

2013

Preliminary report of the NGO-CEDAW electoral observers



NGO-CEDAW-CAMBOW

The Cambodian NGO committee on
CEDAW-The Cambodian Committee for
Women 8/21/2013

The Cambodian NGO committee on CEDAW (NGO-CEDAW)

NGO-CEDAW is a coalition of 90 NGOs, and networks dedicated to the advancement of women.

The Cambodian NGO committee on CEDAW (NGO-CEDAW) was established in 1995 with the support of the Cambodian Office of UN High Commissioner for Human Rights (COHCHR). It was originally composed of nine Cambodian NGOs. The membership is now 90 members NGOs. Its principal mission is to monitor and provide an independent report on the progress implementation of CEDAW in Cambodia. As a coalition of women oriented organization, activities of NGO-CEDAW members cover most sectors of activity and of society. NGO-CEDAW members are directly interested in the electoral process and have been instrumental in providing their support to send election observers.



Objectives of NGO-CEDAW

To **monitor**, analyze trends and report on the implementation of CEDAW, the Optional Protocol, the UN Concluding Observations

To **coordinate awareness raising** initiatives on women's rights through popular and media campaigns and special events

To **publish a** corresponding **shadow report** every time the Government reports to the UN CEDAW Committee

To **coordinate the exchange of information** and services among member of NGO-CEDAW and other NGOs at the local level, regional (ASEAN) and international

To **participate** in all activities concerning women, leading advocacy for changes and progress

To **facilitate capacity building** of NGO-CEDAW members, civil society and officials

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Background

1993 ELECTIONS

After the Peace Agreements signed in Paris on October 23, 1991, the UN organized the first “free and fair elections”, held in 1993. Despite the violence, the hundreds of dead opposition activists and all the incidents that marred this first experience with democracy, the international community and the Cambodian people held this election as a success where the people



effectively had their voice heard. For this election, Cambodian living abroad had the right to vote at the Cambodian embassy of their residence. Since then, the NEC revoked that right.

In 2013, Cambodian working abroad amount to about half a million persons of voting age. They are located mostly in Thailand, Malaysia and Korea. Cambodian living abroad on a permanent basis are located mostly in the USA, Australia, Canada and France. Cambodian living abroad and their children (many of voting age), also Khmer by law, represent a population of another half million of voting age. It is generally estimated that Cambodian of voting age living and working abroad form a population of at least a million and they are denied the right to vote.

As of July 30, 2013 the prison population in the 18 Cambodian prisons monitored by LICADHO amounts to more than 13,000 inmates. We estimate that around 20% are held in pretrial detention. As long as these persons have not been convicted they should be presumed innocent and allowed the right to vote.

For the 1993 elections, the UN set a model for elections to follow, notably by introducing the voter's registration and the Electoral ID Card. The Electoral Card had the full name, the date of birth, the address and a photo of the voter. Voters were allowed to vote in the village or the place they were actually staying at rather than having to go back to their places of birth. In case the voter for whatever reason did not have his/her Electoral Card or ID, the UN would issue a "1018" form to replace it and allow the voter to cast a vote. To get a 1018 form, a person had to provide two witnesses, holders of an Electoral Card themselves.

In 2013, in case of errors or omissions, voters have to present proofs of ID and residence and get the approval of the commune chief to be put on the list. If voters are not able to provide sufficient identification, they will have to get the Identification Certificate for Elections (ICE or form 1019). The form 1019 is similar to the form 1018 of UNTAC times; however it replaces the 1018 to allow for cancelling all the previously issued 1018 and for the issuance of a whole new series of ICE's¹.

The 1993 elections were deemed a success for democracy. Probably to have it better adapted to the Cambodian context and conditions, the Cambodian government decided to amend the proven process.

The CPP who lost the elections (51 seats out of 120), the royalist party led by Prince Norodom Rannariddh (FUNCINPEC) 58 seats, Buddhist Liberal Democratic Party (BLDP) and Molinaka 1 seat. Rather than forming the opposition, the CPP threatened secession and this resulted in the formation of a government without opposition where there was 2 prime ministers, 2 ministers of interior and defense and a system of quota for power sharing

FOLLOWING ELECTIONS

The 1998 elections followed a bloody fighting in 1997. This allowed the CPP to take full control of the National Election Committee (NEC); this proved to be very convenient to release election results in line with the wishes of the CPP. The CPP got 64 seats or 41% of the votes, the FUNCINPEC was reduced to 43 seats while the new Sam Rainsy Party (SRP) got

¹ See Annex 3

15, giving the CPP a majority of 64-58 in parliament. There was widespread protests that were largely ignored by the government.

The European Union (EU) considered these election flawed and following these elections decided to overhaul its observation techniques and standards so the mistakes made during the 1998 Cambodian elections would not be repeated².

News reports confirm that in the 2003 elections, thanks to the ever accommodating NEC, the CPP got 73 seats (43%), the FUNCINPEC 24 and the SRP 24 seats. For 11 months, the opposition refused to vote in a new government. Eventually the FUNCINPEC gave in and agreed to a 60-40 government, the CPP retaining all the power.

In the 2008 elections, the CPP had total control over the NEC, the courts and the media. The CPP won 90 seats (58%) and the SRP 26 seats (22% of the vote); the remaining parties took the seven remaining seats (Human Rights Party led by Kem Sokha 3 seats, FUNCINPEC 2 seats, Norodom Rannariddh Party 2 seats). The CPP was then in position to create its own majority government. They used this absolute power to expel opposition members from committees.

