

# Law on the Election of the Members of the National Assembly

## CHAPTER ONE

### GENERAL PROVISIONS

Art. 1 This law shall govern the election of the members of the National Assembly of the Kingdom of Cambodia.

Art. 2 The election of the members of the National Assembly shall be based on the principles of multiparty liberal democracy.

Art. 3 The election of the members of the National Assembly shall be held every five (5) years, on Sunday, eight weeks prior to the end of the term of office of the National Assembly, except in the following circumstances:

- in cases of *force majeure*;
- in the event of the dissolution of the National Assembly before the end of its mandate, in which case the elections will be held within sixty (60) days of the dissolution of the Assembly;
- in the event of the extension of the term of office of the National Assembly in accordance to article 78, paragraph 5, of the Constitution.

Art. 4 The administration of the general election shall be the responsibility of the National Election Committee (NEC) as stipulated in Chapter III of this law.

## CHAPTER II

### ELECTION SYSTEM AND DETERMINATION OF SEATS

Art. 5 Members of the National Assembly shall be chose by a general election, by means of a free, fair, universal, direct, equal and secret ballot. The electoral system shall be proportional, with provincial and municipal representation.

Art. 6 The National Assembly shall have at least one hundred and twenty (120) seats.

Art. 7 Every third year of the mandate of the National Assembly, the Council of Ministers

shall establish a Committee to determine the number of seats and allocate them to each province and municipality.

This Committee shall be composed of:

- one representative of each political party elected in the National Assembly;
- two representatives of the Ministry of the Interior;
- the Director of the Institute of Statistics and Planning.

The Committee shall elect a Chairman and Vice-Chairman, by majority vote, from among its members.

The Committee shall report and submit proposals to the Government with a view to increasing or maintaining the number of seats, in the light of geographical, social, demographic and economic considerations.

The Government shall draft the procedures for determining the number of seats and shall submit them to the National Assembly for approval.

In the absence of any determination, the number of seats in the National Assembly shall be the same as for the previous parliamentary session.

Art. 8 The number of seats in the National Assembly and the number of seats allocated to each province/municipality shall be published at least one year before the day of the general election.

Art. 9 To determine the number of seats, the Committee shall, irrespective of the remainders, use the following:

$$\begin{array}{ccc} P_p & P_a & P_a \\ \text{----} = Q_p & \text{----} = N_a & \text{and } \text{----} = Q_a \\ N_p & Q_p & N_a \end{array}$$

$P_p$  represents the population of the last election of the National Assembly;

$N_p$  represents the current number of seats in the National Assembly.

$Q_p$  represents the population represented by each member of the National Assembly as a result of the previous election;

$P_a$  represents the current number of citizens;

$N_a$  represents the new number of seats;

$Q_a$  represents the quota (i.e. the number of members of the population per seat).

To determine the number of seats in each province or municipality, the Committee shall use the following formula:

P

--- = N

Qa

where

P represents the population of the province or municipality.

Qa represents the quota;

N represents the new number of seats in the province or municipality, irrespective of the remainder.

Art.10 A province or municipality whose population is lower than the quota shall be allocated one seat.

The Committee may recommend an increase in the number of seats in the light of geographic, social and economic considerations.

### CHAPTER III

#### ADMINISTRATION OF THE ELECTIONS

Art.11 The election of the National Assembly shall be administered by the National Election Committee.

The NEC shall be assisted in its tasks by: Provincial (Municipal) Election Commissions (PEC); Commune Election Commissions (CEC); a Polling Station Commission (PSC) at each polling station.

Art.12 The NEC shall be an independent and neutral body established to administer elections.

The members of the NEC and of all other election commissions shall perform their functions in a neutral and impartial manner.

Art.13 The NEC shall be composed of:

- a Chairman, chosen from among eminent Khmer personalities;
- a Vice-Chairman, chosen from among eminent Khmer personalities;
- two Khmer citizens who are eligible to vote;
- one representative of each elected political party in the National Assembly;
- two senior officials from the Ministry of the Interior;
- one representative of local non-governmental organizations.

The Chairman and Vice-Chairman of the NEC shall be chosen from among eminent personalities who are experienced in politics and administration.

The Chairman, the Vice-Chairman and the other members of the NEC shall be appointed by Royal Decree at least nine (9) months prior to the day of the election, on a motion of the Council of Ministers approved by an absolute majority vote of the National Assembly.

The Ministry of the Interior shall submit the names of the proposed members of the NEC to the Council of Ministers for approval at least eleven (11) months prior to the day of the election.

The NEC may recruit staff as it deems appropriate.

Art.14 In the event of the dissolution of the National Assembly before the end of its mandate, the NEC shall organize the election within sixty (60) days.

Art.15 If the Chairman or Vice-Chairman is a member of a political party and/or of the public service at the time of his appointment, he shall resign from the party and/or shall apply to be released from the public service until the end of this term of office. Other Members of the NEC and the Chairman, Vice-Chairman and other members of Provincial and Commune Election Commissions who are members of a political party and/or the public service at the time of their appointment shall resign temporarily from the party and/or apply to be released from the public service until the end of their appointment.

Art.16 The NEC shall have the duty and responsibility to organize and manage elections. The NEC shall be fully entitled to exercise its own competency. In exercising its rights, duties and responsibilities with respect to the planning, organization, management and monitoring of the poll, it shall:

1. take all necessary measures to ensure that the elections are free and fair;
2. develop a master plan, a budget and an inventory of materials and equipment for the election and publish the electoral time-table;
3. appoint the Provincial and Commune Election Commissions and the Polling Station Commissions;
4. draw up the Regulations, Procedure and Guidelines for the election, in accordance with the provisions of the legislation in force;
5. propose and enforce measures regarding security and public order during the election;
6. monitor the administrative tasks of the electoral commissions at all levels;
7. set up polling stations;
8. determine the locations of the registration and polling stations;
9. develop and distribute electoral materials and equipment;
10. select and appoint registration commissions and polling station commissions in accordance with the Regulations and Procedures;
11. establish a register of electors and issue registration cards;
12. receive and decide on the applications of political party candidates for election to the National Assembly;
13. monitor the electoral campaign;
14. organize and manage the polling, counting of ballots and consolidation and announcement of the results of the elections;
15. -issue and withdraw registration cards;  
-register and cancel the registration of political parties  
-cancel and restore the candidacy of candidates for election to the National Assembly
16. supervising the income obtained and expenses incurred by candidates and political parties during election campaigns;

17. taking measures to ensure equal access to the public media;
18. providing information on the progress of the electoral process to all political parties and candidates and receiving suggestions regarding electoral processes;
19. Producing and disseminating publications on election matters;
20. promoting public understanding of electoral matters by means of voters education and public information and by other means;
21. preparing curricula and training electoral officers;
22. approving and issuing identification cards to political party agents and national and international observers;
23. Seeing that the conduct of the elections is in accordance with the laws, regulations, and procedures
24. deciding on all complaints relating to the election, except for complaints which fall under the jurisdiction of the courts;
25. preventing and checking electoral irregularities.
26. implementing other tasks permitted or required by laws and regulations;

Art.17 The working modalities of the National Election Committee shall be determined by internal rules (by-laws) in accordance with the provision of this Law and regulations. All decisions of the National Election Committee shall not be deemed valid unless made by an absolute majority.

