

**KINGDOM OF CAMBODIA**  
**NATION RELIGION KING**



**REGULATIONS AND PROCEDURES**  
**FOR**  
**ELECTION OF MEMBERS OF THE NATIONAL**  
**ASSEMBLY**

**FOURTH MANDATE**  
**(27<sup>TH</sup> JULY 2008)**

**PART 2**

## TABLE OF CONTENTS

### Chapter 7: Election Campaign

- General Provision
- Voter Education Materials
- Pictures and Materials of Publicity Campaign
- Duties and Responsibilities of the Media

### Chapter 8: Organization and Administration of the Election Process

- Composition of the Polling Station Commissions (PSC) and Ballot Counting Commissions (BCC)
  - Requirements for Selection and Appointment of Composition of the PSCs/BCCs
  - Responsibilities and Duties of Members of the PSCs/BCCs
  - Preparation of Electoral Materials and Examination of Locations of Polling Stations
  - Administrative and Security Location of Polling and Counting Stations
  - Conduct of Polling
  - Closing of Polling at Polling Stations on Polling day
  - Closing of the Polling Station in Case of Emergency
  - Reelections
  - Ballot-Counting at the Polling Station
  - Valid and Invalid Ballots
  - Preparation and Packing Polling, Ballot Counting Records and the Relevant Electoral Materials
  - Delivery of Polling and Counting Records as well as Remaining Materials at the CEC
  - Ballot-Counting at the CECs Headquarter or at Any Safe Place
  - Submission of Complaint/Appeal against the Polling and Counting at the CEC
  - Checking and Consolidating Election Results in the Commune/Sangkat by the CEC
  - The Creation of Centers of PEC for Checking and Consolidating the Election Results in Provinces/Municipalities
  - Handing over and Receipt of Packages “C” and Packages “Special C” at the Centers for Checking and Consolidating the Election Results in Provinces/Municipalities of the PECs
  - Submission of Appeal to a PEC relating to election results of the Commune/Sangkat or of one or more Polling Stations in the Commune/Sangkat
  - Operation of PECs in Checking and Verifying the Election Results by Communes/Sangkats and Consolidating Election Results in Provinces/Municipalities
  - Checking the Election Results of a Commune/Sangkat where there is no Appeal and/or Objection
  - Checking the Election Results of Communes/Sangkats where appeals and/or objections are submitted to CECs and it is required to open Safety Package “A” for Ballot Verification at the CEC where appeals or objections were submitted at the PEC
  - The PEC’s Hearing to rule on appeals or objections
  - Filling out election results of the province/municipality
  - Packing and Delivery of the election result of the province/municipality and every relevant electoral materials to the NEC
  - Lodging appeals against the rejection decision of the PEC on the appeal to the NEC
  - The Creation of Material Receiving Teams, Result Checking Teams, and Seat Allocation Teams of the NEC, and Preparation for Checking the Result of the Election of Members of the National Assembly
  - Handing over and receipt of safety packages “special D” and packages “D” containing the record of election results of the province/ municipality and relevant electoral materials at the NEC Headquarter
-

- Cooperation of Result-Checking Team and Seat Allocation Team of the NEC to Check the Election Results of Province/Municipality
- Checking Election Results of One or More Polling Stations and/or Election Results of a Commune/Sangkat that Were Suspended by the PEC
- Checking the Election Results of the Provinces/Cities where there are No Complaints
- Checking the Election Results of the Provinces/Cities where there are No Appeals and/or Objections Lodged at the CEC and/or PEC and/or NEC
- Entering and verifying the data of election results in computers and the determination and allocation of seat that political parties have received for each provincial/municipal constituency

## **Chapter 9: The Case of Appointing a Substitute for a Member of the Parliament**

## **Chapter 10: Budget and Finance**

## **Chapter 11: Complaints or Appeals, Decision or Reconciliation and Hearing**

- Complaints or Appeals
- Voter List Revision and Voter Registration
- Posting of the Preliminary Voter List
- Registration of Political Parties and Candidates Running for Election
- Complaints related to individual not the electoral officials
- Complaints related to electoral officials
- Polling and Counting Operations
- Submission/Receipt of Complaint Procedures and Settlement of Complaints related to Penalties Stated in Chapter 11 of the LEMNA
- Conciliation, Decision and Hearing
- Usages of Form 1203 and other Forms for making Decision and Hearing

## **Chapter 12: Political Party Representatives, Observers and Journalists**

- Political Party Representatives
- Electoral Observers
- National Observers
- International Observers
- Political Parties Not Registered to run for Election and Wish to observe Election
- National and International Journalists

## **Annexes**

- 1- Materials/Documents to be handed over to the CEC
  - 2- Voting and Counting Materials, Packages and Documents to be handed over to each PSC/BCC by the CEC
  - 3- Election System and Seat Allocation
  - 4- Offense and Imposition of Penalties in accordance with the Procedures of Chapter 11
  - 5- Some Articles related to Chapter 11 of the LEMNA
  - 6- Calendar for the 2008 Election of Members of the National Assembly, Fourth Mandate
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## **ACRONYM**

|  |                    |
|--|--------------------|
| 1- National Election Committee   | <b>NEC</b>         |
| 2- Provincial/Municipal Election Committee                                 | <b>PEC</b>         |
| 3- Provincial/Municipal Election Secretariat                               | <b>PES</b>         |
| 4- Commune Councils  | <b>CC</b>          |
| 5- Commune Election Committee  | <b>CEC</b>         |
| 6- Polling Station/Ballot Counting Commission                              | <b>PSC/BCC</b>     |
| 7- Amended Law on Election of the Members of the National Assembly         | <b>LEMNA</b>       |
| 8- Amended Law on Election of the Commune Council                          | <b>LECC</b>        |
| 9- Regulations and Procedures for Election of Members of National Assembly | <b>R&amp;PEMNA</b> |