Eventually in June 2013, one month before the July 2013 elections, the National Assembly's Permanent Committee, which is comprised entirely of ruling Cambodia People's Party members, stripped all 29 opposition party members of their parliamentary status. Because this expulsion took place within 6 months of a national election, the seats left empty by the purged parliamentarians were effectively terminated and remained so under until after the election.

Media Control: Not satisfied with the total control of every TV station and most radio stations, also in June 2013, the government tried to ban all reporting on elections by foreign media. Following the international outcry, the government amended their position and on June 28, 2013, the Cambodian government imposed shocking and expansive measures to censor Cambodia's local news media ahead of July 28 elections, banning FM radio stations from rebroadcasting "foreign based programs" in Khmer and from reporting on foreigners who are campaigning "to support or oppose" political parties or candidates. The ban stayed in place through the July 28 National Assembly election day.

² Brad Adams, Bangkok Post, August 20, 2013

2013 Elections

Pre-Electoral Period

THE REGISTRATION PROCESS

In 2003, the NEC took the decision to abandon the Electoral Card to replace it with the current demanding system of electoral listings, eventually leading to the confusion and the irregularities noted on Election Day, July 28, 2013.



To be included on a list on Election Day, voters have to go through an exacting process:

Voters have to check if their name, sex, address and date of birth have been correctly entered on their local electoral list. These lists are prepared by the commune. Voters are sent an information note requesting them to go check their names on the lists. Civil society organizations (CSO's) requested the NEC to post the voter lists at the level of villages. The NEC declined to have the lists posted at the village level but only at the level of commune councils (Sangkat), rendering it difficult for many voters to check their names because they just can't afford the time and expense to go to the commune council.

Since 2002, local elections to designate members of the commune councils are held one year before the national elections. In the 2012 local elections, out of 1,633 commune councils the ruling party won 1,592 representing 97.5% of the seats; a figure hard to believe in a real democracy.

Internally displaced persons or persons without a permanent address must go register in the village of their birth. There are hundreds of thousands of women who have moved to the Phnom Penh area or to other cities or provinces to work in textile factories. An estimated 700,000 to 800,000 workers are estimated to have left their village of birth to go work to the city, of these about 80% are women. Many have renounced to do the trip home to register because of the high cost of travel. Furthermore, some factories don't allow workers to take days off to go home for registration. The NEC informs employers they have to grant days off for employees to register and also to allow them to vote; one day off for workers voting in the same town they live in and 2 days or 3 days, according to the distance.



Many workers are not aware that it is possible to register in the place where they have a new residency, as long they can provide proof of ID and of residency. To prove residency, one has to go through the expensive and lengthy process of getting a new “Carnet de Residence”. Getting a new registration does not automatically cancel the original voter’s registration. Voters have to go where they were registered originally and cancel their registration themselves. Many voters don’t know or don’t bother to do it or do not have the

time or money for the transportation. This leaves the opportunity for duplicate names.

According to the Phnom Penh Post dated July 24, 2013 (p. 4), NEC secretary-general Tep Nytha said 480,000 ICE have been issued since January 2013. Some sources say up to 700,000 ICE’s have been issued.

One month before Election Day, the final/amended voter lists are posted together at a determined location at the commune council. Several CSO’s requested the lists to be posted in the level of village but the NEC declined. Only on Election Day, lists are to be posted at individual polling station.

Many voters who’ve been able to check their name at the commune council location where the lists were posted one month earlier complained that on Election Day, they couldn’t find their name on the list posted at their designated polling station.

On Election Day, voters who can’t find their exact name and data on the lists posted at the polling stations are denied the right to vote.

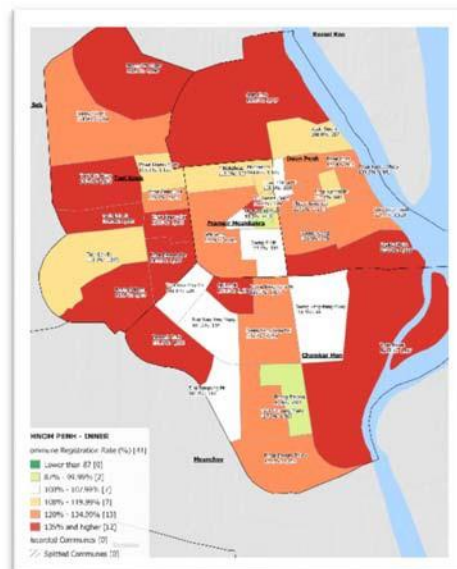
Many voters go home without voting, some others find their name on a nearby polling station and are able to vote. In some very rare cases, other have been informed by friends who found their names in another commune.

IRREGULARITIES

- 1) Irregularities could be expected as findings by the National Democratic Institute (NDI)/NICFEC³ of major discrepancies in voters lists were already reported to the NEC as early as in March 2013:
 - 10.8% of eligible citizen who thought they were registered were not found on the voter registry;
 - 9.4% of the people in the deletion list were unduly removed;
 - 10.4% of the registered voters names were unknown to people in the community (ghost voters?)
 - Only 63% of dates of birth and 86.4% of names matched information in the voters ID documents. In 2008, 78.97% of dates of birth and 87.88% of names matched.
- 2) International NGO found two disturbing reports concerning registration and voters lists:

Over registration

- When comparing the Commune/Sangkat Database (CBD) compiled with the assistance of the UNDP dated 2012 and the statistics recorded by the NEC also in 2012, there is a discrepancy: the NEC statistics show a massive over registration of up to 202.3% (Chaktomuk commune, Phnom Penh).
 - Annex 1 Over registration, Phnom Penh Post July 24, 2013
- **Duplicate names**
 - In the polling station listings provided by the NEC, at least 117,969 pairs of duplicate names (with matching date of birth) were found.
 - NB. 56,961 pairs of duplicate names (48% of total) have been found in the 3 most populated provinces: Kompong Cham, Phnom Penh and Battambang provinces).