Art.18 The composition of the Provincial / Municipal Electoral Commissions shall be appointed by the National Election Committee from among the general population, public servants and/or officials of the province/ municipality eligible to vote, except for members of the military forces, police, court officials, religious priests, and provincial governor and deputy governor(s).

A Provincial / Municipal Electoral Commission shall consist of a Chairman, a Vice-Chairman and three (3) to five(5) Members. The Provincial / Municipal Electoral Commissions shall establish a Secretariat to assist them.

Between elections, the National Election Committee shall designate one or two official of the Secretariat to maintain the continuity of electoral work in the provinces/ municipalities.

Art. 19 The Provincial / Municipal Electoral Commissions shall have the following duties and responsibilities:

1. to perform duties permitted or required by law, regulations, and other legal instruments;
2. to perform other duties and exercise rights assigned and vested in them by the National Election Committee.

Art. 20 The members of the Commune Electoral Commissions, upon request of Provincial/ Municipal Electoral Commissions, shall be appointed by the National, Election Committee from among the general population, public servants, and official of the commune eligible to vote, except for members of the military forces, police, court officials, religious priests, and commune chief and deputy chief(s).

A Commune Electoral Commission shall consist of a Chairman, a Vice-Chairman and three (3) members.

Art. 21 The Commune Electoral Commission shall have the following duties and responsibilities:

1. to perform duties permitted or required by law, regulations, and other legal instruments;
2. to perform other duties and exercise right assigned and vested in them by the National Election Committee.

Art.22 The members of the Polling Station Commission shall, upon request by the Provincial/Municipal Electoral Commission, be appointed by the National Election Committee from among the general population, and public servants of the commune or district eligible to vote, except for members of the military forces, police, court officials, religious priests, district chief and deputy chief(s), officials of the commune or district, and village chief. A Polling Station Commission shall consist of a Chairman, a Vice-Chairman, a Secretary, and two to four Members as determined by the National Election Committee.

Art.23 A Polling Station Commission shall have the following duties and responsibilities:

1. to perform duties permitted or required by law, regulations, and other legal instruments;
2. to perform other duties and exercise right assigned and vested in them by the National Election Committee.

Art.24 The National Election Committee may delegate its authority or powers to Provincial/Municipal Electoral Commissions, Commune Electoral Commissions, Polling Station Commissions, or electoral officers or agents to conduct the election.

Art. 26 Each political party participating in the election may send one of its representatives eligible to vote to observe polling activities at a polling station.

Art.27 National and international non-governmental organizations, foreign countries and international organizations may send their representatives to observe the electoral process.

Art.28 Representative of political parties participating in the election, national and international non-governmental organizations, and foreign countries who observe the electoral process shall be accredited by the National Election Committee.

Art.29 Authorities at all levels responsible for security, public order, and other assignments, at the request of the National Election Committee or Electoral Commissions, shall cooperate with the National Election Committee and Electoral Commissions at all levels to maintain safety, security, and public order during polling day and during the electoral campaign.

Art.30 The Chairman of the National Election Committee shall have the same rank and privileges as a Deputy Prime Minister. The Vice-Chairman of the National Election Committee shall have the rank and privileges as a Minister. Members of the National Election Committee shall have the same rank and privileges as a Secretary of State. The Secretary-General of the National Election Committee shall have the same rank and privileges as a Director of a Ministry.

Art.31 Members of Election Commissions at all levels staff the General Secretariat and Secretariats shall receive remuneration as determined by the National Election Committee.

Art.32 The Commune Electoral Commission shall perform their functions until the final announcement of the results of the election of members of the National Assembly.

The Provincial/ Municipal Electoral Commission shall perform their functions until the 60<sup>th</sup> day after the final announcement of the results of the election of Members of the National Election Committee shall continue their functions until new appointment are made.

#### CHAPTER IV

##### REGISTRATION OF POLITICAL PARTIES AND LISTS OF CANDIDATES

Art .33 A Khmer citizen eligible to stand for election who wishes to stand as a candidate in an election of members of the National Assembly shall meet the following requirements:

1. Khmer national from birth;
2. at least twenty-five (25) years of age on the date of election;
3. eligible to vote;
4. permanent resident of the Kingdom of Cambodia for a least one (1) year up until the date of elections
5. be nominated be a registered political party.

Art.34 The following persons shall not be eligible to stand as candidates for election to the National Assembly:

1. civil servants, court officials, members of the military forces and police in office, and religious priests; or
2. persons who are convicted of a felony or misdemeanor by the courts and who have not been rehabilitated; or
3. Persons condemned to be deprived of their right to vote; or
4. insane person or persons under guardianship, who are certified as such by a competent institution; or
5. persons whose voter registration cards have been canceled by the National Election Committee; or
6. members of the National Election Committee or of other Electoral Commissions; or
7. members of the Supreme Council of the Magistracy; or
8. members of the Constitutional Council.

Art. 35 Civil servants, court official, members of the military forces and police members of the Supreme Council of the Magistracy, members of the Constitutional Council, and religious priests, who wish to stand as candidates for election to the National Assembly, shall resign from their functions or renounce their priesthood least seven (7) days prior to date of electoral campaign.

If elected, any such person shall apply to the relevant Ministry or institutions to be released from his duties for the duration of the legislative mandate. While he is holding his legislative mandate, he shall retain his promotion right and maintain his seniority for retirement purposes;

At the end of his legislative mandate, he shall be entitled to return to his previous position, but his function shall be determined by the Ministry or other body concerned.

Art.36 Modalities of the implementation of Article 33 and 34 of this Law shall be determined by regulation procedures.

Art.37 Registration of political parties shall begin one hundred and twenty (120) days before polling day.

To officially register for participation in the election, a political party shall submit to the National Election Committee an application in a form approved by the National Election Committee, no later than ninety (90) days before polling day, shall provide the following document:

1. A copy of the certificate of registration of the political party issued by the Ministry of the Interior;
2. The name of the political party in full, together with its abbreviation 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 candidate equal to at one-third(1/3) of the seats in the National Assembly, and numbers of alternate candidates equal to that of candidates;
5. The names of the constituencies where the party wishes to run and the corresponding lists of candidates. A list of candidates for a constituency shall have the same number of candidates as that of seats allocated by the National Election Committee and shall conform to the format prescribed by the National Election Committee.

For a constituency which is allocated with one or two seats, there shall be at least three alternate candidates.

6. A statement indicating the bank account in which revenue, including contributions from whatever source, has been deposited by the political party in a bank in the Kingdom of Cambodia accredited by the National Bank of Cambodia;
7. A copy of the political party Constitution and other documents certifying the formation of the political party;
8. A statement of the political party's commitment to free and fair elections, respect for the election result, and willingness to abide by the Law on the Election of Members of the National Assembly, Code of Conduct, and the Law on Political Parties;
9. A list of members of the steering committee, standing committee or equivalent organ of the political party;
10. A receipt for a deposit of ten million (10,000,000) riels issued by the National Treasury. This deposit shall be returned to the political party concerned if it receives at least



3% of the valid votes or the votes. In the event of the dissolution of the National Assembly before the end of its mandate, the registration of political parties shall proceed within ten (10) days of its dissolution.