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## Chapter 7

### Election Campaign

#### General Provisions

- 7.1 According to the law on the election of members of the National Assembly, the election campaign has the objectives to allow political parties and candidates to disseminate their political program to voters. Election campaigning refers to specific activities which are publicly carried out in order to convince voters to vote for any candidate or political party. Those activities carried out in order to support any candidate or political party or criticize any political party's policy or platform, are as follows:
- 7.1.1 Public meeting of a political party or a candidate;
  - 7.1.2 Any rally or preparation of march or procession either by foots or transporting means of all kinds or house by house propaganda;
  - 7.1.3 Dissemination on radio, TV or newspapers;
  - 7.1.4 Dissemination through air-wave or shouting of short slogans through loud-speakers or tape-recorder;
  - 7.1.5 Dissemination through playing a video cassette or VCD or DVD in a public video shop or at a public place;
  - 7.1.6 Posting of propaganda posters at public places;
  - 7.1.7 Distribution of a political party's leaflets;
  - 7.1.8 Distribution of caps, signs or other materials printed or painted to voters or produced;
  - 7.1.9 Putting up of banners at any public place and/or a notice board;
  - 7.1.10 Orchestration of a concert in form of procession or at any particular place or singing a propaganda song or orchestrating election propaganda related music.
  - 7.1.11 Preparation of sport match.
- 7.2 The election campaign shall be opened for thirty one (31) days before the polling day.
- 7.2.1 The election campaign shall last for a period of thirty (30) days.
  - 7.2.2 All political campaign activities shall start at six (6) am until ten (10) pm.
  - 7.2.3 All political campaign activities shall cease between ten (10) pm until six (6) am.
  - 7.2.4 The election campaign shall cease twenty-four (24) hours before the polling day.
  - 7.2.5 All opinion polls and the publication of their results related to the electoral process shall cease five (5) days before polling day and on polling day. The opinion poll is the use of questionnaires in order to extract the opinion of citizens about the election process. The coverage of the results of opinion polls should mention the source of information, the opinion poll survey, the time it was conducted, the number of people surveyed and the statistical margin of error.
  - 7.2.6 Any campaign activities shall not be allowed twenty four (24) hours before polling day and on polling day. Any person who violates this provision shall face a fine under the Electoral Law.
- 7.3 Any political party duly registered at the Ministry of Interior can at all times organize meetings on its political program at private places and has the right to install party signs on private locations or houses of individual with the permission of the owner.
- 7.3.1 Party signs can be installed on public area with the coordination of the Commune/Sangkat authority based on the principles of equality and by taking into consideration the issue of security and order.
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- 7.3.2 Party signs and propaganda materials of political parties must never be permitted to be installed or posted on State buildings or offices.
- 7.3.3 With the exception of signs on permanent offices of a political party, any party sign or propaganda material for a political party located within 100 meters of a polling station must be removed by the last day of the electoral campaign.
- 7.3.4 Political parties shall remove their notice boards, banners, and all campaign documents from all the public places within fifteen (15) days after the polling day.
- 7.4 The transportation of voters to polling stations or provision of transport to them does not fall into the category of election campaign activities, if the use of this transport is private, of small scale and is not linked with election campaign.
- 7.4.1 The transports, which are the State property, shall not be allowed for use to conduct the election campaign for any political party or candidate and to transport voters to polling stations.
- 7.4.2 The transports, which are the State property, are defined as vehicles, motorbikes and boats of all kinds using the number-plates of civil authority, police, military or government.
- 7.4.3 Transportation which the vehicle is overly stored or is pre-planned is prohibited.
- 7.5 Wearing of clothes such as (clothing/cap) displaying a logo or a political message of a political party or a photo of any candidate does not constitute the election campaign activities, except for such action to be conducted inside a polling station, or inside the compound of inner and outer parameter of the polling station during the polling day.
- 7.6 Civil servants, local authorities at all levels, members of military, national police and court officials must not:
- use their power and role to directly or indirectly influence the election process;
  - use State buildings or offices for election campaign to garner votes;
  - actively participate in the election campaign for any political party.

Prohibited active participation for civil servants, local authorities at all levels, members of the military, national police and court officials, who are on duty, shall be defined as follows:

- 7.6.1 Being a member of the Permanent Committee for Information and Media or Commission for Election Campaign of any political party;
- 7.6.2 Participating in a procession, a meeting and a march to voice support for any political party and/or candidate;
- 7.6.3 Conducting civic opinion polls for any political party or candidate;
- 7.6.4 Driving any vehicle of a political party or a candidate;
- 7.6.5 Distributing campaign materials to voters in order to support a political party and/or a candidate;
- 7.6.6 Making a public statement in support of a political party and/or a candidate;
- 7.6.7 Participating in orchestrating the music and/or signing a song and/or disseminating various political messages through loudspeakers to support any political party and/or candidate.
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7.7 After having completed their working hours or when being out of duty, civil servants, local authorities at all levels, members of the military, national police and court officials can participate in the election campaign activities to support any candidate or political party as long as they do not wear their uniform and/or do not carry their weapons. Any civil servant, local authority at any level, member of the military, national police and court official who act in contradiction to this Point and Point 7.6 shall be subject to penalties as stated in Article 131 of the LEMNA.

7.8 NGOs or domestic and international associations who are operating in the Kingdom of Cambodia shall be neutral and impartial during the Election for the Members of National Assembly.

NGOs or domestic and international associations who are operating in the Kingdom of Cambodia shall not either directly or indirectly:

7.8.1 Initiate or participate in the campaign conducted by any political party or candidate.

Campaign initiation and participation include:

7.8.1.1 Persuading or gathering people to participate in the campaign in support of any political party or candidate.

7.8.1.2 Participating in a parade or meeting of any political party or candidate.

7.8.1.3 Participating in dissemination of political platform or campaign materials of any political party or candidate.

7.8.1.4 Being a member of campaign committee of any political party.

7.8.2 Release statement or act in support of or show impartiality to or against any political party or candidate. Such release of statement, action in support or showing impartiality include:

7.8.2.1 Conducting survey in order to serve any political party or candidate.

7.8.2.2 Writing in words or providing interview to media system in support of any political party or candidate.

7.8.2.3 Saying directly or indirectly or writing in words in order to criticize any political party or candidate.

7.8.2.4 Showing or posting pictures or other documents with their vehicles or organizations or within their workplace compound in support of any political party or candidate.

7.8.3 Provide means of finance, materials, kits, human resources or other means in support of any political party or candidate. These means include:

7.8.3.1 Providing all kinds of vehicles as a campaign means for any political party or candidate.

7.8.3.2 Providing finance, materials, and other kits for the people to participate in the campaign in support of any political party or candidate.

7.8.3.3 Directly or indirectly providing finance, materials and kits for campaign parade, public gathering, art performance, and printing of campaign materials in support of any political party or candidate.

7.9 Before opening the process of election campaign, the Provincial/Municipal Election Commissions and Commune/Sangkat Election Commissions shall make known to the relevant officials mentioned in Points 7.6 and 7.7 above their duties and neutrality during the working hours in regard to the election campaign through Provincial/Municipal, District/Khan and Commune/Sangkat authorities, armed forces and police.