³ Report on the Voter Registry Audit (VRA) in Cambodia February 2013 by NDI, NICFEC and the Center for Advanced Studies

- *Example: In Phnom Penh Commune Steung Meanchey, District Reisey, Mr. Khun Sopheap has voted twice. First in polling station No. 1690 first and then he went to Polling station No. 1082 to vote, his number was 58 on the voting list on the first list and number 42 on the second list at Steung Meanchey primary school.*

- Annex 2 List of Duplicates

Unfortunately, no action was taken by the NEC to address these issues at the time they were revealed.

Electoral Campaign

NGO-CEDAW members reported numerous irregularities:

- Numbers of electoral signs have been destroyed, mostly opposition signs. Intimidation was used towards activists who were not allowed to replace destroyed signs.
- Opposition parties had difficulties campaigning as their planned itineraries were often obstructed by rivals.
- Some village chiefs took names of everybody attending opposition rallies.
- Some village chiefs collected voters ID and made voters swear they'd vote for the ruling party in order to get their ID's back.
- All TV Channels and most radio stations are controlled by the ruling party and only show the ruling party campaign.
- Vote buying is generalized. Some voters even take the money they receive for attending a political meeting to purchase water to distribute to a rival political party meeting.



Election Day

NGO-CEDAW Electoral observers conducted observations of polling station during the July 28, national elections. There was a total of 19,009 polling stations in the 24 provinces of Cambodia.

Detailed data collected by NGO-CEDAW electoral observers are currently being compiled and will be provided in the narrative report.

A total of 730 observers have been dispatched by NGO-CEDAW, CAMBOW and NICFEC to 656 polling stations in 24 Cambodian provinces. 500 observers were financed by DCA/CA, 230 by Cambodian Mothers Legacy Foundation and JPF Foundation. On July 28, 2013 voting was held from 7:00 am to 3:00 pm.

2,363 cases of irregularities were noted by observers in every one of 656 polling station monitored, amounting to 100% of the polling stations monitored.

Irregularities are found in three main areas: voter list irregularities, including missing names and other denials of the right to vote, intentional fraud or vote rigging and intimidation or harassment of voters.

Some instances of irregularities noted by NGO-CEDAW observers on voting day:

- Numerous (1,772) instances of voters not finding their names on voting lists posted outside their polling stations. From 10 to 300 names were missing in every polling stations where irregularities have been noted.
 - *Example: In Phnom Penh Wat Sumson Kosal Secondary School polling station: About 50% of the voters didn't have their names on the voting list. Furthermore, many of the voters saw their names had already used.*
- Numerous voters with all their ID's in order, finding their name on voter lists posted outside at the polling stations have been informed that someone else already voted using their name. Possibly using ICE forms. This may result in duplicate names.
 - *Example: In Phnom Penh Bak Touk High School, polling station No 0299. Mr. Soun Dara, ID card No. 0964096174 found that his name had been taken by another person so he couldn't vote.*
- In several instances, voters' name, sex, address or date of birth on the list and on their ID didn't match. Voters in this situation were not allowed to vote.
 - *Example: In Phnom Penh Tonle Bassac polling station No. 002: Police are standing next to the polling stations. When date of birth or the address on the voter ID card did not match the birth on the voting lists, voters were told to come back later to vote but were not allowed to vote. NB. At least the name and sex must match. Voting is allowed if either the date of birth or the address match too.*
- In some districts, resident complained that while they were kept from voting for all kind of reasons, many people without any Khmer identification were authorized to vote using Identification Certificates for Elections (ICE). Observers also noted that in some voting stations vehicles brought in large quantities of persons from other districts to vote using ICE's (sometimes convoys bringing several hundred persons, like military, at a time). Possibly resulting in individuals voting several times.
 - *Example: In Kandal District Kandal Steung, polling station No. 0068: Six bodyguards came to vote around 11:40 am. They voted without the officials*



checking their names against the voting list. Since 7:00 am, 30 people have voted without authorities checking their names on the voting lists. Just letting them vote without verifying their information.



- There was numerous complaints that the supposedly indelible ink voters dipped their finger in to show they already voted in some instances could actually be cleaned quite easily using regular household liquids (bleach and lemon juice). Possibly resulting in individuals voting several times.
- *Example: In Phnom Penh Wat Sun Som Kosal pagoda polling station: A voter used bleach to erase the black ink from his finger.*
- *Example: In Phnom Penh Dombouk Kpos pagoda, polling stations No. 1672, 0629 and 1092. The secretary of CEC used pencils to tick for the voter name list from 7:00 am to 10:00 am. Allowing to use the names for a second time.*
- *Example: In Phnom Penh Commune Orusey 4. The secretary of the voting station allowed two different people to use the same name to vote*
- In 311 instances in 12 provinces, officials were noting the names of voters in an intimidating manner. Among official recording names of voters are village chiefs, police officers and political party officers.
- Several instances of authorities confiscating voters ID's prior to Election Day:
 - *Kampong Cham, District Kang Taneang, The residents gave their voter IDs to a CPP official who asked for them to make copies, he then returned them, but when these people went to vote they found that they could not since their names had already been voted for.*

SOME EXAMPLES OF IRREGULARITIES RECORDED BY NGO-CEDAW OBSERVERS, BY LOCATION:

In Poipet

- In Ra Chas Market, Poipet district, Bantey Meanchey polling stations no. 0715, 0557, 0559, 0750, 0749, 0589:
 - 40% of voters who came could not find their name on the list;
 - Only 658 persons out of 3,323 on the lists have been able to vote;
 - 10% of voters used ICE. Some ICE had no photo on it.
 - Some with invalid document can vote.
- In Sala Bra Chea Thom, Poipet district, Bantey Meanchey; in 14 polling stations:
 - Many people were not allowed to vote due to issues with their ID (photo not deemed clear enough or error of date of birth despite the name, sex and address were right).
 - 40% of voters who went to vote could not find their name on the voter list (15% were females). Despite the fact they've been able to vote in the previous elections.
 - Only 2,510 persons out of 7,494 on the lists have been able to vote;
- In Mung Cheng pagoda and in Kandal pagoda, Poipet district, Bantey Meanchey; in polling stations No. 0335, 0864, 0751, 0801, 0356 and 097, 0752, 0753, 0878:
 - 30% of the voters could not find their name on the voter list. They said they checked their name the month before and they found it on the voter list but could not find it the day of election. They were angry.
 - Only 1,317 persons out of 3,237 on the lists have been able to vote because many could not find their name on the list or because their voting stations had been changed;
 - 40% of voters (15% women) couldn't find their names on the lists;
 - At least 10 ICEs, were used at each polling station;
 - Many Vietnamese came to vote without any objection from the CEC;
 - Observers noticed that many persons have been allowed to vote just by having the number of their polling station and their name on the list; however many other were refused the right to vote because they didn't have valid ID;
 - The authorities had an intimidating attitude, threatening observers and "phoning to the superior to report an unacceptable environment".
 - CEC staff were uncooperative, except with authorities.
- In Baliley school, Poipet district, Bantey Meanchey; in polling stations No. 0335, 0952, 0953, 0900, 0336:
 - About 30% of voters who came could not find their name on the list, mostly because the voting location had been changed;



- Some were allowed to vote just by having the number of their polling station and their name on the list while many people were refused the right to vote because their IDs were deemed invalid or because their photo in the ID were not clear;
- In Runtas primary school, Poipet district, Bantey Meanchey; in polling stations No. 0799:
 - Many voters who came could not find their name on the list;
 - 317 persons have been able to vote out of 550 on the lists;
 - Twice the village chief was found sitting inside the polling station (against the law); he had to be asked to leave;



In Phnom Penh

- In Sala Kork Kanh Joan, Posenchey district, Phnom Penh; in polling stations 0538:
 - 366 persons have voted out of 638 on the lists;
 - 254 persons (120 female) could not find their name on the lists; 21 went back home;
 - The village chief stood near the polling stations telling people to vote for what party.
- In Sala Kork Kanh Joan, Posenchey district, Phnom Penh; in polling stations 0539:
 - 381 persons have voted out of 674 on the lists;
 - 23 persons could not vote;
 - The village chief stood near the polling stations telling people to vote for what party.
- In Wat Phnom high school, Srah Chak District, Phnom Penh; polling station No. 1194:
 - Many names of the people got lost;
 - 40 persons (including 28 female and 14 victims of Boeung Kak lake evictions) could not find their name on the lists; they gathered and expressed their resentment.
 - Some voters had their name on the lists but did not have ID acceptable by CEC and were denied the right to vote; They were angry;
 - Some voters demonstrated that they were able to wash out the indelible ink;
 - People were crowd and reclaimed about losing name.
 - Many of deputy chiefs and village chiefs were came to meet in the voting station.
 - Village chief was fighting with people.
- In Wat Phnom high school, Srah Chak District, Phnom Penh; polling station No. 0267:
 - 305 persons have voted out of 662 on the lists;
 - Many names of the Boeung Kak community people got lost;
 - 54 people have not been able to vote; 4 persons could not vote because their names had already been used;
 - Some voters showed that they were able to wash out the indelible ink;
 - People gathered and complained about not finding their names on the lists or seeing that their name had already used by someone else to vote;
 - The deputy chief stood close to the voting station.

- Village chief was fighting with people.

In Kompong Cham

- In Kang Ta Noeng, Kang Meas district, Kompong Cham; polling stations No. 2110, 0540, 0541, 0542, 0536:
 - Between 11am to 12 am, the village chief, the commune chief and other powerful people with 5-6 non-identified people came to vote. The CEC allowed them to vote without checking. The observer was scared to observe.
 - The observer was told that “excellencies” came and negotiate with other political party observers by giving thousand dollars.
 - Many men and women drank alcohol and came to the polling station making it difficult to observe.
 - In polling station 1955, CPP representatives were instructing people for whom to vote.
- In Kang Ta Noeng, Kang Meas district, Kompong Cham; polling stations No. 1955:
 - 520 persons have voted out of 700 on the lists;
 - 33 voters used ICE.
- In Kang Ta Noeng, Kang Meas district, Kompong Cham; polling stations No. 1850:
 - 410 persons have voted;
 - 11 voters used ICE.
 - Queuing was messy. Old people had difficulties to stand in queue;
 - Ghost names on the lists have been voted by someone;
 - Some people voted more than one time because they had their name in different voting offices and could easily clean their finger.
- In Kang Ta Noeng, Kang Meas district, Kompong Cham; polling stations No. 0574:
 - 419 persons have voted out of 507 on the lists;
 - 9 voters used ICE.
 - CPP activists had a meeting about 20m from the polling station; (the law allows only more than 100m from the polling station).
 - There was a CPP representative present, guiding people who to vote for;
 - This voting station was very messy.
- In Kang Ta Noeng, Kang Meas district, Kompong Cham; polling stations No. 2347:
 - 529 persons have voted out of 650 on the lists;
 - 7 voters used ICE.
 - CEC asked the observers to stand 15m from voting office but we did not obey.
 - Observers had difficulty to observe as CEC assigned their assistant to check the names in the lists and did not allow observers to oversee. They told observers that will let them know the result later.