Art 38 The list of candidates for each constituency shall contain:

1. names of the candidates in descending order of priority to be determined by the political party;
2. the voter registration number of each candidate;
3. a declaration by each candidate accepting his nomination by the political party to stand for election in the said constituency.

Art.39 The name of a candidate shall appear on the list of only one constituency.

A candidate whose name appears on more than one list shall be declared by the National Election Committee to have lost his right to be a candidate in the election, even if he seeks to be a candidate of another political party.

Art.40 The National Election Committee shall decide on a political party's application to participate in the election within seven (7) days of receipt of its application.

In the event of dissolution of the National Assembly before the end of its mandate, the National Election Committee shall immediately examine and decide upon the applications of political parties to participate in the election.

If the National Election Committee accepts the applications, it shall issue certificates of participation to the parties concerned.

If a party does not meet the requirements set out in articles 33, 34, 35, 36, 37, and 38 of this Law, the National Election Committee shall notify the party concerned accordingly so that it can take appropriate steps.

The party concerned shall have ten (10) days from the date of receipt of the notice in which to meet the said criteria.

In the event of the dissolution of the National Assembly before the end of its mandate, the party concerned shall be required to meet the said criteria before the closing of registration of political parties.

If the political party fails to meet the requirement before the expiration of this period, the National Election Committee shall consider the political party as having dropped its application for participation in the election.

Art.41 If a candidate or list of candidates is rejected pursuant to provision of Articles 33, 34, 35, or 39 of this Law, the National Election Committee shall:

- complete a Rejection Form, indicating the reason for rejection and the date of rejection;
- provide a copy of the Rejection Form to the candidate and the political party concerned;
- inform the candidate and political party concerned that, in accordance with Article 42 of this Law, lodge an appeal in writing with the Constitutional Council within seven (7) days of

notification of the rejections; in the event of the dissolution of National Assembly before the end of its mandate, the person or political party concerned may lodge an appeal in writing to the Constitutional Council immediately;

- send a copy of the Rejection Form to the Constitutional Council for information and retain a copy for its files.

Art .42 If any candidate or list of candidates is rejected by the National Election Committee, the candidate or political party concerned shall be entitled to appeal in writing to the Constitutional Council within seven (7) days of notification of the rejection.

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

The Constitutional Council shall examine and decide the appeal within ten days of receiving the appeal.

In the event of the dissolution of the National Assembly before the end of its mandate, the Constitutional Council shall examine and decide the appeal immediately.

Art. 43 The hearing and/ or partial hearing by the Constitutional Council to rule on the appeal shall be public.

The Constitutional Council shall make public the date, place and time of the hearing.

Art. 44 After the end of period of registration of political for participation in the election and /or after the final decision on the appeal, the National Election Committee shall publish the list of the political parties that have been registered for election participation and the list of candidates for each province/municipality, in accordance with the regulation and procedures.

## CHAPTER V

### POLLING STATION

Art. 45 Registration station shall be established by the National Election Committee within the communes in accordance with the regulation and procedures.

All registration station other than mobile registration station shall become polling stations on polling day.

Art.46 Each registration station shall serve no more than six hundred (600) eligible voters, unless otherwise decide by the National Election Committee.

Each registration station shall be in a central location serving a village or group of villages and facilitate the registration of all members of every family and their polling at the polling station.

Art. 47 The names and locations of registration stations already established shall be posted in a public place.

Political parties that have been registered for participation in the election may ask for list of names and locations of polling stations by paying a fee.

The fee shall be no more than the of cost of production.

The National Election Committee shall send a copy of the list of names and locations of registration/ polling station to the Constitutional Council.

## CHAPTER VI

### VOTER REGISTRATION AND LIST OF VOTERS

Art. 48 The list of voters in each registration station shall be prepared by the National Election Committee. The list of all polling station shall be entered in a register of voters and kept at the headquarters of the Provincial /Municipal Electoral Commission.

The National Committee shall publish official list of voters at least ninety (90) days before polling day.

In the event of the dissolution of the National Assembly before the end of its mandate, the National Election Committee shall use the last lists of voters as official lists and publish those register at least 50 days before polling day.

Art. 49 The register of voters shall be kept permanently. The period of voter registration shall be fixed and announced publicly. This period may be changed based on circumstances prevailing in the nation, provinces/municipalities, districts, communes, or polling stations, followed by a public announcement.

Art. 50 To be eligible to vote, a Khmer citizen must have his name in the list of voters and must have a registration card.

In order to be qualified for registration, a person:

1. must be of Khmer nationality;
2. must be eighteen (18) years or over on polling day;
3. must have a definite address in the Kingdom of Cambodia;
4. must register in person;
5. in not serving a prison sentence;
6. is not insane or under guardianship, as certified by a competent institution.

Art.51 Candidates for election and their spouses and children may register in the constituency for which they stand for election , subject to Article 50 of this Law.

Art.52 Every Khmer citizen shall be registered under one name only and at only one registration station.

Art.53 The National Election Committee shall appoint its voter registration agents to register voters or to review the list of voters for each registration station.

Art.54 In order to register to vote, a Khmer citizen shall appear at the registration center and produce the documents required by Regulation and Procedures.

If a citizen produces sufficient and correct document, the registration agents at a

registration station shall:

- register his name in the list of voters;
- record his name in the register of voters;
- issue a registration card to him.

If the name of a citizen already appears on the previous list of voters, the registration agents shall verify the fact that he was registered in the previous list of voters. Then, the registration of that citizen must proceed in accordance with the Second Paragraph of this Article.

Art.55 Entry into the security perimeter of the registration station with any type of explosive or weapon shall be prohibited.

Art. 56 Registration agents may reject the request to register a person if there is any evidence that he does not meet the requirements of Articles 50 or 51 of this Law.

A registration agent who refuses to register a person shall:

- complete a Rejection Form indicating the reason and date of rejection;
- provide the person concerned with a copy of the Rejection Form;
- inform the person concerned that, subject to Article 57 of this Law, he or any other person may appeal the rejection to the Provincial / Municipal Electoral Commission within five (5) days of notification of the rejection;
- send a copy of the Rejection Form to the Provincial/ Municipal Electoral Commission for information and retain one copy for the registration station's file.

Art. 57 Any person whose application for registration is rejected by a registration agent may appeal, or any other person may appeal, in writing to the Provincial/Municipal Electoral Commission within five (5) days of notification of its rejection.

Art .58 The Provincial/ Municipal Electoral Commission shall decide on the appeal within seven (7) days of its receipt.

The hearing of the Provincial/Municipal Electoral Commission on such appeals shall be public.

Art.59 If the Provincial/Municipal Electoral Commission upholds the appeal, it shall instruct the registration station concerned to register the voter in accordance with the Second Paragraph of Article 54 of this Law.

If the Provincial/ Municipal Electoral Commission rejects the appeal, it shall:

- complete a rejection form, indicating the reason and date of rejection;
- provide the appellant with a copy of the rejection;
- inform the person concerned that, subject to Article 60 of this Law, he may appeal to the National Election Committee within five (5) days of notification of the Provincial/ Municipal Electoral Commission's ruling;

- send a copy of its ruling to the National Election Committee for information and retain one copy for its files.