7.10 The Provincial/Municipal Election Commissions and Commune/Sangkat Election Commissions shall organize meetings on a weekly basis or meetings as necessary with representatives of contesting political parties in order to:

-update them on the development of the election process;

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- brief them on the Regulations and Procedures;
- listen to the comments, suggestions and remarks of political parties and candidates;
- discuss other issues related to the election process.

- 7.11 All political parties and candidates must abide by the code of conduct for political parties candidates and representatives of political parties adopted by the NEC.
- 7.11.1 All candidates and political parties must abide by the LEMNA;
  - 7.11.2 All candidates and political parties must abide by the Regulations and Procedures and various Directives adopted by the NEC;
  - 7.11.3 All candidates and political parties shall behave in a dignified manner;
  - 7.11.4 All candidates and political parties must follow the principles on human rights and democracy as stipulated in Chapter III of the Constitution of the Kingdom of Cambodia;
  - 7.11.5 Political parties, their representatives or candidates shall not order their supporters to tear down or destroy the campaign notice for dissemination of other political parties or candidates;
  - 7.11.6 Political parties, their representatives or candidates shall not incite the use of violence or intimidation during the period of the election campaign;
  - 7.11.7 Any political party, its representative and candidate or any individual shall not provide contributions, gifts or rewards in cash or in kind of any form to any institution, organization or individual in order to buy votes.
  - 7.11.8 No political party, its representatives or candidates shall threaten or intimidate directly or indirectly any individual(s) or group(s) of people in order to gain the support from them or to discourage them from supporting other candidates or political parties. Threats, intimidations and discouragement include:
    - 7.11.8.1 Direct or indirect words or a piece of writing containing a threat to life, physical body or destruction to the property;
    - 7.11.8.2 Direct or indirect verbal remarks or a piece of writing made in a sense to commit torture;
    - 7.11.8.3 Minor or serious beating;
    - 7.11.8.4 Verbal abuses made to imply that there will be a physical harm;
    - 7.11.8.5 Display or use of weapons for the purpose of intimidation;
    - 7.11.8.6 Verbal or written reference to a past shocking event where a person or any group was executed or beaten or raped or whose property was destroyed or damaged;
    - 7.11.8.7 Shooting with a gun over a house roof or vehicle or at areas around any person;
    - 7.11.8.8 Placing an animal corpse or any equipments in front of a person's house or a group, which can cause the person or group to fear for his/her life or his/her relative's;
    - 7.11.8.9 Escorting or confining any person by force, causing the person to be feared or fear for his/her safety or the safety of his/her family;
    - 7.11.8.10 Using an immoral language displaying threats;
    - 7.11.8.11 Financial threats such as to dismiss a person from his/her job, to take away his/her land or house real estates or lose the business's profit or other financial benefits;
    - 7.11.8.12 Putting pressure, use of threat or coercion to secure a promise or a thumb-print to promise to vote for political party;
    - 7.11.8.13 Collection or confiscation of identity documents used for voting.
- 7.12 A political party, a candidate or a representative that acts in contradiction to Article 7.11 is subject to penalties pursuant to Articles 124 New and/or 131 or the LEMNA.
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## **Voter Education Materials**

- 7.13 The Department of Training and Public Information of the NEC shall be responsible for producing and disseminating voter education materials and promoting awareness on electoral matters.
- 7.13.1 The NEC calls for and encourages the active participation of national and international NGOs operating in the Kingdom of Cambodia in dissemination and education activities in order to promote civic electoral awareness.
- 7.13.2 Any national or international NGO operating in the Kingdom of Cambodia that is willing to cooperate with the NEC in any aspect of the electoral education campaign may contact the Department of Training and Public Information of the NEC.
- 7.13.3 The education material produced by national and international NGOs must be neutral and impartial. It should not suggest any form of support or denigration of political party or candidate and should comply with the LEMNA, the Regulations and Procedures and code of conduct for electoral observers.
- 7.13.4 Public information and voter educational material produced by the NEC and the material produced by national or international NGOs that received a letter of approval of the NEC is protected by copyright and may not be altered or added to without the approval of the NEC. The national and/or international NGO that has collaborated in the production of voter education materials shall be responsible before the law for any breach of the agreement reached by both parties.
- 7.13.5 In order to ensure that the content of the educational material produced by the national and international NGOs is technically accurate and in conformity with the LEMNA, its regulations and procedures, and technical standards, the NEC provides a service of verification/approval/instruction as requested by those NGOs.
- 7.13.6 The publication or broadcasting of the educational materials does not necessarily require the service of verification/ approval from the NEC.
- 7.13.7 In any case, whether the educational material has received NEC's approval or not, a publisher or broadcaster must know the identity of its clients and shall not be held responsible under the Electoral Law for the technical content of the educational material, unless it is otherwise determined by Law.
- 7.13.8 The Commission of Equal Access Coordination as set out in Point 7.14.6 below has the duty to provide the verification, approval and instructional services within seventy-two (72) hours of receipt of a request for verification of that educational material. In the event it is found that the material or its content does not conform with LEMNA and Regulations and Procedures of the NEC, this Commission must show where the problem is and shall inform the requesting recipient as such. In the event the Commission of Equal Access Coordination take more than seventy-two (72) hours to examine and yet no response is given, then this would be viewed that this Commission has fully agreed with the content of such material and authorized it to be publicly disseminated.
- 7.13.9 The voter educational materials that can be verified and receive the NEC's approval are as follows:
- 7.13.9.1 Short video spots or educational video clips;
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- 7.13.9.2 Recorded cassette or pre-recorded tape;
  - 7.13.9.3 Leaflets, posters and banners;
  - 7.13.9.4 Educational book relating to the election;
  - 7.13.9.5 Advertisements and pictures published on the newspapers;
  - 7.13.9.6 Pictures or slogans printed on clothes or caps.
- 7.13.10 A copy or a set of each item verified that has received the NEC's approval shall be deposited for records at the NEC.
- 7.13.11 National and international NGOs that are not using the verification/approval/instruction system offered by the NEC shall be held responsible for the technical contents of their education materials under the provisions of the LEMNA. If the information contained in the educational material it produced is found to be in violation of the LEMNA, the regulations and procedures of the NEC, to be biased in a manner that shows the support for any political party or induces the public to misunderstand about the LEMNA, regulations and procedures, the NEC shall ask the concern NGO for a correction to be made, or may decide to order the complete withdrawal of the material. The materials are determined in Point 7.14.9 below.
- 7.13.12 National and International NGOs are allowed to produce educational booklet which contain the political platforms of all political parties registered to take part in the Election of Members of the National Assembly by following the principle of equality. That educational booklet can be printed and transported to its destinations before the start of the election campaign but can be publicly distributed and disseminated only during the election campaign.
- 7.13.13 National and international NGOs operating in the Kingdom of Cambodia, that are willing to organize equal access to programs for political parties during the election campaign, may consult the details of such program in collaboration with the NEC. The activities of the equal access program are defined as follow:
- 7.13.13.1 One or a series of programs that give the opportunity to each and every of political party running for election to convey their electoral political platform and views in a debate, public discussions, interviews, round tables, forums or talk shows on the basis of equal time for all participants.
  - 7.13.13.2 Pursuant to Article 73 (New) of the LEMNA, to facilitate the equal access to the media and to avoid incidents as stated below in Point 7.14.9, the broadcasting of the equal access program shall require a letter of approval from the NEC.
- 7.13.14 The NEC has the right to order the correction or removal of parts or all the voter educational materials that do not comply with Points 7.13.3, 7.13.12 and 7.14.9. The concerned organizations shall make the corrections as necessary as instructed by the NEC. In case of serious mistake, the concerned organization shall be subject to penalties as stated in Articles 124 (new) of the LEMNA.
- 7.13.15 The NEC has the right to order the suspension or cessation of the broadcast of any equal access program which does not comply with the conditions as stated in Points 7.13.3, 7.12.12 and 7.14.9.