- Small number of people could not vote as their name had already been used by other person.
- Many people did not come for vote as they had migrated outside the country.

In Siem Reap

- In Srae Noy, Varin district, Siem Reap; polling stations No. 1142, 0877:
 - Most voters were soldiers.
 - There were total of 1243 voters in these 2 voting stations and only around 30-40 are villagers in voting station No. 1142.
- In Srae Noy, Varin district, Siem Reap; polling stations No. 1173, 0815, 1103, 1143:
 - Soliders were picked up by 7 trucks from Udor Meanchey, Preah Vihear and Bantey Meanchey.
 - A total of 1,200 out of 1,600 voters in theses voting stations were soldiers
 - The soldiers were dressed with uniform but they took off the uniform when they arrived at the voting stations.
 - Villagers did not even know where they were from.
 - Villagers did not dare to talk to the observers or journalists because they were scared of CPP monitors.
 - These voting's office were very messy as soldiers walked all around the voting's station.
 - Most soldiers used military cards to vote.
- In Kork Kandal Kraing, Varin district, Siem Reap; polling station No. 1115:
 - This new polling station has been established for the soldiers.
- In Kork Kandal Kraing, Varin district, Siem Reap; polling station No. 786:
 - 566 persons have been able to vote but only 400 were villagers.
- In Village 7, Chong Kneas district, Siem Reap; polling station No. 0481:
 - Almost 100% of the voters were Vietnamese;
 - 5 persons came vote with repeat name but just a different date of birth;
 - Only 2 Cambodian came to vote in this voting station.
 - There was a CPP representative standing nearby these polling stations to record the name of Vietnamese who came to vote;
 - The voting environment was very messy
 - The voting station windows were closed; observers were not allowed inside.

In Kandal

- In Sampan Kroam school, Saang District, Kandal; polling station No. 0921:
 - 20 people voting by using yellow book (family book)
 - Many people could not find their name
 - Many people had valid document but did not have name in the list
 - There was ghost names in the list
 - Deputy chief stood close to the voting office

- 428 persons voted out of 642 on the lists;
- In Prek Ambil, Saang district, Kandal; polling stations No. 0923, 1383:
 - 25 voters couldn't find their name on the list;
 - Deputy and village chief were near by the voting office.

Conclusion

After the NEC published preliminary results, the ruling party and the opposition couldn't agree on the result of the vote.

The opposition and CSOs' ask for an independent investigation on the reports numerous of irregularities. As of now, this demand has been denied by the NEC and the CPP.

60 days after the elections, the king has to call for a first session with all elected MPs'. There are discussions under way debating on the legality of this session in case the opposition boycotts it. The opposition is planning demonstrations to let the people express their voice.



Both the ruling party and the opposition appear inflexible in their rhetoric. It is likely, however in no way certain, that they'll eventually develop a political arrangement of some sort that allows each other "room to breathe and time to build for a future"⁴.

The electoral process is an essential part of any democracy. It should be expected that elections are truly free, fair and entirely transparent. Some governments may be tempted to hijack elections and/or doctor results. The elections in Cambodia belong to the Cambodian people and should reflect the will and aspirations of the Cambodian people rather than their leaders.

Recommendations:

- An independent investigation commission should be created;
- They should be a new vote in polling stations where there was enough irregularities to affect seat distribution;
- The issuing of the ICE should be reviewed as it is a source of many irregularities;
- Electoral cards like in 1993, during UNTAC should be reinstated to avoid fraud that are facilitated by the current system of registration and voter lists..

⁴ CAMBODIA: Political adjustments, an article by Dr. Gaffar Peang-Meth published by the Asian Human Rights Commission, August 2013

SEAT ALLOCATION PER PROVINCE

Seat allocation is not based on a fixed number of votes obtained. Rather, seat allocation is based on a multi-step formula using the law of average. It factors in:

- Number of seats for the province
- Ballots cast considered VALID
- Ballots cast considered VOID

For example let's imagine a Cambodian province with 6 seats at the National Assembly where 320,000 votes have been cast and 20,000 votes have been determined as void:

Total votes : 320,000

Minus voids : 20,000

Remains (valid votes): 300,000

In this cases, 2 parties received the votes:

- Party A = 180,000 votes
- Party B = 120,000 votes



STEP ONE:

Total votes cast minus void ballots divided by total seat for that province equals the "quota". (The quota is the number of votes a party must receive in order to get one N.A. seat for that particular province.)

Total votes cast: 320,000 minus 20,000 voids ballots (320,000-20,000) = 300,000 valid votes divided by 6 seats = 50,000 votes, the quota.

STEP TWO:

Dividing the votes for each party by the quota will determine how many seats each party will get. In this case:

Party A: 180,000 votes divided by the quota (180,000/ 50,000)= 3 seats

Party B: 120,000 votes divided by the quota (120,000/ 50,000)= 2 seats

5 seats have been allocated of the total possible 6; one seat remains.