Art.60 If a person's appeal is rejected by the Provincial /Municipal Electoral Commission, that person or any other person may lodge another appeal in writing to the National Election Committee within five(5) days of notification of rejection by the Provincial/ Municipal Electoral Commission.

Art.61 The National Committee shall rule on any appeal within seven (7) days of its receipt.

If the National Election Committee upholds the appeal, it shall direct the Provincial/Municipal Electoral Commission to instruct the registration station concerned to register the voter in accordance with the second Paragraph of Article 56 of this Law.

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

- complete the rejection form, indicating the reason and date of rejection;
- provide the appellant with a copy of the rejection form;
- inform the person concerned that, in accordance with Article 62 of this Law, he may appeal to the Constitutional Council within five (5) days of notification of rejection by the National Election Committee;
- send a copy of its ruling to the Constitutional Council for information and retain one copy for its files.

Art. 62 If a person's appeal is rejected by the National Election Committee, that person or any other person may lodge another appeal in writing to the Constitutional Council within five (5) days of notification of rejection by the National Election Committee.

The Constitutional Council shall rule on any appeal within ten (10) days of its receipt.

If it upholds or rejects he appeal, the Constitutional Council shall:

- direct the National Election Committee to register the appellant or to reject his application, as the case may by;
- send a copy of its ruling to appellant.

If the Constitutional Council directs the appellant to be registered, the National Election Committee shall instruct the registration station concerned to register the applicant in accordance with the Second Paragraph of Article 54 of this Law and shall send a copy of the amended list of voters of the registration station concerned to the Constitutional Council.

Art. 63 The National Election Committee shall, as soon as possible after the end of the registration period, post the preliminary list of voters at each polling station, at the officers of the Commune Electoral Commissions and at the offices of the Provincial/Municipal Electoral Commissions.

Political parties shall be entitled to obtain a copy of the list of voters for fee. The fee shall not exceed the cost of producing it.

Art. 64 Any person may, within five(5) days of the posting of the preliminary list of voters,

lodge a complaint in writing with the Commune Electoral Commission about the omission from, or object to the registration or to the retention of the name of another person on the list of voters, in regard to whom he has evidence that other person:

- does not meet all the requirements of Article 50 of this Law;
- has registered in two or more Places;
- is awaiting a decision on his registration by the Provincial/Municipal Electoral Commission, the National Election Committee, or the Constitutional Council while that other person has his name on the list of voters or possesses a registration card.

Art. 65 The Commune Electoral Commission shall decide on any complaint or objection within three(3) days of the receipt of the appeal or objection.

If the complaint or objection is sustained, the Commune Electoral Commission shall cause the name of the person concerned to be registered in accordance with requirements set forth in Second Paragraph of Article 54 of this Law, or his name to be deleted from the list of voters and register of voters and his registration card to be confiscated.

If the complaining or objecting person or the person objected to is not satisfied with the ruling of the Commune Electoral Commission, he or his representative may appeal in writing to the Provincial/ Municipal Electoral Commission within five(5) days of notification of the ruling.

The Provincial/ Municipal Electoral Commission shall rule on such complaint or objection within ten (10) days of the receipt of the appeal.

If the complaint or objection is sustained, the Provincial/ Municipal Electoral Commission shall instruct the registration agents to register the name of the person concerned on the list of voters in accordance with the Second Paragraph of Article 54 of this Law, or to delete his name from the list of voters and register of voters and confiscate his registration card.

If the complaining or objecting person is not satisfied with the ruling of the Provincial/ Electoral Commission, he or his representative may appeal in writing to the National Election Committee within seven (7) days of notification of the ruling.

The National Election Committee shall rule on such complaint or objection within ten (10) days of the receipt of the appeal.

If the complaint or objection is sustained, the National Election Committee shall instruct the registration agents to register the name of the person concerned on the list of voters in accordance with Second Paragraph of Article 54 of this Law, or to delete his name from the list of voters and register of voters and confiscate his registration card.

Art.66 If the complaining or objecting person is not satisfied with the ruling of the National Election Committee, he or his representative may appeal in writing to the Constitutional Council within five (5) days of notification of the ruling.

The Constitutional Council shall rule on such complaint or objection within ten (10) days of the receipt of the appeal.

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

- issue a decision instructing the National Election Committee to register or refuse to register the name of the complaining person or the person objected to:
- send a copy of its ruling to the complaining person, or to the objecting person and person concerned.

If the decision of the Constitutional Council requires the complaining person or person objected to be registered, the National Election Committee shall direct the registration station concerned to register the person concerned in accordance with the Second Paragraph of Article 54 of this Law, and shall send a copy of the amended list of voters for that registration station to the Constitutional Council.

Art.67 After all complaints and objections have been settled, the National Election Committee shall post the official lists of voters at the Polling stations, the offices of the Commune Electoral Commission, and the offices of the Provincial/ Municipal Electoral Commissions.

Political parties that have been registered for participation in the election may obtain copies of lists of voters for a fee. The fee shall be no more than the cost of producing it.

Art. 68 Any person possessing a registration card of a deceased person shall immediately return it to the Commune Electoral Commission.

The Commune Electoral Commission shall take steps to have the deceased person's name deleted from the list of voters and from the register of voters and to have the registration card delivered to the higher Electoral Commission to be destroyed.

Art.69 Political parties and international organizations, national and international non-governmental organizations may send their representatives to observe the registration process at registration stations.

Such representatives shall be accredited by the National Committee.

## CHAPTER VII

### ELECTORAL CAMPAIGN

Art.70 The electoral campaign shall be a process by which political parties and candidates for election convey their political platforms to voters.

Art. 71 Every political party and candidate shall avoid using threats, intimidation or violence against citizens, other political parties or candidates.

Political parties and candidates shall not incite their supporters or voters to use threats, intimidation or violence against other parties or candidates.

Art. 72 The electoral campaign period shall last thirty (30) days and all activities of the electoral campaign shall be finished 24 hours before polling day.

Art. 73 During the electoral campaign period and on polling day all political parties and candidates, members and supporters of political parties shall comply with the rules, regulations, procedures and principles set out in this Law and with the Code of Conduct of

the National Election Committee, and shall respect the principles of human rights and democracy enshrined in the Constitution of the Kingdom of Cambodia.

Art.74 All media, including state-run press, television and radio, shall make their services available to the National Election Committee at no cost for the purpose of publicizing electoral work and conducting voter education.

Art.75 The National Committee shall take steps to has been publicize political messages at the request of a political party which has been registered for participation in the election, based on equal and orderly access to medial.

Art.76 In exercising their right to publicize, political parties and candidates shall refrain from using violence, abuse, or contemptuous remarks, causing fear, confusion and loss of confidence in the secrecy of the ballot.

Art.77 Public theaters, stadiums, parks and halls shall be made available to all candidates or political parties that have been registered for participation in the election offering to rent for electoral campaign, based on equal and orderly access to those facilities.

Art. 78 During the electoral campaign, political parties and candidates who wish to rent public theaters, stadiums, parks or halls, in accordance with Article 77 of this Law, shall submit an application to the managers(s) of these facilities at least three (3) days before the scheduled meeting. A copy of this application must be sent to the relevant Commune Electoral Commission.