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## **Pictures and Materials of Publicity Campaign**

7.14 According to Point 7.2, the political parties, their candidates running for election and supporters can use the forms of publicity campaign or campaign materials as follows:

7.14.1 Propaganda leaflets;

7.14.2 The press (ads, cartoon, press release, political statement, political message, logos);

7.14.3 Propaganda through radios, TVs loudspeakers or other displaying devices;

7.14.3.1 Propaganda texts;

7.14.3.2 Music and songs containing short slogans;

7.14.3.3 Poems;

7.14.3.4 Orchestration of music;

7.14.3.5 Interviews either live or pre-recorded;

7.14.3.6 Art performance;

7.14.3.7 Public video show.

7.14.4 Beside the forms of election campaign and campaign materials as indicated above, other means include:

7.14.4.1 Short plays and/or art performance or video and/or movie show;

7.14.4.2 Ping-Pong or kiting;

7.14.4.3 Printed materials posted on posters, shirts, caps, sarongs, signs, stickers for vehicles, badges, banners, etc.;

7.14.4.4 Public crier.

7.14.5 The use of media during the election campaign.

7.14.5.1 Political parties or candidates are allowed to pay for renting advertisements on radio and TV channels and publish advertisements in newspapers of private media during the election campaign.

7.14.5.2 Private media wishing to accept paid political advertisements should reserve time and space to be offered on the basis of equal opportunity at equal rates to all political parties.

7.14.5.3 Private media may choose to refuse publishing or broadcasting any paid advertisements for political parties during the campaign period. If a private media makes this choice, it must refuse publishing or broadcasting all such paid advertisement from all political parties.

7.14.6 The NEC shall establish a Commission of Equal Access Coordination in order to organize and lead the equal access program, review political parties' spots and texts which are sent to the NEC as well as examine the educational materials submitted for a letter of approval from the NEC and political parties' campaign materials in case there is a complaint/appeal filed from political party, candidate or his/her representative as instructed by the NEC.

7.14.6.1 The Commission of Equal Access Coordination shall be composed of the followings:

1. Deputy Secretary General of the NEC as Chairman

2. Deputy Secretary General of the NEC as Vice-Chairman

3. NEC Assistant as Vice-Chairman

4. Director of Training and Public Info. as Member

5. Director of Legal Services and Dispute as Member

6. Deputy Director in charge of Public Information as Member

7. Assistant of Training and Public Info. as Member

7.14.6.2 The Commission of Equal Access Coordination shall organize meeting(s) with political parties running for election in order to discuss/determine the