The formula to get this remaining seat is a major component of

STEP THREE:

Remaining votes to determine the 6th seat:

Party A: 30,000 votes

Party B: 20,000 votes

Otherwise, the total number of valid votes received by each party is divided by the number of seats this party received in step 2 plus one:

Party A: 180,000 votes divided by 4 (3 seats obtained in step 2 plus one)= 45,000 votes

Party B: 120,000 votes divided by 3 (2 seats obtained in step 2 plus one)= 40,000 votes

In this case the party A wins.

In case of a tie, where each party has the same remaining number of extra votes after step 2, the seat is determined by the casting of a die (lottery).

Example:

Party A: 160,000 votes divided by 4 (3 seats obtained in step 2 plus one)= 40,000 votes

Party B: 120,000 votes divided by 3 (2 seats obtained in step 2 plus one)= 40,000 votes

However, if the party A had received a total valid votes of 160,001 (rather than 160,000), this remaining 6th seat would have gone to the party A based on the Step Three formula.

Effectively, in this hypothetical, the party A would have received one extra seat at the National Assembly based on only one (1) extra valid vote.

HISTORICAL PERSPECTIVE

Year	Provinces	Seats	Parties	Registered Voters	Voter Participation
1993	21	120	20	4,764,430	89.56%
1998	23	122	39	5,395,595	93.74%
2003	24	123	23	6,341,834	83.22%
2008	24	123	11	8,125,529	75.21%
2013	24	123	8	9,675,453	?

ANNEX 1

Over registration, Phnom Penh Post July 24, 2013

<http://www.phnompenhpost.com/national/giving-more-100>

Giving more than 100% Wed, 24 July 2013

[David Boyle](#)

Nearly all of Phnom Penh's communes have voter registration rates in excess of 100 per cent, amounting to more than 145,000 additional names, with one commune topping the 200 per cent mark, an analysis of previously unseen government population data reveals.

Further analysis of the already public National Election Committee voter list shows there are more than 25,000 exact duplicate names in Phnom Penh alone, despite previous NEC assurances that exact duplicates had been removed.

That data as well as leaked commune-level numbers obtained by the Post draw detailed maps of over-registration.

These bloated registration rates raise concerns that ballot rigging could be conducted in specific areas through various methods, from more sophisticated manipulation of voter identity documents to simple ballot stuffing.

The huge spike of names in Phnom Penh, where 83 out of 96 communes have more than 100 per cent registration, is repeated in key electoral provinces across the country. In Kampong Cham, a total of about 129,000 more voters than people of voting age are registered in 137 of 173 communes.

For battleground provinces Kandal and Prey Veng, the number of excess voters in 122 of 127 communes totals more than 114,000 and 64,000 in 96 of 116 communes, respectively.

In some cases, comparisons of the late 2012 NEC voter registration list and the government-produced, UNDP-sponsored commune/sangkat database (CDB) reveal there are as many as 9,000 additional registered voters across individual communes.

One of the major concerns to monitors is that the NEC has issued an unusually high number of Identification Certificate for Election (ICE) forms — nearly 500,000 — after the voter-

registration period closed late last year. Election watchdogs have warned that these forms can be easily misused to claim excess names.

Laura Thornton, resident director of the National Democratic Institute, said the fact that there were “way too many” names on the voter list, direct duplicates and an unusually high number of ICEs all amounted to “a concerning cocktail of information”.

“The concern is that if you have a bunch of extra names on the voter list that you want to take advantage of, an easy way would have been to get an ICE issued in the name of a duplicate name,” she said.

“So if a party wanted to use names that would be the easiest way to do it.”

Though ICE forms were used legitimately to register people to the voter list, Thornton explained that the only legal use for the hundreds of thousands that had been issued after registration was in the rare event that some lost their identification through theft or bad luck.

“To think that [so many] people would need that, it’s just not plausible,” she said.

Another way the additional names could be exploited was if polling officials simply did not check IDs, though this was considerably more risky because, unlike ICEs, such actions could be spotted by polling monitors.

“What will be fascinating to see will be ... what happens on Election Day, what is the turnout in those areas and how many people will vote with ICEs.”

Provided the applicant has two witnesses and photos, ICEs can be approved by commune chiefs — more than 97 per cent of whom belong to the ruling Cambodian People’s Party.

NEC secretary-general Tep Nytha maintained the high number of ICEs issued since registration was required to account for all of those who might have lost their ID.

“We have issued 480,000 ICEs since registration to vote [ended]. From January to this time, we are totalling it and will have a number tomorrow,” he said yesterday.

Nytha said the NEC had cleaned many duplicated names from the voter list, though some had not been cleared because slight variations in spelling could make identification difficult.

But he declined to specifically address questions about direct duplicates in Phnom Penh and said he would have to look into figures of over-registration before commenting.

The highest rates of over-registration coincide with two things: the provinces that are worth the highest number of seats at the election and the provinces in which the opposition are considered to have the greatest chance of making inroads. In safe CPP rural provinces, the over-registration rate is far lower.

By sheer number of names registered above the government CDB population figures, communes in Phnom Penh stand out, with Toek Thla commune in Sen Sok district at 9,472 (136.9 per cent) and Tonle Bassac commune in Chamkarmon district at 9,197 (168.0 per cent).

The highest percentages of over over-registration, meanwhile, are found in Chang Krang commune in Kratie province's Chet Borei district (209.5 per cent) and at Chaktomuk commune in Phnom Penh's Daun Penh district (202.3 per cent).

But it is inner Phnom Penh that is most disturbing as a whole. There, 12 of 41 communes have an over-registration rate above 135 per cent. In these inner-city communes, the opposition fared above-average.

A total 25,251 voters registered on the NEC list for Phnom Penh, meanwhile, have exactly the same name with the same spelling, same date of birth and same gender.

