

**DRAFT OF PROPOSED LAW ON
AMENDMENTS TO THE LAW ON ELECTION OF MEMBERS OF THE NATIONAL ASSEMBLY**

CHAPTER 1 GENERAL PROVISIONS

Article 1._

The purpose of this Law is to establish the procedures and the 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 polling shall be determined and announced by the Prime Minister at 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.

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 and just, equal, direct, and by means of secret voting.

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

Article 6 . _

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

- Banteay Meanchey	06 (six) seats
- Battambang	08 (eight) seats
- Kampong Cham	10 (ten) seats
- Tbong Khmum	08 (eight) seats
- Kampong Chhnang	04 (four) seats
- Kampong Speu	06 (six) seats
- Kampong Thom	06 (six) seats
- Kampot	06 (six) seats
- Kandal	11 (eleven) seats
- Koh Kong	01 (one) seat
- Kratie	03 (three) seats
- Mondulkiri	01 (one) seat
- Phnom Penh	12 (twelve) seats
- Preah Vihear	01 (one) seat
- Prey Veng	11 (eleven) seat
- Pursat	04 (four) seats
- Ratanakiri	01 (one) seat
- Siem Reap	06 (six) seats
- Preah Sihanouk	03 (three) seats
- Stung Treng	01 (one) seat
- Svay Rieng	05 (five) seats
- Takeo	08 (eight) seats
- Kep	01 (one) seat
- Pailin	01 (one) seat
- Uddor Meanchey	01 (one) seat

CHAPTER 3

POLITICAL PARTY AGENTS AND ELECTION OBSERVERS

Article 7 . _

Each political party running in the election shall have the right to assign 02 (two) representatives, 1 (one) legitimate and 1 (one) reserve among those in the voter list, known as political party agents to participate in observing the election at each polling station and vote count station.

The legitimate agent shall be allowed to enter the polling station and the vote count station.

The reserve agent shall be allowed to replace the legitimate agent while the legitimate agent is absent.

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 in the election of Members of National Assembly shall submit application form to register its legitimate and reserve agents to the Commune/Sangkat Election Commission not later than 7 (seven) days after the date on which the candidate list is put on display as stipulated in article 37 of this law.

The political party 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 the case where a legitimate and reserve 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 legitimate and reserve agent again to replace the party agent who is dismissed 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 observers in the election.

Associations and non-governmental organizations shall arrange and apply for registration of their representatives 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 who have proper qualifications as defined as stipulated 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 applies for observing the election 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 observer again to replace the observer who is rejected with the Commune/Sangkat Election Commission not later than 3 (three) days after receiving the written notice about the rejection.

Article 14.

Agents of each political party who are accredited shall have the right to be present at the polling station and vote counting station in accordance with the regulations and procedures of the National Election Committee.

Article 15.

In observing the polling and vote 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 chairperson of the polling station or the chairperson of the vote counting station when violation takes place or after the violation takes place.

Article 17._

The format of 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 the polling and vote counting process, the political party agents shall not:

- Instruct or reproach the election and vote counting officials
- Disrupt or interfere with the election and vote counting process
- Raise objections or make complaints to someone else other than the chairperson of the polling station or the chairman of the vote counting station.
- Violate provisions of this law or regulations and procedures of the National Election Committee.

Article 19._

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

- Instruct or reproach the election and vote counting officials
- Disrupt or interfere with the election and vote counting process
- Violate provisions of this law or regulations and procedures of the National Election Committee.

Article 20._

The National Election Committee shall disseminate to political parties, associations and non-governmental organizations that undertake to observe the election about 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.

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 according to the provisions of this law.

CHAPTER 4

REGISTRATION OF POLITICAL PARTIES AND LISTS OF CANDIDATES RUNNING IN 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 the Election;
3. Have the right to vote and has name registered in the voters' list;
4. Have a residence in the Kingdom of Cambodia;
5. Be nominated by a registered political party running in 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 Royal Cambodian armed forces and members of the national police in holding office, and religious priests; or
2. Persons who are convicted for a felony or misdemeanor punishment 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 in 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 temporary 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 in 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.

If elected, he/she shall, through hierarchal rankings, apply to the relevant 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 format 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 in a form approved by the National Election Committee, no 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 name of the political party in full, 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 legitimate candidates equal to at least 1/3 (one-third) of the seats in the National Assembly, and number of reserve candidates equal to that of legitimate 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 creation 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 the free, fair and just 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 Permanent Committee or a equivalent organ 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 one 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 in 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 that runs in 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/her seeks to be a candidate of another political party.

Article 30._

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

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

The duration for 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 in 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 in the Election.