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- organization of equal access program and shall have a separate regulation adopted by the NEC.
- 7.14.6.3 The Commission of Equal Access Coordination shall follow the guidelines on the organization and functioning of State equal access programs of the NEC.
- 7.14.6.4 The Commission of Equal Access Coordination shall meet with the managers of both State and private media to work out various measures to implement Articles 74, 75 and 76 of the LEMNA.
- 7.14.6.5 The Commission of Equal Access Coordination shall meet with the State and private media to explain them on the Regulations and Procedures, Code of Conducts for political parties and other guidelines of the NEC.
- 7.14.6.6 Broadcasting of program of equal access to be implemented is as follows:
- Spots broadcasting of contesting political parties through State Radios and TVs;
  - Broadcasting of round table discussions for political parties on State radios and TVs;
  - Publication of propaganda texts on the NEC bulletins on political parties' policy and platform or full original speech of candidates.
- 7.14.6.7 The accuracy of the following materials will be reviewed in conformity with Point 7.14.9 by the Commission of Equal Access Coordination:
- the dissemination materials produced by the NEC;
  - the dissemination materials produced by national and/or international NGOs in cooperation with the NEC;
  - the propaganda materials of political parties in the equal access program.
- 7.14.6.8 All other campaign materials of the political parties which are not related to the equal access program are not subject to any review by the NEC. Such materials should nevertheless be in conformity with section 7.14.9.
- 7.14.7 During the election campaign period, the NEC shall request the Director of newspapers, radios and TVs to provide it with their weekly or monthly broadcasting programs and the broadcasting tariff.
- 7.14.8 All materials related to the election campaign, either printed, distributed or disseminated by a candidate and/or a political party must contain the identification of name and address of the concerned party.
- 7.14.9 The voter educational and propaganda materials disseminated in print or broadcasted on the media must not make use of any images or languages which mean to:
- 7.14.9.1 incite voters to use violence, threats or intimidation against other voters, political parties or candidates running for election, or lead to the loss of confidence in the secrecy of the ballot.
  - 7.14.9.2 insult, threaten, be abusive, contemptuous or immoral.
  - 7.14.9.3 spread fear, confusion and civil disorder.
  - 7.14.9.4 provide inaccurate information regarding the electoral process.
- 7.14.10 The broadcast, dissemination or publication of voter educational and propaganda materials that are found to be in violation of the above provisions can be ordered by the NEC to withdraw, remove or cease the broadcast and use of those offending materials.
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- 7.14.11 The political party shall be responsible for the voter and campaign materials it disseminate and shall be panelized under Article 131 of the LEMNA if such materials are found to be in violation to the conditions as stipulated in Point 7.14.9 above.
- 7.14.12 Any propaganda activity using the photo, royal speech, message, achievement or the name of His Majesty the King, the Great King and Queen and the logo of the NEC in order to gain votes shall be prohibited.
- 7.14.13 Any propaganda banner, party sign or logo displaying the support for any political party or candidate put up across the public street shall be prohibited.
- 7.15 Managers of theatres, sport centers, parks or public places/halls must provide their places to any candidate or contesting political party that has requested for rent to conduct the electoral campaign based on the principles of equality, first come first serve basis of requests. The request of political party and/or candidate running for election who wishes to rent places as stated in Point 7.15 can be made starting from seven (7) days before the start of the electoral campaign's meeting. The managers of those places shall respond to the requests of political parties not later than the period of twenty-four (24) hours of receipt of the requests.
- 7.15.1 A political party and/or a candidate shall notify the Provincial/municipal Election Commissions (PECs) and/or Commune Sangkat Election Commissions (CECs) with a copy of its request at least three (3) days before the electoral campaign activity is due to take place. Electoral campaign activities include:
- 7.15.1.1 March by foots or vehicles of all kinds;
  - 7.15.1.2 Public meetings;
  - 7.15.1.3 Orchestration of concert, music or dancing;
  - 7.15.1.4 Short plays, or art performance, or movie or video show;
  - 7.15.1.5 Parades;
  - 7.15.1.6 Sports activities for fund raising to support a political party and/or a candidate.
- 7.15.2 After receipt of the letter of notification as stated in Point 7.14.1, the PECs and/or CECs shall coordinate the security, safety and public order related work to enable political parties and/or candidates to launch their campaign.
- 7.15.3 PECs and CECs shall have a book recording a copied request of political party or candidate to launch campaign in order to be informed of the order of the campaign launched by political party or candidate running for election.
- 7.15.4 PECs and CECs shall prepare a weekly timetable to determine the request order of using public and private places and publicly post 1 copy of this request at the PEC's headquarter, 1 copy at the CEC's office and 1 copy at the campaign area.
- 7.15.5 PECs and CECs shall coordinate and organize the order of the information campaign of each political party and shall have preventive measures and solutions to all the campaign in violation to the LEMNA, Rules and Regulations and codes of conducts for political parties, candidates and political parties' representatives.
- 7.16 Pursuant to Article 79, a political party or a candidate can conduct a campaign at private places or halls, if agreed by the proprietor of those places or halls and shall notify the PEC and/or CEC in writing at least three (03) days before the propaganda activity is due to take place.
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- 7.17 All political parties and/or candidates' campaign activities shall maintain good order and dignity.
- 7.18 A political party and/or a candidate and/or all their supporters shall not pose any disturbance or interference into or obstruct the campaign activities of other political parties, and/or candidates and/or supporters. Activities, which constitute acts of interference, disturbance and disruption, include:
- 7.18.1 Allusion and scorn;
  - 7.18.2 Physical persecution;
  - 7.18.3 Physical beating of a person;
  - 7.18.4 Shooting at a place where a political party is conducting a campaign or is having a meeting;
  - 7.18.5 Other means of interruption aimed to disrupt a campaign procession from proceeding ahead or to stop other campaign activities of a political party;
  - 7.18.6 The use of explosive substances in order to interrupt the campaign activity of a political party or a candidate;
  - 7.18.7 The use of loudspeakers to disrupt the place where a political party or a candidate is conducting a campaign or is having a meeting;
  - 7.18.8 Removal of party's badges or banners or electoral propaganda materials of any political party or candidate;
  - 7.18.9 Prohibiting or deterring people to participate in meeting or parade of any political party.
- 7.19 All candidates and political parties have equal rights to enjoy the protection of security and safety during the election campaign.
- 7.19.1 The RCAF and police have the duty and responsibility to create a safe environment for the election;
  - 7.19.2 The RCAF and police have the duty and responsibility to assure all candidates and political parties of equal rights to the protection of security and safety during the election campaign period;
  - 7.19.3 The RCAF and Police, who have the duty to provide protection, shall restrain from standing close to a facility or place where a campaign activity is being held, unless requested by a concerned party and/or a candidate launching that campaign.
  - 7.19.4 During the election campaign, the CEC shall monitor daily the security and safety situation in the Communes/Sangkat and shall inform the PEC on a daily basis. The PEC shall come up with a summary of the status of security and safety and accordingly report to the NEC.
- 7.20 All political parties that have registered to run for the election shall have account books to record down their incomes, sources of income and expenses on the election campaign.
- 7.20.1 The NEC may check this account when necessary.
  - 7.20.2 All contributions that a political party has received shall be deposited in the bank account and all expenditures for the election campaign shall be taken from this same account.

### **Duties and Responsibilities of the Media**

- 7.21 Because of their important role in disseminating the information to voters, the electronic media have come to play a key role in the holding of a free and fair election.
- 7.21.1 State newspapers, radios and TVs shall broadcast the election-related and voter education information free of charge as requested by the NEC. The NEC shall request for cooperation from Ministry of Interior in order to disseminate election-related information.
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- 7.21.2 Private media systems are encouraged to disseminate election information to voters.
- 7.22 The voters have the right to make a choice based on the information they have received. This right requires both the State and private media to have an obligation to follow the Guidelines for the Media as stated in the annex in order to allow for the free and fair election.
- 7.23 All state and private medias shall adhere to the Guidelines for the Media enclosed as Annex on Guidelines for Media Systems. Any media that fails to abide by the LEMNA, regulations and procedures during the election campaign shall be responsible before the law.
- 7.24 All complaints related to election campaign shall be implemented according to Chapter 11 of the LEMNA.
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## Chapter 8

### Voting, Counting and Consolidation of Election Results

#### Organization and Administration of the Election Process

- 8.1 Pursuant to Articles 47 (New) of the LEMNA, the NEC shall have lists of Polling and Counting Stations' locations printed and posted for publicity at Polling Stations and CECs' offices at least thirty (30) days prior to polling day.
  - 8.1.1 The Department of Operations shall act as a general staff for the NEC to direct electoral commissions at all levels to post the lists of Polling and Counting Stations' locations as mentioned above on a timely fashion by ensuring that:
    - 8.1.1.1 The list of Polling and Counting Stations' locations in each Commune/Sangkat are adequately photocopied and delivered to CECs in three (3) copies, one copy is firstly posted at CECs' offices one day before the day the electoral campaign starts and secondly post one copy at all the Polling Stations on the eve of polling day, and one copy is kept for files at CECs;
    - 8.1.1.2 The lists of Polling and Counting Stations' locations in all Communes/Sangkats of each Provincial/Municipal Constituency are copied on papers or CD-ROMs to be sent to relevant PECs for files and public dissemination.
  - 8.1.2 The Department of Operations shall provide a copy of the list of the Polling and Counting Stations' locations to the Administration Department in order to work together as a general staff for the NEC to select members of Polling Station Commissions (PSCs) and Ballot Counting Commissions (BCCs). PSCs will become BCCs when the ballots are counted.