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

Art.79 Political parties or candidates may conduct their campaign in private areas or halls with the consent of the owners but political parties or candidates must inform the relevant Commune Electoral Commission.

Art.80 A political and candidates shall not interfere with or obstruct activities of other political parties or candidates.

Art.81 All expenses for electoral campaign incurred by a political party or a candidate shall be borne by that political or candidate.

Art.82 Every political that has been registered for participation in the election shall have an account book showing sources of income and expenses for electoral campaign purposes.

The National Election Committee may examine the account, if necessary.

Art.83 All contributions received by a political party shall be credited into a bank account and all electoral campaign expenses shall be debited from the same account.

## CHAPTER VIII

### POLLING, COUNTING OF VOTERS AND DELERMINATION OF THE ELECTION RESULTS

Art 84 Polling station shall be established in accordance with Article 44 of this Law.



Art.85 Polling shall last for one day.

Voting shall start at 7 a.m. and end at 4. p.m., unless otherwise directed by the National Election Committee.

However, if all registered voters in a polling station have cast their ballots before 4 p.m., the Polling Station Commission may decide to close that polling station.

Art.86 The National Election Committee shall post and publish the list and locations of polling stations at least thirty (30) days before polling day.

Art. 87 Registered political parties shall be entitled to obtain copies of lists of voters and of location of polling stations at a cost not exceeding the cost of producing it.

Art. 88 The National Election Committee shall, one day before polling day, provide each polling station with an appropriate quantity of the following polling materials:

1. list of voters;
2. ballot papers;
3. ballot boxes;
4. voting compartments;
5. indelible ink;
6. padlocks and seals;
7. minutes forms and tally forms;
8. pens;
9. printed envelopes;
10. plastic bags;
11. other materials and equipment as required.

Art.89 One day before polling day, the Chairman of the Polling Station Commission shall call a meeting to verify the presence of its members, examine the polling station and check polling materials and equipment.

If a member of the Polling Station Commission is absent, that member shall be replaced by a new one, who shall be selected in accordance with the Regulations and Procedures.

The Chairman of the Polling Station Commission shall verify that the necessary material, equipment and furniture for the conduct of the poll are available.

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

Art. 90 On polling day members of the Polling Station Commission shall present themselves at the polling station one hour polling starts, in order to make appropriate preparations.

The Polling Station Commission shall comply with the instructions set out in the Regulations and Procedures.

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

Art.91 Before the polling starts, the Chairman of the Polling Station Commission shall open the ballot boxes in the presence of its members, the political party agents and the observers to

make sure that they are empty, and then lock them, place numbered seals on them and record the seal numbers in the minutes form.

Art.92 Unless otherwise decided by the National Election Committee, voters, shall by producing their registration cards, record their ballot at the polling station where they have been registered.

Art.93 Members of a Polling Station Commission are entitled to record their voters first, following by the political party agents and national observers whose names are not the list of voters of that polling station.

Art.94 Every voter is entitled to cast only one vote, one time only, in person.

Every voter shall vote placing a mark on the ballot paper against the political party of their choice, without making any change or addition. The manner of voting shall be determined by the National Election Committee.

Art.95 Voting shall be secret.

Any attempt to discover or to reveal the manner in which a person has voted shall be prohibited.

Art.96 To maintain order at the polling station, all person shall respect the rules of the National Election Committee.

Art.97 Handicapped voters who are unable to vote by themselves may seek the assistance of the Chairman of the Polling Station Commission, who shall direct one of its members to help them.

Art. 98 A citizen who possesses a registration card but whose name is not on the list on of voters shall not be allowed to cast a vote.

Art.99 No voter shall enter a polling station other than to cast his ballot, except for the persons authorized by the National Election Committee.

Art.100 Entering a polling station with a weapon or any type of explosive and, except by special permission the Chairman of the Polling Station, entering in military uniform, shall be prohibited

The area of the polling station shall be 2000 square meters, and the security range shall be set at a distance of 200 meters from the polling station unless otherwise decided by the National Election Committee.

Art.101 If a political party agent finds, that the polling is irregular, he may object or complain to the Chairman of the Polling Station.

The Procedures for objection or complaint shall be determined by the Regulations and Procedures

The Procedures Station Commission shall the objection or complaint.

The decision of the Polling Station Commission shall be confined to maters under its jurisdiction if the polling proceeds regularly.

If the party agent persists in objecting or complaining, the Polling Station

Commission shall record the objection or complain in the minutes form, which shall be co-signed by the objection or complaint in the minutes form, which shall be co-signed by the objecting or complaining person.

Art. 102 After the announcement of closing of the polling, the Polling Station Commission shall record the number of voters who have cast their voters and the number of unused ballot papers, and shall arrange the counting of the ballots at the Polling Station in accordance with the Regulations and Procedures.

If the counting of ballot at a given polling station cannot be conducted because of *force majeure* or insecurity, the National Election Committee shall issue directives regarding this.

National observers and political party agents may participate of the ballot counting.

Art.103 The Polling Station Commission shall be responsible for the ballot counting.

Before opening ballot boxes, the Chairman shall invite members of the polling station, political party agents, and observers to check the seals, and then open the boxes in their presence.

Art.104 The Polling Station Commission shall count only the ballot papers that have been placed in the ballots shall verify the number of votes with that of voters who cast their ballots as indicated on the list of voters.

Where the numbers of ballot papers in the ballot boxes differs differs with that of voters indicated, the Chairman of the Polling Station Commission shall arrange a recount.

If the numbers still differ, the Chairman of the Polling Station Commission shall note the fact in the minutes form.

Then, the Chairman of the Polling Station Commission shall arrange a ballot count in accordance with the Regulations and Procedures.

Art. 105 Any ballot paper issued by the Polling Station Commission which has a mark against only one political party shall be deemed valid.

1. it is not an official ballot paper;
2. it is not marked or marked but the Polling Station Commission is unable to determine for which political party the voter has voted;
3. it bears a mark that causes the voter to be identified; or
4. it is torn or damaged.

In respect of point 1, 2, 3, and 4 above the validity of the ballot paper shall be determined in accordance with the Regulations and Procedures.

Art. 106 After the ballot count has been finished, the Polling Station Commission shall prepare minutes regarding the ballot count in two (2) copies; one of which shall be sent to the Commune Electoral Commission by enclosing the list of voters, valid and invalid ballot papers, unused ballot papers, records of objections or complaints, if any and other documents; and another copy shall be posted at the polling station.

The valid and invalid ballot papers, unused ballot papers and records of objections or complaints, shall be packed in separate, supplied envelope.

The Chairman and members of the Polling Station Commission shall sign the minutes of the ballot count. The minutes may be signed by representatives of political as witnesses.

Art.107 The minute of the ballot count shall be delivered and received in accordance with the Regulations and Procedures.

Art.108 Political party representatives and national and international observers may participate as witnesses in the delivery or receipt of the minutes of the polling.

Art. 109 The Commune Electoral Commission shall collect all minutes and other document from the Polling Station Commission and deliver them to the Provincial/Municipal Electoral Commission.