If the National Election Committee agrees to register the political parties running in 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 fulfill the requirements as set out in Articles 23, 24, 25, 26, 27 and 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 5 (five) days from the date it receives 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 in 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 in 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 or the candidate list, indicating the reasons for the rejection and the date of the rejection;
- provide a 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, they 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 retain a 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 that they receive 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.

Article 34._

If the Constitutional Council agrees on 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 in 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 of certification of the registration of political party running in the election.

The National Election Committee shall send a 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, blocking ways for objection.

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

Article 36._

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

The Constitutional Council shall post 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 the all complaints and appeals are finally settled, the National Election Committee shall post the list of all registered political parties running in the Election and the list of their candidates in the Capital/province 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 determined area.

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

Article 39._

Each polling station shall have no 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 vote counting stations shall have their inner compound recognized by the National Election Committee.

The inner compound inside the perimeters 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 compound shall be arranged to have an entrance and an exit.

Article 41._

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

The outer compound within the perimeters of the polling station and vote counting station 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 compound of each station.

Article 42._

The National Election Committee shall have the right to select a compound or buildings to establish 2 (two) or more polling stations, provided 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 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 in 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 a copy of the list of names and locations of polling stations of each constituency to the Constitutional Council.

CHAPTER 6 VOTER REGISTRATION AND VOTER LIST

Article 44._

Voter registration and voter list shall guarantee the right to vote of all Cambodian citizens who fulfill the conditions 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 list must record the following information of the voter:

- Surname and given name
- Sex
- Date of birth
- House or 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...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 Citizen 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 Capital's/Provincial 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 Capital's/Provincial 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 no longer than 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 whose boundaries change based on the conditions determined in the Law on Administrative Management of Communes/Sangkats 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 eligible to vote, every citizen must have his/her name in the voter list and must have Khmer Citizen Identity Card.

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

- Be a Khmer national;
- Be over 18 (eighteen) years old, counting up to the polling day;
- Have house or residence in the commune/sangkat where he/she is going to cast the vote;
- 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 actually implement this Article.

Article 47._

The candidates running in the Election, their spouses and children may cast the 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 to run in 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 may request to the National Election Committee to register his/her name and the name of his/her spouse and children, provided the spouse and children agree to do so, in any polling station at the constituency where he/she is running for.

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 order 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 Khmer citizen shall have only 1 (one) name in the voter list of 1 (one) polling station only.

Any Khmer citizen, who has more than 1 (one) houses or residences in the Kingdom of Cambodia, shall choose only 1 (one) residence to register as a voter.

A house shall be the location of livelihoods of each individual person.

In case the location of livelihoods is unclear the residence shall be considered as a house. A residence refers to a place where an individual person accommodates actually stays for a certain period of time.

Article 49._

The National Election Committee shall issue regulations and procedures so that the citizen who does not have clear house 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 stays.

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, 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 several members as determined by the National Election Committee to update the voter list and register voters annually in accordance with the election law and regulations and procedures for the election.

The commune/sangkat council shall lead the voter registration team to correctly implement the law on election, regulations and procedures for election.

During the period of voter list revision and voter registration of every 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 supervise and be responsible on a permanent basis for 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 permanent duty shall not receive any additional remuneration.

The National Election Committee shall consult with the Ministry of Interior on the delegation of authority according to the capacity and resources of Commune/Sangkat Council and shall provide appropriate training, capacity building, means, supplies and 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, Khmer 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, Khmer citizens shall:

- Show their Khmer Citizen 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 other 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 removed or his/her name is deleted from the voter list or has changed his/her residence and moved to another commune/sangkat with clear support 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 Capital's/Provincial Election Commission every 2 (two) months' time. During the vote list revision and voter registration as stated in article 45 of this Law, the Secretariat of the Capital's/Provincial Election Commission shall cooperate with the voter registration team of each commune/sangkat to delete the names of those citizens from the voter list and the voter register in the commune/sangkat.

After the voter list is validated, if 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. This list shall be made and copied to the Secretariat of the Capital's/Provincial Election Commission every 2 (two) months' time. During the voter list revision and voter registration, those citizens shall fulfill the voter registration requirements as stipulated in the paragraphs 1 and 2 of item 'A' of this Article.

When necessary, the Commune/Sangkat Council shall consult with the Secretariat of the Capital's/Provincial 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 citizenship and house or residence, a citizen shall personally show his/her Khmer Citizen Identity Card to the voter registration team

For a citizen who does not have Khmer Citizen Identity Card or whose Khmer Citizen 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 Citizen Identity Card for him/her.