#### Composition of the Polling Station Commissions and Ballot Counting Commissions

- 8.2 CECs shall manage, in accordance with the LEMNA, Regulations and Procedures of and Bylaws of the NEC, the selection of members of PSCs/BCCs, each of which is determined to consist of 6 members: one Chief, one Deputy Chief, one Secretary, two Assistants and the Member in charge of orders, unless otherwise decided by the NEC.
  - 8.2.1 For the selection of PSC/BCC, CECs shall apply Point 3.19 in Chapter 3 of the present Regulations and Procedures.
  - 8.2.2 Every member of PSCs/BCCs, recruited by CECs, shall be appointed by the NEC at the request of PECs.

Requirements for Selection and Appointment of Composition of the PSCs/BCCs

- 8.3 Requirements for selection and appointment of members of the PSCs/BCCs are stipulated in Part 1, Chapter 3 of the present Regulations and Procedures.
    - 8.3.1 The PEC shall send the lists and the forms of the appointment of all members of PSCs/BCCs of the province/municipality to the NEC.
      - 8.3.1.1 When receiving the proposals for appointment as stipulated in Point 8.3.1 above, the NEC shall immediately examine and make a decision to appoint members of the PSCs/BCCs, and shall keep those name lists and employment contracts for files.
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- 8.3.1.2 After receiving the decision of the NEC, the CEC shall fill out and provide ID Cards to members of the PSCs and BCCs for them to wear during the conduct of their duties.
- 8.3.2 The CEC shall make an evaluation on each member of all PSCs/BCCs under its supervision within two (2) weeks after polling day.
  - 8.3.2.1 Before the expiration of its mandate, the CEC shall send the evaluation record of members of the PSCs/BCCs (Form 1113), which have already been filled in, to the PEC.
  - 8.3.2.2 The PEC shall send a copy of the evaluation record of individual member of all PSCs/BCCs in every Commune/Sangkat of the province/municipality to the NEC.
  - 8.3.2.3 The NEC shall add the data from the evaluation record of members of all PSCs/BCCs into the name list of the members of the PSCs/BCCs, which was kept for files as stated in Point 8.3.1.1 above.

