 164._

Individuals who are directly affected by the decision of the National Election Committee as provided in this chapter may

file written complaints with the Constitutional Council within 72 (seventy-two) hours after the date of receipt of this decision.

The Constitutional Council shall examine and decide on the above-said complaints within 10 (ten) days after the date of receipt of the complaints.

The decision of the Constitutional Council shall be final without recourse.

Article 165._

The proceeding to issue the decision of the National Election Committee or of the Constitutional Council shall not hinder the criminal procedural process in case the violation of the provisions stipulated in this Chapter is a crime provided in the Penal Code.

Article 166._

The provisions of Unitary Chapter (General Provision) of Content 1 (General Provisions), Unitary Chapter (Physical Force) of Content 3 (Physical Force) of Book 8 of the Penal Code shall apply in case the decision on the fines entered into force.

CHAPTER 11
TRANSITIONAL PROVISIONS

Article 167._

The National Election Committee shall prepare new voter lists for use in the Fourth Mandate of Commune/Sangkat Councils Election and update the voter list and voter registration 2017 for use in the Election of Members of the National Assembly in the sixth legislature.

In preparing the voter list as stated in paragraph 1 (one) of this article, the National Election Committee shall proceed based on the principles as provided in Article 39, paragraph 1, 2, 3, 4 and 5 of Article 44, 46, 47, 48, 49 and Article 50 and paragraph 1 (one) and paragraph 2 (two) of item 'A', 'B' and 'C' and paragraph 1 (one) of item 'D' of Article 51 of this law.

The National Election Committee may use the Khmer Identity Card data stored by the Ministry of Interior and may use the latest voter list as the basis for preparing the voter lists as stipulated in paragraph 1 (one) of this article.

Formalities, procedures, date and timeframe for preparing the voter lists as stated in paragraph 1 (one) of this article shall be determined by the Regulations and Procedures of the National Election Committee.

Article 168._

The Formalities for voter registration rejections, complaints and resolution of complaints related to voter registration, display of the preliminary voter lists, the complaints about the disappearance of names or objection against the voter registration or retention of names in the voter list and display of official voter lists in the process of preparing the new voter lists as provided in Article 167 shall be based on the provisions stipulated in Article 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 and Article 65 of this law.

Article 169._

In the event that a citizen has the name in the voters list in accordance with the provisions of this law, but he/she does not hold a Khmer Identity Card, the citizen may use the identity certificate for election.

The Minister of Interior and the Chairperson of the National Election Committee shall issue a joint directive regarding the formalities and procedures to enable the Commune/Sangkat authorities and the Commune/Sangkat Election Commissions provide identity certificate as provided in paragraph 1 (one) of this article.

CHAPTER 12
FINAL PROVISIONS

Article 170._

Any provision that is in contrast with the provisions of this law shall be abrogated.

Article 171._

This law shall be promulgated as urgent.

26 March, 2015
Royal Signature and Seal
Norodom Sihamoni

PRL.1503.240

Have Submitted for the Royal Signature
Prime Minister
Samdech Aka Moha Sena Padei Techo Hun Sen
Signature

No.: 252 S.N
For Distribution
Phnom Penh, 27 March, 2015
Secretary General of the Royal Government
Soy Sokha

Law
on
the Amendment to the Law on the Election of Members of the National Assembly

Royal Kram

NS/RKM/1017/010

We,

Preah Karona Preah Bath Samdech Preah Boromneath

Norodom Sihamoni

Saman Phoum Cheat Sasna Rakhakhattiya Khemararothreas Puthintreatha-reamohaksat

Khemreach Chornea Samohorpheas Kampuch Ekareach Roth poranaksante Sopheakmeangolea Sereivipolea Khemarasreipireash Preahchau Krong Kampuchea thipadey,

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. 0913/903, dated 24 September 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/94, dated 20 July 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No.0498/06, dated 08 April 1998, promulgating the Law on the Organization and Functioning of Constitutional Council;
- Having seen Royal Kram No. 0107/005, dated 31 January 2007, promulgating the Law on the Amendment to the Law on the Organization and Functioning of Constitutional Council;
- Having seen Royal Kram No. 0315/003, dated 26 March 2015, promulgating the Law on the Election of Members of the National Assembly;
- Having seen the letter of *Samdech Akka Moha Sena Padei Techo* HUN Sen, the Prime Minister of the Kingdom of Cambodia;