In the event that the competent authority cannot provide Khmer Citizen Identity Card on time the citizen concerned shall appear in person before the authority of the commune/sangkat where he/she is staying with 2 (two) witnesses who are eligible to vote and have houses or residences in the same commune/sangkat so that the commune/sangkat authority can fill out the form to provide identification 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 house or 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 President of the National

Election Committee shall issue a joint instruction about the form and procedures for delivering the identification document as stipulated in paragraph 3 of item 'B' of this article.

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

If the citizen does not yet have a residency book or family book he/she may request for a residency certificate from the authority of the commune/sangkat where he/she has a house or a residence. The commune/sangkat authority shall issue the residency certificate in a timely manner during the voter registration period according to the regulations and formal documents that are determined.

- D) In case a citizen has sufficient documents as stated in items (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 voters 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 subparagraph 3 of item '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.

If 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 evidence proving that a person does not sufficiently meet the requirements stated in article 46 and in items (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, he/she personally or his/her representative may 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 Capital's/Provincial Election Commission for information and keeping one (1) copy for filing.

Article 54._

Any person, whose registration is rejected by the voter registration team, 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 using 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 decides in favor of the complainant, the Commune/Sangkat Council shall order 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 appeal, 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, he/she personally or his/her representative may file an appeal with the National Election Committee within 5 (five) days after receiving the rejection notice;
- Send a copy of the rejected file to the NEC through the secretariat of the Capital's/Provincial Election Commission for information and keep 1 (one) copy for filing.

Article 57._

Any person, whose complaint is rejected by the Commune/Sangkat Council, or his/her representative may 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 favor of the request of the complainant, the National Election Committee shall issue a decision to the Commune/Sangkat Council to order 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 appeal 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 57 of this Law, he/she personally or his/her representative may 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 a contested complaint in writing with the Constitutional Council within 5 (five) days after receiving the rejection notice.

The Constitutional Council shall decide on the appeal by conducting a public hearing not later than 10 (five) 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 have the National Election Committee register or reject the registration of the person in question;
- send a copy of the decision on approval or rejection of registration to the complainant or his/her representative;

If the decision of the Constitutional Council requires the name of the person in question to be registered, the National Election Committee shall order the Commune/Sangkat Council to assign the voter registration team to register the name of the person in question according to the registration requirement prescribed in (D) of article 51 of this Law, then send a copy of the newly modified 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 storage center of the National Election Committee.

If 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 arrange 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 places 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_

Any person may, within a maximum 5 (five) days after the preliminary voter list is posted, 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, provided he/she has the evidence proving 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 lists
- That person came to register 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.
- That person has name in the voter list, but the recording is unclear.

The person who makes an objection shall provide any document as evidence to the Commune/ Sangkat Council.

The person filing an objection must 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 any complaint or objection within 3 (three) days after receiving the complaint.

If the complaint or objection is sustained, the Commune/Sangkat Council shall order the voter registration team to register the person in question or delete the name of the person in question from the voter list.

If the 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 appeal or objection by conducting a public hearing within 5 (five) days after receiving the complaint.

If the complaint or objection is justifiable, the NEC shall order the Commune/Sangkat Council 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 complaint or objection is not satisfied with the decision of the National Election Committee, he/she or his/her representative may 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 have the National Election Committee register or reject the registration of the person 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 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 person in question, the National Election Committee shall order the Commune/Sangkat Council to assign the voter registration 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 modified voter list to the Constitutional Council.

Article 64._

When all appeals or objection complaints are definitely resolved, the National Election Committee shall order to send a copy of the official voter list of each year to the secretariat of the Capital's/Provincial 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 not exceed the production cost.

Article 65._

The National Election Committee shall order 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 Capital's/Provincial 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, may 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 competing 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 favor of a candidate or a political party. These activities include:

- Public meeting held by political parties or candidates.
- Marches or rallies organized by groups of pedestrians or vehicles of all kind in the Capital, provinces, municipalities, districts and khans at least 4 (four) times during the electoral campaign period.
- Door-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 DVD in public cinemas/theatres or public spaces.
- Public display of banners with slogans or political manifestos or campaign pictures.
- Distribution of political party's leaflets or pamphlets
- 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 boxing 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 principles 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 not prior agreement from the owners of the houses the citizens who own the houses have 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 set up in the permanent office of the political parties.

Political parties shall recollect all pamphlets or stickers, banners and all campaign materials from every public space within 15 (fifteen) days after the polling day.

Article 70._

Dresses 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 for the clothing is located in the polling station or in the inner compound or in the outer compound of the polling station on the polling 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 use 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 in kind as 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 polling day.

All surveys and dissemination of the survey findings related to the election shall come to an end 7 (seven) days before the polling 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

- Respect 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 resulting from the surveys shall be shared equally with political parties and public members.