Art.110 The Provincial/Municipal Commission shall collect all minutes from the Commune Electoral Commission and prepare consolidate minutes of polling results in the province or municipality concerned. The consolidated minutes shall be made in three (3) copies; and one of which shall be sent to the National Election Committee, enclosing the lists of voters, valid and invalid ballot papers, unused ballot papers, the record of objections or complaints, if any and other documents; another copy shall be posted at the office of the Province/ Municipal Electoral Commission and the last copy shall be retained for its files.

Art.111 If there is a complaint against the result of the election or against serious irregularities the Province Municipal Electoral Commission shall examine the complaint and shall immediately refer it to the National Election Committee by enclosing the consolidated minutes of the polling results in order for the National Election Committee to examine and determine whether validate the results or to organize a new election.

A new election shall be organized within eight(8) days of the National Election Committee's decision.

Art 112 The National Election Committee shall collect and check all polling results and decide on the results.

If there have been 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 refuse to recognize the results at the at the polling station or stations concerned and inform the political parties accordingly. In these, cases a new election shall be organized for such polling station or stations within eight (8) days of the decision

Art.113 After checking and deciding the results of the election, the National Election Committee shall publish the provisional result.

A copy of the provisional result shall be sent to the King another copy to the Constitutional Council. A political party that has been registered for participation in the election shall be entitled to request a copy a of the provisional result.

Art.114 After the announcement of the provisional result of the election, a political party that has been registered for participation in the election may file a complaint against all or part of the results of the election directly either to the National Election Committee or the

Constitutional Council by indicating irregularities caused by Commission or members of Commissions, the date and place of irregularities, the names addresses of witnesses, and other documents or evidence.

Art.115 The National Election Committee shall rule on a complaint within forty-eight (48) hours of its receipt.

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

- complete a rejection form by indicating reasons and the date of rejection;
- Provide the complaining person and /or the political party with a copy of the rejection form;
- inform the complaining person and/or the political party that, in accordance with Article 117 of this Law , they are entitle to make a written appeal of the rejection to the constitutional Council within forty-eight (48) hours of notification of its rejection;
- send a copy of the rejection to the Constitutional Council for information and retain one copy for its files.

Art.116 If it finds that the complaint has reasonable grounds, the National Election Committee shall hold a public hearing to decide the complaint. In this case, the National Election Committee shall publicize the date and place of the hearing and so inform the complaining person and /or the political party and the Constitutional Council.

The complaining person and/or the political party and a member of the Electoral Commission(s) involved in the case, shall be present at the hearing.

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

- reject the election results from the polling station or stations within eight (8) days of the its decision ;
- Complete an approval form by indicating the reason and date of the decision;
- provide a copy of the approval form of the complaining person and/ or the political party;
- send a copy of the approval form to the Constitutional Council for information, and retain a copy for its files.

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

- complete a rejection form by indication the reason and date of the rejeciton;
- provide a copy of the rejection form to the complaining person and/or the political party;
- inform the complaining person and/or the political party, in accordance with Article 116 of this Law, they are entitle to make a written appeal to the constitutional Council within forty-eight (48) hours of notification of the its rejection;
- send a copy of the rejection form to the Constitutional Council for information, and retain a copy for its files.

Art.177 Any person and/or political party whose complaint is rejected by the National Election Committee shall be entitled to make a written appeal to the Constitutional Council within forty-eight (48) hours of notification of the rejection.

The decision of the Constitutional Council shall be final.

If the Constitutional Council shall, it shall:

- complete a rejection form by indicating the reason and date of rejection;
- provide a copy of the rejection form to the complaining person and/or the political party and another copy to the National Election Committee;
- publicize the decision and retain one copy of the decision for its files.

If it finds that the complaint has reasonable grounds, the Constitutional Council shall, at its discretion, hold a public hearing to examine and decide on the complaint within ten (10) days of its receipt.

A. If the Constitutional Council upholds complaint, it shall:

- complete an approval form by indicating the reason and date of approval;
- provide a copy of the approval form to the complaining person and/or the political party;
- issue a decision directing the National Election Committee to reject the election results from the polling station or stations concerned and to hold a new poll at that polling station or those polling stations within eight (8) days of the decision:
- publicize the decision and retain a copy of the decision for its files.

A. If the Constitutional Council rejects the complaint, it shall:

- complete a rejection form by indicating the reason and date of rejection;
- provide a copy of the rejection form to the complaining party or to the political party, and to the National Election Committee;
- publicize the decision and retain a copy of the decision for its files.

Art. 118 After having resolved all complaints and received all results of the election, including results or new polls, if any, the National Election Committee shall make public the official results of the election and determine and allocate seats for each constituency to each political party.

Remaining seat(s) for a constituency shall be allocated in accordance with the greatest average formula.

The name(s) of the elected candidate(s) shall correspond to the list and other referred to in article 38 of this Law.

If an elected candidate dies, resigns, or loses membership in the National Assembly, the next candidate on the same list of candidate for election shall be declared elected.

Art. 119 The period allowed for lodging and resolving complaints as stipulated in Chapters

IV, VI and VIII of this Law shall not include official holidays.

## CHAPTER IX

### REPLACEMENT OF MEMBERS OF THE NATIONAL ASSEMBLY

Art 120 In the event of the death, resignation, or loss of membership in the National Assembly of an elected candidate that occurs at least six (6) months before the end of the legislative term, a political party concerned may propose an appears next to the former on the same list, without holding a by-election.

A candidate who resigns from his party shall automatically lose his membership in the National Assembly . If the resignation occurs at least six months before the end legislative term, the political party concerned may propose an appointment of a replacement shall be made in accordance with provision of the First Paragraph of this Article.

## CHAPTER X

### BUDGET

Art.121 Subject to Law on Finance, a special account of the National Treasury, called the Trust Fund Account for Election, shall be established for the benefit of the National Election Committee in its electoral management.

Electoral funds obtained from contributions from the Royal Government, foreign government, international organizations, charitable individuals, non-governmental organization, and any other legal revenue shall be included in the national budget to be credited to this special account.

Some kinds of foreign financing for electoral purposes may be made without passing through the National Treasury.

## CHAPTER XI

### PENALTIES

122 Regardless of any possible criminal penalty, a registration agent who commits and of the following violations shall be reprimanded or dismissed by the National Election Committee:

- registers a citizen but refuses to issue him a registration card;
- knowingly registers and issues a registration card to an applicant who in under age who does not meet the registration requirements;
- knowingly registers and issues a registration card to an applicant who has been deprived of his right of to vote;
- prevents a citizen aged 18 or over from registering;
- prevents a citizen who has been registered from receiving his registration card.

Art.123 The National Election Committee shall cancel the candidacy of any person who violates Article 33 or 34 of this Law.

- uses force, violence, or intimidation against any eligible voter to deter him from registering or receiving a registration card;
- incites his (its) supporters or eligible voters to commit offenses, threats, or violence against another candidate or political party;
- uses duress, threats, or coercion to secure a promise to vote for a candidate or political that he (it) desires;
- uses force or violence to prevent eligible voters from voting or standing as a candidate;
- prevents a candidate or supporters of a political party from conducting campaign activities allowed by law;
- uses force, violence, threats or insults so as to intimidate, confuse the voters, or to undermine the credibility of the election or the secrecy of the voting;
- disrupts the polling process;
- disrupts the ballot counting process;
- disturbs the polling;
- offers material or monetary incentives to buy votes;

Regardless of any possible criminal penalty, shall have his registration card confiscated, his name deleted from the list of political parties participating in the election, and in the case of a candidate, his candidacy canceled by the National Election Committee, and /or shall be fined from five million 5,000,000 to twenty –five million (25,000,000) riels.