### **Responsibilities and Duties of Members of the PSCs/BCCs**

- 8.4 Each PSC/BCC has the duty to manage, administer and monitor every election and counting operation in the Polling Stations for which they are responsible.
    - 8.4.1 The Chief of the Polling/Counting Station shall has the duty to manage and administer every polling and counting operations in the Polling Station that he/she has been responsible for and shall:
      - 8.4.1.1 Participate in the training course for the implementation of polling and counting processes;
      - 8.4.1.2 Master all the implementations of polling and counting processes in accordance with the Regulations and Procedures and instructions of the NEC;
      - 8.4.1.3 Receive, review, verify and take care of all materials used for polling and ballot counting well;
      - 8.4.1.4 Locate, furnish and design the Polling and Counting Stations;
      - 8.4.1.5 Follow up and oversee the implementation of duties performed by composition of the PSC/BCC on polling and counting day within their mandate;
      - 8.4.1.6 Find or select a replacement of any composition of the PSC/BCC who fails to come to work as described in the Point 8.5.6 of the present Chapter;
      - 8.4.1.7 Manage and examine the polling operation in the Polling Station. When election is proceeding, enter the polling booth every one (1) hour at least in order to check the safety of materials furnished there and order in the event that no voter is in the polling booth;
      - 8.4.1.8 Make sure that all records and forms relating to polling and counting are filled out and signed correctly and invite political parties' representatives to sign or thumb-print as witnesses;
      - 8.4.1.9 Check the letter of appointment and accredit political party representatives and the letter of accreditation of observers who take part in the polling and counting observation;
      - 8.4.1.10 Permit representatives of political party and observers exchange their seats to observe the electoral process;
      - 8.4.1.11 Check and display the ballot box to those who are present in the Polling Station;
      - 8.4.1.12 Open and close the polling operation in the Polling Station;
      - 8.4.1.13 Ensure the maintenance of public order inside and outside the parameters of the Polling and Counting Stations;
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- 8.4.1.14 Seal and cut off the ballot box with seals;
  - 8.4.1.15 Make sure that each voter is instructed on how to vote;
  - 8.4.1.16 Make sure that the indelible ink is used according to the instructions;
  - 8.4.1.17 Make sure that complaining comments or complaints of objections in the Polling Station are resolved immediately in accordance with the Regulations and Procedures as well as instructions of the NEC;
  - 8.4.1.18 Assist disabled voters who cannot vote by themselves and do not have a helper along with him/her in ways as referred to in Point 8.7.17 of the present Chapter;
  - 8.4.1.19 Manage and oversee ballot verification and counting;
  - 8.4.1.20 Examine the ballot's validity and announce political parties gaining votes;
  - 8.4.1.21 Deliver to the CEC the ballot box, the election records and other electoral materials;
  - 8.4.1.22 Deliver to the CEC the ballot box containing ballots inside, the election records and all other electoral materials in the event of force majeure or emergency cases which do not enable the ballots to be counted at the Polling Station;
  - 8.4.1.23 Perform his/her duties in a neutral and impartial manner;
  - 8.4.1.24 Perform other duties as required by the CEC.
- 8.4.2 The Deputy Chief of PSC/BBC shall assist the Chief and has separate duties as follows:
- 8.4.2.1 Participate in the training course on the implementation of polling and counting processes;
  - 8.4.2.2 Master all the implementations of polling and counting processes in accordance with the Regulations and Procedures and instructions of the NEC;
  - 8.4.2.3 Replace the Chief as referred to in Point 8.5.6.3;
  - 8.4.2.4 Count the actual number of ballot received used in polling station;
  - 8.4.2.5 Detach a ballot from the stub of the ballot book, fold it according to the instructions, and stamp it with the confidential stamp on the back of the ballot, then give it to a voter;
  - 8.4.2.6 Instruct voters on the voting procedures;
  - 8.4.2.7 Examine and verify the number of ballots when polling is over;
  - 8.4.2.8 Examine the ballot's validity and distinguish valid and invalid ballots before delivering them to the Chief;
  - 8.4.2.9 Note down on the Vote Recording Table the votes each political party has received;
  - 8.4.2.10 Accompany the Chief during the delivery of the ballot box, which contains ballots inside, and the election records as well as the other electoral materials to the CEC;
  - 8.4.2.11 Perform other duties as required by the CEC, the Chief of the Polling/Counting Station.
- 8.4.3 The Secretary of the PSC/BBC shall be under the supervision of the Chief and responsible for examining the integrity of voters as well as filling out every record and form relating to voting and counting, and shall:
- 8.4.3.1 Participate in the training course on the implementation of polling and counting processes;
  - 8.4.3.2 Master all the implementations of polling and counting processes in accordance with the Regulations and Procedures and instructions of the NEC;
  - 8.4.3.3 Assist the Chief in managing the election counting materials;
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- 8.4.3.4 Assist the Chief in preparing Polling and Counting Stations in accordance with the plan as set out by the NEC;
  - 8.4.3.5 Check for the trace of the indelible ink on the fingers of voters to ensure whether they have already cast their vote or not before looking their names up in the voter list;
  - 8.4.3.6 Check if the data of voters in their identity document(s) matched with the data of the voters in the voter list and then note voter who have already cast his/her ballot on the voter list;
  - 8.4.3.7 Count the remarks on the voter list and report to the Chief about the number of voter who have or have not voted;
  - 8.4.3.8 Fill out the election record and hand it over to the Chief for signature, then display it to the political party representatives and observers.
  - 8.4.3.9 Note down in the record all complaining or objecting comments or cases of intending to lodge appeals or objections related to voting and counting;
  - 8.4.3.10 Note down the number of votes that each political party receives on the Vote Recording Table;
  - 8.4.3.11 fill out the counting record and get the signature from the Chief and then show it to political parties' representatives and observers;
  - 8.4.3.12 Fill out in Temporary Vote Count (Form 1104);
  - 8.4.3.13 Perform other duties as required by the CEC, the Chief of the Polling/Counting Station.
- 8.4.4 The First Assistant of the PSC/BCC shall be under the direction of the Chief and shall perform the following duties:
- 8.4.4.1 Participate in the training course on the implementation of polling and counting processes;
  - 8.4.4.2 Assist the Chief in managing the electoral materials;
  - 8.4.4.3 Assist the Chief in preparing Polling and Counting Stations in accordance with the plan as set out by the NEC;
  - 8.4.4.4 Examine the ballot box and monitor the insertion of ballots into the ballot box during polling;
  - 8.4.4.5 Report to the Chief of PSC when seeing that any voter has inserted fake ballot or other things into the ballot box;
  - 8.4.4.6 Dip the finger of each voter already casting his/her vote to an extent that the nail is covered with indelible ink and ask him/her to wait until the ink is dried before leaving the Polling Station;
  - 8.4.4.7 Count the number of ballots poured from the ballot box in order to verify the number of voters already cast their votes and take away all non-ballot things to store in a separate envelop;
  - 8.4.4.8 Unfold the ballots poured from the ballot box in order to check the stamp at their backs and divide the piles of stamped and non-stamped ballots;
  - 8.4.4.9 Record votes each party has received on a big carton paper or a blackboard;
  - 8.4.4.10 Perform other duties as required by the CEC, the Chief of the Polling/Counting Station.
- 8.4.5 The Second Assistant of the PSC/BCC shall be under the direction of the Chief and shall perform the following duties:
- 8.4.5.1 Participate in the training course on the implementation of polling and counting processes;
  - 8.4.5.2 assist the Chief in preparing polling and counting stations in accordance with the plan as set out by the NEC;
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- 8.4.5.3 Help find voter's name in the voter list posted outside the polling station and inform him/her his/her serial number;
  - 8.4.5.4 Manage and maintain order for voter (if necessary give him/her the queue number on a first come first served basis) as well as report to the Chief about the disturbances or interferences inside or outside the polling station if there is any;
  - 8.4.5.5 report to the Chief of PSC when seeing any voter take away official vote from the polling station;
  - 8.4.5.6 Collect identity documents of voters who are inside the polling stations when the voting hour is over (fifteen hour (15:00) in the afternoon) if there is any;
  - 8.4.5.7 Pierce the remaining unused ballots after verification is over;
  - 8.4.5.8 Cooperate with the managing-order member to protect the entrance door of the polling station, maintain electoral materials and manage order in the counting station;
  - 8.4.5.9 Post election record;
  - 8.4.5.10 Perform other duties as required by the CEC and Chief of PSC/BCC.
- 8.4.6 The member responsible for public order of PSC/BCC shall be under the direction of the Chief, and shall:
- 8.4.6.1 Participate in the training course on the implementation of voting and counting processes;
  - 8.4.6.2 Assist the Chief in managing the electoral materials;
  - 8.4.6.3 Assist the Chief in preparing the polling and counting stations in accordance with the plan as set out by the NEC;
  - 8.4.6.4 Check the entrance of polling station, instruct voter to queue up if he/she is required to vote at this particular polling station and check every voters' identity document and his/her voter information notices;
  - 8.4.6.5 Give first priority to the monks, elderly, pregnant, disabled and sick people to vote and second priority to the first coming voter;
  - 8.4.6.6 Check the trace of the indelible ink on their fingers to see if they have already cast their votes;
  - 8.4.6.7 Report to the Chief of PSC when seeing that any voter has inserted fake ballot or other things into the ballot box;
  - 8.4.6.8 Assist in managing and maintaining the public order in the Polling Station and report any disruption to the Chief;
  - 8.4.6.9 Cooperate with the second assistant to protect the entrance of the polling station, maintain electoral materials and manage order in the counting station;
  - 8.4.6.10 Perform other duties as required by the CEC, the Chief of the Polling/Counting Station.