Article 73._

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

All electoral campaign activities of all political parties shall break between 10:00 pm in the evening till 6:00 am in the morning.

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

The electoral campaign activities using the loudspeakers shall be banned near the hospitals, schools or education institutions during the hours the students are studying.

Article 74._

During the electoral campaign period and on the polling day, 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 National Assembly and the Code 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 formats for filing appeal or objection complaints 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 educating voters.

Article 76._

The National Election Committee shall take measures to publicize the campaign texts and messages at the request of the political parties that have registered for running in the election based on the principle of equality and in order of "first come first serve".

Article 77._

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

Article 78._

The manager of the public theaters, sport centers and public parks and halls shall make their own facilities available to 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 order of "first come first serve".

Article 79._

During the electoral campaign of the election of Member of the National Assembly Election, the political parties and candidates, who wish to rent the public theaters, sport centers, 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 receiving the application of request.

Article 80._

The political parties or candidates may conduct their campaign activities in private areas or private halls, with the consent of the owners, but the political parties or candidates must inform the Commune/Sangkat Electoral Commission.

Article 81._

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.

Political parties or candidates may carry out their campaign activities in public or private spaces if there is an agreement from the owner of those facilities, but they need to give a notice to the commune/sangkat election commission.

Article 82._

The civil servants, members of local authority 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/assets, display or use of weapons to intimidate
- Use the buildings or offices belonging to the State to carry out election campaign to seek support for a political party or candidate

- Participate actively in election campaign for political party or candidate

Active participation in the election campaign that is prohibited for civil servants and members of local authority 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 Permanent 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 citizens opinion polls conducted for a political party or a candidate
- Driving vehicles belonging to 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 outside 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, not carry weapons and not do anything that causes threats.

Article 84._

Local non-governmental organization or association and international association or organization performing works in the Kingdom of Cambodia or foreigners shall be neutral and impartial in the election of members of the National Assembly.

Local non-governmental organization or association and international association or organization performing works in the Kingdom of Cambodia shall not do any activity, directly or indirectly, as follows:

- Initiating or participating in electoral campaigns of a political party or a candidate. Initiation or participation in electoral campaigns includes:
 - Persuading or mobilizing the people to participate in electoral campaigns in support of a political party or a candidate.
 - Participating in rallies or meetings of a political party or a candidate.
 - Participating dissemination of policy or electoral campaign materials of a political party or a candidate.
 - Joining as a member of electoral campaign committee of a political party.

- Releasing a statement or doing any activities with the aim of supporting or showing bias towards or against a political party or a candidate. Releasing a statement, acting in support of or showing bias towards includes
 - Polling in favor of a political party or a 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 a political party or a candidate.
 - Displaying or posting pictures or documents on the vehicles used by their vehicles or in the premises of their workplace purportedly supporting a political party or a candidate.

- Providing means in budget, materials or equipment, human resource or other means to support a political party or a candidate, including:
 - Providing vehicles of any kind as means for electoral campaigns of a political party or a candidate.
 - Providing money, materials and equipment for use for the people to participate in the campaign activities in support of a political party or a candidate.
 - Providing, directly or indirectly, money, materials and equipment for campaigns' rallies, public meetings, arts performance and printing campaign materials to support a political party or a 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 a political party or a 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 in the election, electoral campaign, polling, vote counting and announcement of the election results, at 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 covered by that political party or candidate [as its own expenses].

Article 89._

Every political party that has registered to run 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 deposited in 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 in the election if necessary.

CHAPTER 8

**POLLING, VOTE COUNTING AND CONSOLIDATION OF THE
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) hours in the morning until 15:00 (fifteen) hours 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 cast their ballots the Polling Station Commission may declare to close the polling before 15:00 (fifteen) hours.

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

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

Eligible voters who have the rights to vote after 15:00 (fifteen) hours and shall be allowed to vote shall be only the persons being inside the polling station or the inner perimeter of the

polling station at 15:00 (fifteen) hours.

Article 94._

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

Article 95._

The political parties registered to run in the Election may request for a copy of the list of names and locations of the polling station by paying a fee. Such fee shall not exceed the cost of production.

Article 96._

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

1. voter lists
2. ballot papers still unused
3. ballot box
4. secret booths
5. secret seal to stamp on the ballot papers
6. indelible ink to indicate as having cast the ballots
7. padlocks and safety fasteners
8. forms for recording the polling minutes and the vote tally
9. ball-point pens with good quality
10. pre-printed envelopes
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 take action to ensure that the polling station has material, 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 protect the security as needed.

Article 98._

On the polling day, the members of the Polling Station Commission shall arrive at the polling station no later than 6:00 (six) o' clock in the morning before the polling starts in order to make appropriate preparations.