Art. 125 Regardless of any possible criminal penalty, any Member of the National Election Committee or of Provincial/Municipal, Commune, or Polling Station Electoral Commission who falsifies or fabricates any electoral document or ballot papers or uses any other means to falsify the election result shall be fined and/ or have his name deleted from the list of voters and his registration card withdrawn for a period of five (5) years.

Art.126 Any agent, Member, or staff member of the National Election Committee, or agent, member, or staff member of a Electoral Commission who violates provisions of the Second Paragraph of Article 12 of this Law shall be fined from ten million (10,000,000) to fifty million (50,000,000) riels or and dismissed from electoral jobs forever.

Art.127 Any person who violates Articles Article 55 or 100 of Law shall face a warning. If he fails to comply with the warning, he shall be arrested and have his weapon confiscated for 48 hours by the competent authorities and shall be fined from five million (5,000,000) to ten million(5, 000,000) to ten million (10, 000,000) riels.

If the violator is a civil servant or member of the military forces or police, the National Election Committee shall:

- request the head of the violator's institution to disciplinary sanctions ranging from suspension without pay to dismissal, depending on the seriousness of the violation;
- delete his name from the list of voters and confiscate his registration card.

If the violator is an agent, member, or staff member of the National Election Committee or of the Provincial/Municipal, Commune, or Polling Station Electoral Commission, the National Election Committee, in addition to disciplinary sanctions provided for in the First Paragraph of this Article, shall immediately and bar him from further employment with the National



Election Committee or of the Provincial/ Municipal, Commune, or Polling Station Electoral Commission for ten(10) years, starting from the current election.

Art.128 Any government official or person in charge of security who violates Article 29 of this Law shall have his registration card confiscated and name deleted from the list of voters for a period of five (5) years by the National Election Committee and the National Election Committee shall request the head of his institution to impose administrative and disciplinary sanctions or him ranging from suspension without pay to dismissal.

Art.129 Any person who directs, induces or deceives another to vote for a particular political party though indicating or other means during the polling shall be fined five million (5,000,000) to ten million (10, 000,000) riels and or have name deleted from the list of voters and his registration card confiscated for a period of five (5) days.

If the offender is an agent staff member, or member of the National Election Committee or Provincial/ Municipal, Commune, or Polling Station Electoral Commission, the National Election Committee shall immediately dismiss and bar him from further employment with Electoral Commissions at all levels for ten (10) years starting from the current election.

If the offender is a candidate for the election, his candidacy shall be withdrawn, in addition penalties shall be imposed in accordance with the provisions of the Second Paragraph of this Article.

Art.130 Any person who cause the ballot boxes to be opened; seals or safety devices to be broken, torn or detached; causes the loss of, steals or destroys, a ballot box containing ballot papers; Regardless of any possible criminal penalty, shall be fined from ten million (10,000,000) to twenty-five million (25,000,000) riels and or have name deleted from the list of voters and his registration card confiscated for a period of five (5) years.

If the offender is an agent, staff member, or member of the National Election Committee or Electoral Commission at any level, the National Election Committee shall immediately dismiss and bar him from further employment with any Electoral Commission at all levels for ten (10) years starting from the current election.

If the offender is a candidate for election, the National Election Committee shall cancel his candidacy, in addition to imposing the penalties provided for in the Second Paragraph of this Article.

Art.131 Any person or political party who violates Article 73 or 76 of this Law, regardless of any possible criminal penalty, shall be fined from five million (5,000,000) to ten million (10,000,000) riels and/or have his registration card confiscated for 5 years his name deleted from the list of voters.

Art.132 A warning shall be member made to any person who violates article 77 or the Second Paragraph of Article 78 of this Law.

In case of failure to comply with the warning, the person concerned shall have his registration card confiscated for a period of 5 years, his name deleted from the list of voters, and a request made to the head of the violator's institution to impose administrative sanctions ranging from suspension without pay to dismissal, and /or shall from one million (1,000,000) to two million (2,000,000) riels.

Art. 133 A warning shall be made to any person who violates Article 72 of this Law.

In case of failure to comply with the warning, the person concerned shall have his registration card confiscated for a period of 5 years, his candidacy or candidacy of the political party withdrawn, and/or shall be fined from five million (1,000,000) to ten million (2,000,000) riels.

## CHAPTER XII

### TRANSITIONAL PROVISIONS

Art.134 The election of the members of the National Assembly for the Second Legislative Term shall be held on Sunday, July 26, 1998.

Art.135 For purpose of the election on Sunday the 26<sup>th</sup> of July 1998, once this Law comes into force, the number of seats in the National Assembly shall be 122.

This number of seats shall be immediately made public.

Art.136 For purposes of the election on Sunday the 26<sup>th</sup> of July 1998, once this Law comes into force, the Chairman, Vice-Chairman, and Members of the National Election Committee shall be immediately appointed by Royal Decree upon nomination by the Council of Ministers and after approval by the National Assembly.

The Minister of the Interior shall immediately submit the proposed composition of the National Election Committee to the Council of Ministers.

Art.137 For purposes of the election on Sunday the 26<sup>th</sup> of July 1998, once this Law comes into force, Khmer citizen who meets requirements, 1, 2, 3, and 5 of Article 33 of this Law and who has permanently stayed in the Kingdom of Cambodia for at least one (1) month up until the start of registration shall have the right to stand for election as a members of the National Assembly.

## CHAPTER XIII

### FINAL PROVISIONS

Art.138 Any provision that is in conflict with the provisions of this Law shall be abrogated.

Art.139 This Law shall be immediately promulgated.

Enacted on the 26<sup>th</sup> day of December in the year 1997 by His Majesty NORDOM Sihanouk, Kingdom of Cambodia.

Co-Ministers of Interior      Co-Prime Ministers

SAR Kheng YOU Hickry UNG Huot HUN Sen

Registered and published on 30 December 1997

## ADDENDUM

### The Law on the Election of the Members of the National Assembly

Article 1:

Article 137 (2): For the purposes of the election on Sunday the 26<sup>th</sup> of July 1998, the date, duration and requirement as determined in articles 33, 37, 38, 48, 64, 65, 66 and article 137 of the Law on the Election of the Members of the National Assembly shall be amended as determined in Annex "A" and Annex "B" as attached herewith.

This law is passed by the National Assembly of the Kingdom of Cambodia on March 31, 1998 during its debate of the first convocation of the eighth session.