In a statement issued in April, the NEC announced that "for double names which were found on the 2011 voters lists by Comfrel ... NEC did not completely delete because the NEC deleted only the names which have the same data."

Cambodia National Rescue Party candidate Son Chhay said his party had found instances where one person's name had been repeated on the voter list up to seven times and that the same tactics had stopped the opposition from winning a single commune chief position in Phnom Penh in the 2012 commune election.

"This success gave them [the CPP] another idea, that they will do the same for this election so they increase the number of extra voters," he said.

"This is the thing that we are very concerned about right now."

Sam Rainsy Party senator Mardi Seng said he was shocked to hear how high the rates were but was, at least anecdotally, well aware of the problem.

“I’m one of them. I’ve found my name in two different communes, and I am very interested in who is voting for me in the other place.”

[Click here to download nationwide registration maps and a spreadsheet of duplicated names](#)

SHA1 checksum: 35f143d448b233952dec62a76c3eb12fb681bcec

ADDITIONAL REPORTING BY MEAS SOKCHEA

ANNEX 2

Duplicate names (file available upon request)

ID#	FAMILY	FIRST	SEX	D.O.B.	Y	DDRESS 1	ADDRESS 2	COMM. #	COMM. NAME	STATION #	STATION NAME	ID#	FAMILY	FIRST	SEX	D.O.B.	Y	ADDRESS 1	ADDRESS 2	COMM. #	COMM. NAME	STATION #	STATION NAME
R-1308691	វ៉ែកន	សំបូរ	្រុ	1956-12-29	0	ច្រវា ហ	-	12-001	កន្លែងកំណើត	0002	អនុវត្ត+បឋម	R-10095657	វ៉ែកន	សំបូរ	្រុ	1956-12-29	0	-	-	12-078	កន្លែងកំណើត	1365	អនុវត្ត+បឋម
R-1309244	ខីរី	សំបូរ	្រុ	1985-01-22	0	ផ្កា	សំបូរ	12-001	កន្លែងកំណើត	0006	អនុវត្ត+បឋម	R-11296548	ខីរី	សំបូរ	្រុ	1985-01-22	0	-	-	12-058	កន្លែងកំណើត	1606	អនុវត្ត+បឋម
R-1311236	ខេង	ច្រវា	្រុ	1968-10-30	0	171	8	12-001	កន្លែងកំណើត	0021	អនុវត្ត+បឋម	R-6345398	ខេង	ច្រវា	្រុ	1968-10-30	0	171	-	12-070	កន្លែងកំណើត	0780	អនុវត្ត+បឋម
R-1471435	ខេង	1 ្រុ	្រុ	1975-10-07	0	166	-	12-001	កន្លែងកំណើត	0026	អនុវត្ត+បឋម	R-10074855	ខេង	1 ្រុ	្រុ	1975-10-07	0	166	259	12-035	កន្លែងកំណើត	1201	អនុវត្ត+បឋម
R-1308938	កក	កក	្រុ	1968-03-02	0	462	-	12-001	កន្លែងកំណើត	0859	អនុវត្ត+បឋម	R-10106895	កក	កក	្រុ	1968-03-02	0	22	ល	12-063	កន្លែងកំណើត	1557	អនុវត្ត+បឋម
A-28428	កក	កក	្រុ	1975-06-30	0	-	-	12-001	កន្លែងកំណើត	0938	អនុវត្ត+បឋម	R-11719060	កក	កក	្រុ	1975-06-30	0	-	-	12-058	កន្លែងកំណើត	1686	អនុវត្ត+បឋម
R-1311511	កក	កក	្រុ	1974-06-25	0	18	10	12-001	កន្លែងកំណើត	0022	អនុវត្ត+បឋម	R-11252996	កក	កក	្រុ	1974-06-25	0	1	10	12-001	កន្លែងកំណើត	0862	អនុវត្ត+បឋម
A-27918	កក	កក	្រុ	1969-03-15	0	166	29	12-001	កន្លែងកំណើត	0860	អនុវត្ត+បឋម	R-11329498	កក	កក	្រុ	1969-03-15	0	166	-	12-047	កន្លែងកំណើត	1663	អនុវត្ត+បឋម
R-1310702	យក	សក	្រុ	1958-01-11	0	22	-	12-001	កន្លែងកំណើត	0016	អនុវត្ត+បឋម	R-8547519	យក	សក	្រុ	1958-01-11	0	22	182	12-025	កន្លែងកំណើត	0299	អនុវត្ត+បឋម
R-1311121	យក	ផ្កា	្រុ	1977-10-12	0	462	-	12-001	កន្លែងកំណើត	0862	អនុវត្ត+បឋម	R-10634920	យក	ផ្កា	្រុ	1977-10-12	0	-	-	12-071	កន្លែងកំណើត	1683	អនុវត្ត+បឋម
R-1311242	យក	ផ្កា	្រុ	1960-01-01	0	29	9	12-001	កន្លែងកំណើត	0021	អនុវត្ត+បឋម	R-10099190	យក	ផ្កា	្រុ	1960-01-01	0	771	-	12-057	កន្លែងកំណើត	0611	អនុវត្ត+បឋម