The political party agents and electoral observers shall be allowed to enter the polling station at 6:00 (six) o' clock 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 o' clock and 6:30 o' clock in the morning on the polling day, the Polling Station Officers shall perform the following tasks:

- Re-check the given ballot box and check the labels or signs marking the ballot box properly
- Show everyone inside the polling station there is nothing inside the ballot box
- Then, lock the box and seal it
- Attach labels and signs to the box stamping it with the seal of the polling station on top of it
- Allow all agents of political parties and observers to check the ballot box, labels and signs posted on top of it
- Tables and chairs for political party agents and election observers are in place on the left-hand side of the Chairperson's table or/and behind the tables of the vice-chairperson and secretary if available.

In the event that electoral materials and equipment are given to the polling station after 6:30 am in the morning, the Chairperson of the Polling Station Commission shall, upon receipt of those materials and equipment, put off the polling at that polling station temporarily until the above-said procedures are completed.

After the label numbers or marks are already posted on the ballot boxes the ballot boxes cannot be left 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 place for counting in case the law or regulations require that the ballots be counted at another place.

Article 100._

Between 6:30 am in the morning and 7:00 o'clock in the morning, the Chairperson of the Polling Station Commission shall order the envelope to be unlocked 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 format determined by the National Election Committee.

Article 101._

The Chairperson of the Polling Station Commission shall open the polling station at 7:00 o'clock in the morning.

Article 102._

Those who have the right to enter the inner perimeters and the polling station shall be only those who have names in the voter list and Khmer Citizen Identity Cards and have not yet cast their votes.

Each voter shall be given ballot papers in the polling station only if he/she fulfills the following requirements:

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

Each voter shall place a mark on the ballot paper by himself/herself in a separate voting booth and insert the marked ballot in the ballot box in the polling station, then shall allow the polling station officials to dip his/her finger with inedible ink according to 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 hand it over the polling station officials, who shall then give him/her another ballot to replace it according to 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 of only one political party of his/her choice without making any modification 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.

Article 107._

Any handicapped voter, who is unable to vote by him/herself, shall have 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 disabilities and dip inedible ink.

Article 108._

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

Article 109._

Any person, who has only document proving his/her identity, but his/her name is not on the voter list, shall not be allowed to vote.

Article 110._

Only voters, who must cast their ballots, 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 and interfere with or assist voters while they are in the inner perimeters or inside the polling station, except there is an authorization compatible with the provisions of this law.

Article 112._

Entering into the security perimeter 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 authorized by a special permission of the Chairperson of the National Election Committee.

Article 113._

The polling station officials or political party agents may object or complain 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 objection 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 cast his/her 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 person in question meets the requirements as stated in article 102 of this law he/she shall be allowed to cast his or her vote.

The National Election Committee shall determine the procedures for raising, settling and recording objection or complaint shall be determined by its regulations.

Article 114._

If a political party agent finds that the polling is irregular, he/she may object or complain

to the Chairperson of the Polling Station Commission.

The procedures of bringing 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 is valid within its jurisdiction provided the polling proceeds on a regular basis.

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

Article 115._

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

- Close the hole of the ballot box through which the ballot is inserted with the Chairperson of the polling station and political party agents signing the paper used to close the hole, then cover the lid on top outside and seal it, and allow the political party agents and election observers to check the ballot box
- Record the number of voters who have cast their votes in the minutes 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 completed form above and sign on it for the political party agents and election observers to check

The political party agents may sign or affix thumbprints on the above-mentioned minutes as witnesses of ballots-counting.

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 vote counting station according to 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 where the polling station becomes the vote counting station.

If the 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 in question are absent.

Article 118._

Every person in the vote counting station and in the inner perimeter shall be placed under the management and control of the Chairperson of the Vote 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 cast their votes marked in the voter list.

Where the number of ballots in the ballot box is different from that of the marked voters, the Chairperson of the Polling Station Commission shall order 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 shall make a hole or cut off all unused ballots to nullify the remaining unused ballots, 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 provided in article 115, article 116 and article 117 of this law, the Chairperson of the Vote Counting Station shall order to open the ballot box and throw all ballots out of each box, then shall:

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

The Chairperson of the Vote Counting Station shall verify the number of ballots thrown 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 election observers so that they can check, monitor and evaluate the result.

Article 120._

The Vote 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 as valid ballots and invalid ballots.

The ballot paper provided by the Polling Station Commission that is ticked for only one 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 it is marked for, or
3. It bears a mark by 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 Vote 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 election observers.

Article 121. _

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

Article 122 . _

The Vote Counting Station officials shall check all invalid ballots and the objected ballots according to the requirements as provided in article 120 and article 121 of this law.