Acting President of the National Assembly

Loy Sim Chheang

### ANNEX "A"

#### Calendar for Sunday 26 July 1998 Election of the Members of the National Assembly

Establishment of Registration Stations	20 April 1998
Beginning of Electors Registration	27 April 1998
End of Parties and Candidates Registration	7 May 1998

Posting of Preliminary List of Candidates and Parties	8 May 1998
End of Electors Registration	23 May 1998
Posting of Official List of Political Parties	12 June 1998
Beginning of Campaign	25 June 1998
Posting of Official Register of Electors and List of Candidates	25 June 1998
Posting of List and Locations of Polling Stations	26 June 1998
End of Campaign	24 July 1998
Polling Day	26 July 1998

## ANNEX "B"

### For Purpose of the Election of the Members of the National Assembly on Sunday the 26<sup>th</sup> of July 1998

Once this law is enacted, any person, who wishes to stand as candidate for the election of the members of the National Assembly, is entitled to temporary register as a candidate disregarding his registration card. Once registered, the person concerned shall transmit its registration card number to the National Election Committee not later than fifteen (15) days after the close of the registration of electors of his respective registration station, in order to validate his candidacy.

The requirement of permanent residence of candidates for one year or one month as determined in paragraph 4 of article 33 and article 137 of the Law on the Election of the Members of the National Assembly is waived.

The end of registration of parties and candidates to participate in the Election of the Members of the National Assembly shall be not later than eighty (80) days before polling day.

#### AFTER THE POSTING OF THE PRELIMINARY REGISTER OF ELECTORS:

Objections or complaints shall be lodged within three (3) days.

The CEC shall rule on such an objection or complaint not later than one (1) day of receipt of the objections.

In the event the appellant is not satisfied with the decision of the CEC, the person concerned or his representative may appeal in writing against such a decision to the PEC no later than three (3) days of receipt of notification of the CEC.

The PEC shall rule on such an appeal or objection within five (5) days of receipt of the appeal.

In the event the appellant is not satisfied with the decision of the PEC, the person concerned or his representative may appeal in writing to the NEC no later than three (3) days of receipt of notification of the PEC.

The NEC shall rule on such an appeal or objection within five (5) days of receipt of the appeal.

In the event the appellant is not satisfied with the decision of the NEC, he or his representative may appeal in writing to the Constitutional Council not later than two (2) days of receipt of notification of the NEC.

The Constitutional Council shall decide on this appeal or objection no later than five (5) days of receipt of the complaint.

## 2nd ADDENDUM

### The Law on the Election of the Members of the National Assembly

Article 1:

Article 137(bis): For the election on Sunday, July 26, 1998, *due to technical reasons*, the date, duration and conditions as determined in articles 37, 48, 58, 61, 62, 63, 137 and article 137(bis) of the 1<sup>st</sup> Addendum of the Law on the Election of the Members of the National Assembly shall be amended as determined in ANNEX "C" attached herewith, and the date, duration and requirement determined in ANNEX "A" and ANNEX "C" may be modified by the National Election Committee "N.E.C." in accordance with specific technical reasons.

This law is passed by the National Assembly of the Kingdom of Cambodia on 5<sup>th</sup> May 1998, during its 8<sup>th</sup> Session of the 1<sup>st</sup> Legislature.

Phnom Penh, ---- May 1998.

President of the National Assembly

### ANNEX "C"

Part of Previous Amendment of Article 137 of the Law on the Election of the Members of the National Assembly

**Article 37 (5):**

In the event of the death of a candidate or a candidacy being withdrawn because of a rejection of candidacy in the election of the members of the National Assembly, this candidate shall be replaced with the alternate whose name appears next to the former on the list of alternates.

In the absence of alternate, the party shall submit to the National Election Committee the name of a new candidate not later than three (3) days after the withdrawal of candidacy.

**Article 48 (2) Added:**

For the election of the members of the National Assembly on the Sunday July 26, 1998, the National Election Committee shall publish the preliminary register of electors at least thirty (30) days before the polling day.

The official register of electors shall be immediately published once all appeals or objections have been finalized.

**Article 58 Added:**

For the election of the members of the National Assembly on Sunday, July 26, 1998, the period of seven (7) days is reduced to five (5) days.

**Article 61 Added:**

For the election of the members of the National Assembly on Sunday, July 26, 1998, the period of seven (7) days is reduced to five (5) days.

**Article 62 Added:**

For the election of the members of the National Assembly on Sunday, July 26, 1998, the period of ten (10) days is reduced to five (5) days.

**Article 63:**

For the election of the members of the National Assembly on Sunday, July 26, 1998, the words "as soon as possible after the end of the registration period" are replaced by "at least thirty (30) days before polling day."

**LAW ON THE 3<sup>RD</sup> ADDENDUM OF THE LAW ON ELECTION OF  
MEMBERS OF THE NATIONAL ASSEMBLY**

**Article 1:** Article 137 (triple): For the purposes of preserving the secrecy the election on Sunday July 26, 1998, the ballot counting as determined in Articles 102, 103, 104 and 106 of the Law on Election of Members of the National Assembly shall be determined in Annex "D" as attached herewith.

The National Assembly of the Kingdom of Cambodia adopts this law on June 8, 1998 during its eight Session of the first Legislature.

President of the National Assembly  
Chea Sim

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**ANNEX "D"**

which is a part of Article 137 (triple) of the Law on the Election of Members of the National Assembly.

For the election of the Members of the National Assembly on Sunday 26 July 1998, the ballot counting shall be done at each Commune Election Committee where the election was made throughout the Kingdom of Cambodia.

The Organization and functioning of the ballot counting shall be implemented in accordance with the procedures and formalities as determined by the National Election Committee.



ROYAL KRAM (LAW)

N° CH.S/Roy.kr/ 1197/07

WE

PREAH BAT SAMDECH PREAH NORODOM SIHANOUK,

.....  
.....  
KING OF THE KINGDOM OF CAMBODIA

\*\*\*\*\*

- HAVING SEEN THE CONSTITUTION OF THE KINGDOM OF CAMBODIA.
- HAVING SEEN THE ROYAL-DECREE DATED 01 NOVEMBER 1993, ON THE APPOINTMENT OF ROYAL GOVERNMENT OF CAMBODIA.
- HAVING SEEN THE ROYAL KRAM (LAW) N° 02 NS-94, DATED 20 JULY 1994, ON THE ORGANIZATION AND FUNCTIONING OF THE COUNCIL OF MINISTERS.
- HAVING SEEN THE ROYAL DECREE N° NS-Roy.Decr-1094-90, DATED 31 OCTOBER 1994, ON RECTIFICATION OF COMPOSITION OF THE ROYAL GOVERNMENT OF CAMBODIA.
- HAVING SEEN THE ROYAL-DECREE N°CH.S-Roy.Decr- 0897-147, DATED 07 AUGUST 1997, ON RECTIFICATION OF COMPOSITION OF THE ROYAL GOVERNMENT OF CAMBODIA.
- HAVING SEEN THE ROYAL KRAM (LAW) N° NS-Roy.Decr-0196-08, DATED 24 JANUARY 1996, ON ESTABLISHMENT OF THE MINISTRY OF INTERIOR.
- FOLLOWING THE PROPOSALS OF HE. FIRST PRIME MINISTER AND SAMDECH 2ND PRIME MINISTER AND, OF THE CO-MINISTERS OF INTERIOR.

HEREBY PROMULGATE:

The Law on Political Party , which the National Assembly adopted on 28 October 1997, during the 8th Session of its 1st Legislature, which its whole content is as follows:

COPY