Hereby Promulgate

The Law on the Amendment to the Law on the Election of Members of the National Assembly, that the National Assembly approved on 16 October 2017, in the 9th National Assembly session of 5th legislature and which the Senate completely reviewed the entire formality and spirit of law on 20 October 2017 in the 11th plenary session of 3rd legislature, as well as declared by the Constitutional Council to be in line with the Constitution in the decision No. 189/029/2017, dated 24 October 2017 and which is of the following contents:

Article one.–

The Law on the Election of Members of the National Assembly, promulgated by Royal Kram No. 0315/003, dated 26 March 2015, is amended as mentioned hereunder:

Article 138.– Bis

In the legislature of the National Assembly, any political party declare to abandon its seats or be removed from the political party list or dissolved in accordance with the Law on Political Parties, the candidate list and all members of the National Assembly of the concerned political party shall be considered invalid and unqualified.

In the abovementioned case, the National Election Committee shall divide the vacant seats within of 07 (seven) days to the political parties participating in the Election in the capital/province disregarding the political party that abandoned their seats or was removed from the political party list, or was dissolved in accordance with the Law on Political Parties and the political parties gaining seats in the National Assembly leading the Royal Government as pursuant to the steps hereunder:

Step 1: Determine the quota requiring the political party gaining 01 (one) seat in accordance with the following formula:

$$Q' = \frac{V'}{S'}$$

Where:

Q' = representing the quota disregarding the remainder.

V' = representing the total valid ballots voted for all the political parties participating in the election in the capital/province, deducting the valid ballots, voted for the political party that abandoned the seats or was removed from the political party list or was disolved in accordance with the Law on Political Parties and deducting the valid ballots, voted for the political parties gaining seats in the National Assembly leading the Royal government.

S' = representing the vacant seats in the capital/province.

Step 2: Primarily determine the seats which each political party obtaining as per the following formula:

$$N' = \frac{V}{Q'}$$

Where:

N' = representing the number of seats which a political party in the capital/province wins before doing the necessary calculation in the step 3.

V = representing the total valid ballots, voted for a political party in the capital/province.

Q' = representing the number of quota designated in the step 1.

After the calculation in step 2, in case of no seats remaining to be further allocated, the number of the official seats shall be designated forthwith.

In case calculation is done already in the step 2, but there are seat(s) remaining to be further allocated, such remaining seat(s) shall be divided as per the formula determined in step 3.

Step 3: The remaining seat(s) shall be divided by defining the highest average as pursuant to the following formula:

$$H' = \frac{V}{N' + 1}$$

Where:

H' = representing the highest average.

V = representing the total valid ballots, voted for a political party in the capital/province.

N' = representing the number of seat(s) to be allocated to a political party.

The method stated in paragraph 9 (one) and paragraph 10 (ten) of item A of Article 135 of the Law on Election of Members of the National Assembly shall be applied to the calculation in the step 3 and the further calculations.

In case of the calculation pursuant to the foresaid formula, there are two or more parties gaining equal result of which the remaining seat cannot be allocated to any political party, such seat shall be given to the political party obtaining the highest valid ballots. In case the number of the applicable ballots of the political parties is also equal, the remaining seat shall be allocated to the political party according to drawing lots

determined by the Regulations and Procedures of the National Election Committee.

In case any political party obtains one or more additional seats; however, the number of its candidates in the candidate list is fewer than such seats, the National Election Committee shall make the written request to such party to add more candidate names in the candidate list within 05 (five) days after receiving the request. The formality of examination and approval of the additional candidates requested shall be complied with the provisions as stated in Article 23, 24, 25, 26, 28, 32, 33, 34, 35 and Article 36 of the Law on the Election of Members of the National Assembly.

In case any political party fails to comply with the said timeframe or does not make correction of the shortcoming, making such political party unable to fill in the vacant seats, it shall be considered that such political party abandons the vacant seats. In this case, the National Election Committee shall allocate such vacant seats in accordance with the provision of this article.

In case no political party accepts the vacant seats of the political party which declared to abandon the seats or was removed from the political party list or being dissolved in accordance with the Law on the Political Parties, the National Election Committee shall allocate the vacant seats to the political parties having seats in the National Assembly.

Article Two.–

This law is promulgated urgently.

Made in Royal Palace 25 October, 2017
Royal Signature and Stamp
Norodom Sihamoni

PRL.1710.842

Have Submitted for the Royal Signature
Prime Minister
Samdech Aka Moha Sena Padei Techo Hun Sen
Signature

No.: 786 S.N
For Distribution
Phnom Penh, 25 October, 2017
Secretary General of the Royal Government
Soy Sokha