The checking of these ballots shall be open before the political party agents and election observers and ask them to give comments.

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

- Are not given by the polling station
- Are not stamped with secret seal on the back
- Are marked for more than one political parties
- Are not marked
- Are marked but the Polling Station Commission is unable to determine for which political party it is marked for\
- Bear marks by which the voters can be identified
- Are torn or damaged or spoiled

The ballots that are decided as accepted according to this article shall be counted in combination with valid ballots that are counted according to the requirements as provided in paragraph 2 and paragraph 3 of article 120 of this law, even though there is or there is no objection to the decision.

Article 123._

After the ballot counting is finished, the Polling Station Commission shall prepare a report regarding the ballot counting and send it to the Commune/Sangkat Election Commission by enclosing the list of voters, 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 it with the political party agents and election observers.

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 report of the ballot counting. The political party agents may sign the ballot counting report as witnesses.

Article 124._

The method for sending, delivering and receiving the report shall be determined by the regulations and procedures.

Article 125._

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

Article 126._

The Commune/Sangkat Election Commissions 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 consolidation minutes shall be made in 04 (four) copies, 01 (one) of which shall be sent to the National Election Committee, 01 (one) copy to be sent to the concerned Capital's/Provincial Election Commission, 01 (one) copy to be posted at the Commune/Sangkat Election Commission's office and 01 (one) copy to be kept as file.

If 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.

If 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 Capital's/Provincial Election Commission immediately.

Article 127._

The Capital's/Provincial Election Commissions shall collect all minutes from the Commune/Sangkat Election Commissions and make the consolidated minutes of polling 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 Capital's/Provincial Election Commission while the other copy shall be kept as file.

Article 128._

If there is a complaint against the result of the election or against serious irregularities,

the Capital's/Provincial Electoral 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.

If the complainant is not satisfied with the decision of the Capital's/Provincial Electoral Commission, he/she or representative shall file a complaint immediately with 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 a maximum 08 (eight) days after this decision [of the NEC].

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 deny the results of the election of the concerned polling station or of all 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 a maximum 08 (eight) days after its decision.

Article 130._

After examining and deciding on the results of the elections, the National Election Committee shall disclose 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 to the Constitutional Council. The political parties that have registered to run in 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 in the election may file a complaint against all or part of the election results within 72 (seventy two) hours with 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 when and where the irregularities take place, the names and addresses of witnesses, including 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, the National Election Committee 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, he/she 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 file.

Article 133._

If the National Election Committee finds that the objection has reasonable ground and proofs, the National Election Committee 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 involved shall appear at the hearing.

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

- reject the election results of that particular polling station or those concerned polling stations and organize the 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 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 record.

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's 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 record.

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 record.

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 file.

Article 135 . _

- A) After having resolved all complaints 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 [to each political party] 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: determines the electoral quota required for a political party to gain a 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 [the quota formula] shall be applied separately for each individual capital/province:

$$Q_t = \frac{V_v}{S_s}$$

Where:

Q_t = the electoral quota, irrespective of the remaining decimal;

V_v = the total number of the valid votes received by all political parties running in the Election in the Capital/province;

S_s = the total number of seats allocated to each Capital's/Provincial constituency.

Step 2: determine the preliminary number of seat(s) that each political party would obtain in the Capital/province.

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

$$N_s = \frac{V_v}{Q_t}$$

Where:

N_s = Quotient irrespective the remaining decimal, representing the number of seat(s) that each political party is entitled to receive prior any necessary calculation indicated in Step 3.

V_v = the number of the valid votes received by each political party in the Capital/province;

Q_t = the electoral quota determined in Step 1.

After the apportionment 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 apportionment, therefore, the number of seats [attributed to each party] is considered final.

In case when step 2 is complete in allocating the seats for all political parties running in the Election in the Capital/province, and there is seat(s) left; thus the remaining seat(s) shall be apportioned by applying the formula set out in Step 3.

Step 3: the remaining seat(s) shall be apportioned to each legitimated 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:

$$H_a = \frac{V_v}{N_s + 1}$$

Where:

Ha = the highest average;

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

Ns = the number of seats allocated to a political party [in step 2].

If, after apportioning to all qualified political parties by using step 3 is complete, there is still 01 (one) seat left, that seat shall be apportioned to the political party that has attained the highest average.

If there are 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 attained the highest average. Then, this formula shall be applied again by increasing the value of Ns to (Ns + 1) for the political party that received one seat during the first application of the formula [step 3]. Thus, 01 (one) seat will be apportioned to the political party that attained the highest average resulted from the second application of this formula. If there are still more seat(s) left repeat the same computation apportioning 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 of priority from the top ranking down as stipulated in Article 28 of this Law.