R-1309679	យក	សក	្រុ	1954-08-07	0	48	-	12-001	កន្លែងកំណើត	0003	អនុវត្ត+បឋម	R-10103279	យក	សក	្រុ	1954-08-07	0	48	10	12-059	កន្លែងកំណើត	0639	អនុវត្ត+បឋម
R-1311268	យក	សក	្រុ	1983-04-05	0	47	16	12-001	កន្លែងកំណើត	0021	អនុវត្ត+បឋម	R-11281639	យក	សក	្រុ	1983-04-05	0	7	536	12-038	កន្លែងកំណើត	1269	អនុវត្ត+បឋម
R-1312077	យក	ផ្កា	្រុ	1958-08-18	0	144	16	12-001	កន្លែងកំណើត	0025	អនុវត្ត+បឋម	R-11320257	យក	ផ្កា	្រុ	1958-08-18	0	261	ល	12-069	កន្លែងកំណើត	1668	អនុវត្ត+បឋម
R-1308812	យក	កក	្រុ	1984-02-05	0	166	-	12-001	កន្លែងកំណើត	0002	អនុវត្ត+បឋម	R-8194660	យក	កក	្រុ	1984-02-05	0	-	-	12-090	កន្លែងកំណើត	1468	អនុវត្ត+បឋម
R-1311325	យក	កក	្រុ	1942-08-10	0	26	13	12-001	កន្លែងកំណើត	0021	អនុវត្ត+បឋម	R-11703335	យក	កក	្រុ	1942-08-10	0	18	-	12-042	កន្លែងកំណើត	1679	អនុវត្ត+បឋម
R-1309977	យក	កក	្រុ	1975-06-06	0	480	-	12-001	កន្លែងកំណើត	0861	អនុវត្ត+បឋម	R-11294923	យក	កក	្រុ	1975-06-06	0	281	-	12-057	កន្លែងកំណើត	1602	អនុវត្ត+បឋម
R-1310748	យក	កក	្រុ	1970-05-04	0	101	-	12-001	កន្លែងកំណើត	0016	អនុវត្ត+បឋម	R-8988005	យក	កក	្រុ	1970-05-04	0	-	-	12-058	កន្លែងកំណើត	0625	អនុវត្ត+បឋម
R-1309749	យក	កក	្រុ	1978-04-14	0	33	-	12-001	កន្លែងកំណើត	0003	អនុវត្ត+បឋម	R-10107543	យក	កក	្រុ	1978-04-14	0	1729	ល	12-063	កន្លែងកំណើត	0694	អនុវត្ត+បឋម
R-1309555	យក	កក	្រុ	1963-04-20	0	166	-	12-001	កន្លែងកំណើត	0004	អនុវត្ត+បឋម	R-10062308	យក	កក	្រុ	1963-04-20	0	31	268	12-019	កន្លែងកំណើត	0220	អនុវត្ត+បឋម
R-1310817	យក	កក	្រុ	1978-08-03	0	297	-	12-001	កន្លែងកំណើត	0017	អនុវត្ត+បឋម	R-11721432	យក	កក	្រុ	1978-08-03	0	166	-	12-066	កន្លែងកំណើត	1685	អនុវត្ត+បឋម
R-1309792	យក	កក	្រុ	1968-10-05	0	63	-	12-001	កន្លែងកំណើត	0003	អនុវត្ត+បឋម	R-8985586	យក	កក	្រុ	1968-10-05	0	386	-	12-071	កន្លែងកំណើត	0786	អនុវត្ត+បឋម
R-1309880	យក	កក	្រុ	1968-02-01	0	-	-	12-001	កន្លែងកំណើត	0859	អនុវត្ត+បឋម	R-8195459	យក	កក	្រុ	1968-02-01	0	238	-	12-091	កន្លែងកំណើត	1490	អនុវត្ត+បឋម
R-1309044	យក	កក	្រុ	1965-03-01	0	38	-	12-001	កន្លែងកំណើត	0007	អនុវត្ត+បឋម	R-10123105	យក	កក	្រុ	1965-03-01	0	-	-	12-093	កន្លែងកំណើត	1623	អនុវត្ត+បឋម
R-1311983	យក	កក	្រុ	1962-09-01	0	14	1	12-001	កន្លែងកំណើត	0025	អនុវត្ត+បឋម	R-6293671	យក	កក	្រុ	1962-09-01	0	166	-	12-046	កន្លែងកំណើត	1036	អនុវត្ត+បឋម
R-1471373	យក	កក	្រុ	1977-01-01	0	42	9	12-001	កន្លែងកំណើត	0026	អនុវត្ត+បឋម	R-8980171	យក	កក	្រុ	1977-01-01	0	-	ល	12-066	កន្លែងកំណើត	0726	អនុវត្ត+បឋម
A-26255	យក	កក	្រុ	1957-07-07	0	-	-	12-001	កន្លែងកំណើត	0861	អនុវត្ត+បឋម	R-6235975	យក	កក	្រុ	1957-07-07	0	488	488	12-012	កន្លែងកំណើត	0142	អនុវត្ត+បឋម
R-1312051	យក	កក	្រុ	1965-02-01	0	14	8	12-001	កន្លែងកំណើត	0025	អនុវត្ត+បឋម	R-6287559	យក	កក	្រុ	1965-02-01	0	261	261	12-041	កន្លែងកំណើត	1274	អនុវត្ត+បឋម
R-1310994	យក	កក	្រុ	1968-09-01	0	91	-	12-001	កន្លែងកំណើត	0862	អនុវត្ត+បឋម	R-10125728	យក	កក	្រុ	1968-09-01	0	180	ល	12-069	កន្លែងកំណើត	1327	អនុវត្ត+បឋម

The Identification Certificate for Elections (ICE, form 1019), replacing the form 1018.

This is an example of an illegal ICE:

- The photo does not correspond to the name on the form.
- The Person on the photo says the thumbprint on the form is not his.
- The voter has never met the 2 witnesses.

[illegible]