C) If, an elected candidate in the party's candidate list dies, 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 parliamentary member 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 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 review and approval of the added candidates to the list shall be based on the provisions stipulated in Articles 23, 24, 25, 26, 28, 32, 33, 34, 35 and 36 of this Law.

If the concerned political party fails to meet such request within the time frame mentioned above or is unable to fulfill 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 has its [candidacy] stripped of from the political party list in accordance with the Law on the Political Party, the party's candidate list or the candidate 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 apportion 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 electoral quota required for a political party to gain 01 (one) seat by using the formula below:

$$Q't = \frac{V'v}{S's}$$

Where:

Q_t = the electoral quota irrespective the remaining decimal;

$V'v$ = 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;

$S's$ = the number of the abandoned seat(s) in the Capital/province.

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

$$Ns' = \frac{V'v}{Q't}$$

Where:

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

$V'v$ = the total number of valid votes cast for each political party in the Capital/province;

Qt = the electoral quota determined in Step 1.

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

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

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

Where:

$H'a$ = the highest average;

$V'v$ = the total number of valid votes received by each political party in the Capital/province;

$N's$ = the number of seats a political party receives [in step 2];

The method outlined in item (A) in paragraph 9 and paragraph 10 of this article shall be applied for the computation in Step 3 and the further computation.

- F) If, after the computation using the formula mentioned above, 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. If the political parties received the same number of the valid votes, the remaining seat shall be allocated based on a lucky draw, determined by the Regulations and Procedures of the National Election Committee.
- G) If a political party receives 01 (one) or more additional seats, but its list of candidates does not have enough number of candidates to fill in the seats, the procedure 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 in 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 and Chapter 6 of this Law shall not include the official public holidays.

Article 137._

During the polling, vote 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 according to the provisions mentioned in article 84 of this Law.

The provision of paragraph 1 above shall not obstruct the exercise of freedom of expression according to the law in force.

CHAPTER 9

ABANDONMENT OF SEATS AND REPLACEMENT OF MEMBERS OF NATIONAL ASSEMBLY

Article 138._

After the election process conducted in a free, fair and just manner in accordance with the Cambodian Constitution, the Law on Organization and Functioning of the Constitutional Council, Law on Organization and Functioning of the National Election Committee and Law on the Election of Members of National Assembly and after the official announcement of the 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.
- That party boycotts and refuses to participate in the swearing-in ceremony.

In the abovementioned cases, the candidate list and candidate of such political party who 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 not later than 24 (twenty four) hours. The National Election Committee shall allocate the vacant seat not later than 72 (seventy two) hours upon receipt of notice from the National Assembly to other party that registered their candidates running in the election in the same Capital and province, excluding the party that has lost its seats as mentioned in paragraph 1 above, based on the following steps:

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

$$Q't = \frac{V'v}{S's}$$

Where:

Q_t = the electoral quota irrespective the remaining decimal;

$V'v$ = 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;

$S's$ = the number of the abandoned seat(s) in the Capital/province.

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

$$Ns' = \frac{V'v}{Q't}$$

Where:

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

$V'v$ = the total number of valid votes cast for each political party in the Capital/province;

$Q't$ = the electoral quota determined in Step 1.

After the apportion 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.

In case the Step 2 has been done, but there are still seat (s) left for further apportion, the remained seats shall be apportioned as indicated in Step 3.

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

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

Where:

$H'a$ = the highest average;

$V'v$ = the total number of valid votes received by each political party in the Capital/province;

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

If, after the computation using the formula mentioned in Step 3 above, there is 01 (one) for all qualified political parties that seat shall be allocated to the political party receiving the highest average.

In case there are more than 01 (one) seats 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_s to one seat for the political party that received one seat during the first application of the formula. Thus, 01 (one) seat will be apportioned to the political party that attained the highest average resulted from the second application of this formula. If there are still more seat(s) left repeat the same computation apportioning 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 apply.

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 not later than 48 (forty eight) hours upon receipt of such notice.

In the event that a political party fails to meet the abovementioned timeframe that party shall be considered to have abandoned its seat(s) and left its/their seats vacant.

Article 139._

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

- He/she dies
- 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 misdemeanor.
- He/she loses membership from his/her own political party

If a 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 according to the ordinal number in the list of candidates standing for the election in its constituencies by not holding a re-

election.

CHAPTER 10

PENALTIES

Article 140 . _

Excluding 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 list and the voter register;
- Intentionally register a person who does not substantially meet the requirements to be eligible to vote;

Article 141. _

Excluding any other possible criminal penalties, any person, who fakes the identification documents 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. _

Excluding 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 means of evils,

- 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.
- Lets 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 scheduled.
- Creates the loss of confidence in the secrecy of voting.
- Creates confusion resulting in the loss of confidence in the election.
- Disrupts the polling process;
- Disrupts the ballot counting process;
- Disrupts the order during the polling;
- 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 offenses provided in paragraph 1 above.

Article 143._

The political party that commits the criminal offenses provided in article 141 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.

Article 144._

Unless authorized by this law, any person, who dishonestly tries to register his/her name in more than one voter lists, 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 Capital's/Provincial Election Commission, the Commune/ Sangkat and Polling Station Commissions, who falsifies any electoral documents, ballot papers or uses tricks to cheat the election result, shall be fined from 10,000,000 (ten million) riels to 25,000,000 (twenty five million) riels, excluding 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 protection perimeter of the Polling Station as provided in article 112 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, excluding other criminal offenses.

If the perpetrator 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 have his/her name deleted from the job 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 offenses 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 84 of this Law.

Article 148._

Any local non-governmental organization or association and international association or organization performing works in the territory of the Kingdom of Cambodia that violate, directly

or indirectly, the provisions of Article 84 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 abovementioned responsibility is not exempt from the responsibility of a physical person for the same act above or other crimes provided 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 expelled from Cambodia according to the provisions of the Law on Immigration.

Article 150._

Any person, who, during the polling period, instructs, orders, entices, dupes or does anything he/she can by all means of evils 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, excluding other criminal offenses, by the National Election Committee.

If the perpetrator is an agent or a staff member of the National Election Committee or of the Election Commission at all levels he/she shall have his/her name deleted from the job 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.

If the person, who commits the criminal acts, is a candidate running in the election the National Election Committee shall delete his/her candidacy in addition to the crimes provided in paragraph 1 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 loses, seizes, steals, forcibly takes away or destroys a ballot box loaded with ballots, 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, excluding other criminal offenses, by the National Election Committee.

If the perpetrator 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 have his/her name deleted from the job 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.

If the person, who commits the criminal acts, is a candidate running in the election the National Election Committee shall revoke his/her candidacy in addition to the crimes provided in paragraph 1 of this article.

Article 152._

Any person who, by all means, publicly insults a political party or a candidate running in the election or incites to create 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 offenses, by the National Election Committee.

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

Article 153._

Any political party that commits the crimes provided in Article 151 above, irrespective of other crimes, shall be fined from 10,000,000 (ten million) to 30,000,000 (thirty million) Riels and/or shall have its name deleted from the list of political parties running in the election by the National Election Committee.

Article 154._

Any person, who violates article 78 or paragraph 2 of article 97 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 perpetrator'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 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.

Article 156._

Any political party that commits the crimes provided for in Article 154 shall be fined from 10,000,000 (ten million) to 20,000,000 (twenty million) Riels and/or shall have its name 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) to 20,000,000 (twenty million) Riels by the National Election Committee.

The National Election Committee shall remove his/her name from the voter list or delete his/her candidacy in addition to the punishment provided in paragraph 1 above.

Article 158._

Any person, who uses materials or means of transportation that belong to the State to carry out campaign activities for a political party or a candidate, shall be warned in writing.

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 abovementioned responsibility is not exempt from the responsibility of a physical person for the same act above or other crimes provided for in the Penal Code.

Article 160._

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

In case of non-compliance with the abovementioned 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._

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

Article 162._

The crime committed by a political party shall be 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._

Formats 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 receiving this decision.

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

The decision of the Constitutional Council shall be final, blocking ways for appeal.

Article 165._

The procedural process 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 Provision), 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 comes into force.

CHAPTER 11

TRANSITIONAL PROVISIONS

Article 167._

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

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

The National Election Committee may use the Khmer Citizen Identity Card data held by the Ministry of Interior and may use the latest voter list as bases for preparing the voter lists as stipulated in paragraph 1 of this article.

Formats, procedures, date and timeframe for preparing the voter lists as stated in paragraph 1 of this article shall be determined by the regulations and procedures of the National Election Committee.

Article 168._

The formats of voter registration rejection, 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 164 shall be based on the provisions stipulated in articles 54 , 54 , 55, 56 , 57 , 58, 59 , 60, 61 , 62, 63, 64 and 65 of this law.

Article 169._

In the event that a citizen has registered his/her name in the voter lists in accordance with the provisions of this law, but does not hold a Khmer Citizen Identity Card that citizen may use the identification document for election.

The Minister of Interior and the Chairperson of the National Election Committee shall issue a joint directive regarding the formats and procedures to have the commune/sangkat authorities and the commune/sangkat Election Commissions provide the identification documents [for the citizens) as provided in paragraph 1 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 170._

This Law shall be promulgated as urgent.