### **Preparation of Electoral Materials and Examination of Locations of Polling Stations**

- 8.5 The NEC shall make sure that number of materials and equipments are adequately and timely supplied for polling operation, ballot counting and consolidation of election results for the PECs, CECs and PSCs/BCCs. One day prior to polling day (Saturday) the Chief of the PSC shall convene a meeting of all members of the PSC in order to examine electoral materials as well as to check the location of Polling Station.
- 8.5.1 The Department of Operations shall act as a general staff of the NEC to produce, order production, distribute, supply and deliver adequate number of materials and equipment to serve the purposes of training, polling, ballot count and the consolidation of election results to all PECs, CECs.
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- 8.5.2 The Department of Operations shall be responsible for making voter lists by having them printed and produced in CD-Roms.
- 8.5.2.1 Computer Center and Logistic Section shall print, pack and transport four (4) sets of the official voter lists of each Polling Station for the distribution to the CECs, Commune/Sangkat Councils and each PSC for use in the Election of Members of the National Assembly according to the conditions and modalities as determined under Point 4.30 of Chapter 4 of the Annex on Annual Voter List Revision and Registration.
- 8.5.2.2 Computer Center shall prepare to produce CD-Roms containing the voter lists of all Polling Stations of each Province/Municipality separately to be provided to each PEC.
- 8.5.3 The Department of Operations shall plan and adequately prepare for PECs, CECs, and PSCs/BCCs in advance the materials and equipments used for serving the operation of polling and ballot counting. The materials and equipments used for the operation of polling and ballot counting are placed in cases and consists of four (4) categories:
- 8.5.3.1 Training Kits that need to be handed over to Training and Public Information Department and PECs;
- 8.5.3.2 PEC Kits that can be one or more for each PEC;
- 8.5.3.3 CEC Kit that can be one or more for each CEC, including materials and documents used for the operation of ballot counting;
- 8.5.3.4 One Polling and Counting Kit for each PSC/BCC.
- 8.5.4 The CEC Kit, which need to be handed over to CECs for the whole operation of polling and ballot counting include materials and documents as determined in Annex 1.
- 8.5.5 Polling and Counting Kits and other packages of materials, equipments and documents that the CEC needs to hand over to each PSC/BCC within 36 hours (36) hours prior to the polling day are described in Annex 2.
- 8.5.5.1 The NEC and Electoral Commissions at all levels must ensure that the adequate number of materials as mentioned in Point 8.5.5 above are delivered and handed over to the PSCs/BCCs one day prior to polling day.
- 8.5.5.2 The CEC shall inform representatives of political party, and observers to do observation with the PSC during the checking of electoral materials as stated in Point 8.5.7.
- 8.5.6 All the compositions of PSCs/BCCs must show up as invited by the Chief of PSC/BCC and make sure that they are present to work on polling day.
- 8.5.6.1 If any member of the PSC/BCC cannot come to work on polling day, the Chief must notify the CEC immediately in order to find a replacement.
- 8.5.6.2 If the CEC is not notified timely to find a replacement due to the distance of the road or the shortage of transportation means, the Chief of the PSC/BCC shall select a person, who meets the requirements as stated in Article 22 (New) of the Regulations and Procedures, to replace the absent member of the PSC/BCC.
- 8.5.6.3 If the Chief cannot come to work due to any critical reason, the Deputy Chief shall take over the position as the Chief and the First Assistant shall become the Deputy Chief whereas the Second Assistant shall become the First Assistant and a newly selected staff shall be the Second Assistant.
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- 8.5.6.4 If the Deputy Chief is not able to come to work, The Chief shall appoint First Assistant as the Deputy Chief, Second Assistant as First Assistant and a newly selected staff shall be a Second Assistant.
  - 8.5.6.5 If the Secretary is not able to work, the Chief shall appoint the First Assistant as the Secretary, Second Assistant as a First Assistant and a newly selected staff shall be the Second Assistant.
  - 8.5.6.6 One (1) day prior to the polling day, all members of the PSC/BCC must study the procedures again together with the newly selected one based on the manual of the PSC/BCC.
  - 8.5.6.7 All newly selected members must be trained together as stated in Point 8.5.6.6 above.
  - 8.5.6.8 The Chief of PSC/BCC shall immediately notify the CEC of what has been implemented in relation to the replacement of any member of the PSC.
- 8.5.7 After implementing Point 8.5.6, PSCs must reexamine the electoral materials provided by the CEC and details of which are listed in the Form on delivery, handing over and receipt of electoral materials (Form 1107) and among other things, it must:
- 8.5.7.1. recheck the electoral materials, using the checklist of the electoral materials (Form 1112);
  - 8.5.7.2. sign the checklist of the electoral materials (Form 1112)–if the received electoral materials are in complete;
  - 8.5.7.3. if one or more items of the electoral material are missing, the Secretary shall fill in the section of missing item on the checklist of the electoral materials (Form 1112) and immediately forward one copy of it to the CEC;
  - 8.5.7.4. If the missing item is vital for polling, the Chief of PSC shall assign 2 members of the commission to go to the CEC’s office to obtain a new one to replace it except in case of the availability of a walky-talky through which a request to solve the matter above can be transmitted to the CEC;
  - 8.5.7.5. During the rechecking of the electoral materials above, the PSC shall take care of the following items:
    - check the ballot pack to make sure that it is the right one for that Polling Station by only verifying the number and serial number recorded down on the pack without opening it;
    - check the envelope containing the confidential stamp to make sure that the stamp is there without opening the envelope.
- 8.5.8 Essential materials that a Polling Station fails to receive or is lost and may disrupt the opening of the Polling Station include:
- 8.5.8.1. ballot papers not yet used;
  - 8.5.8.2. the confidential stamp used for stamping on the back of ballots;
  - 8.5.8.3. the voter list of that Polling Station;
  - 8.5.8.4. the ballot box and seals with identification number;
  - 8.5.8.5. indelible ink for dipping fingers.
- 8.5.9 Other materials, if not provided by the CEC or lost, must be looked for and worked out by the PEC itself:
- 8.5.9.1. mats, cardboard papers or other items that can be used instead of the confidential booths where ballots are marked;
  - 8.5.9.2. papers that can be used to write on as the record instead of the forms which fail to be received;
  - 8.5.9.3. pens, rulers, robes, etc.
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- 8.5.10 The Chief of the PSC/BCC shall assign Second Assistant to post one (1) copy of the official voter list in front of the Polling Station after accurate numbers of electoral materials are checked and verified.
- 8.5.11 After applying Point 8.5.10, PSCs shall organize the Polling Station as set out in the plan determined by the NEC in order to make sure that the polling process can be organized there and that everything has been prepared ready by 6:00 am on polling day.
- 8.5.11.1 PSCs shall draw an agreed plan of Polling Station on a blank page at the end of the Polling Station Manual in accordance with the principles set forth in that Manual.
- 8.5.11.2 If there is not enough furniture at the location of the Polling Station, the Chief shall immediately make a request to the local authority to lend him/her some necessary furniture to be used in polling such as: tables, chairs and other materials that can facilitate polling process.
- 8.5.11.3 If possible, the Chief shall lock the room or building of the Polling Station already designated, and must ask the security forces to guard the location.
- 8.5.12 The Chief and other members of the PSC shall secure those materials well prior to polling.
- 8.5.12.1 The electoral materials can be kept at the residence of the Chief or any member or at a location where the PSC agrees that it is safe.
- 8.5.12.2 There should be at least 3 members of the PSC including the Chief to remain at the residence or the location where the electoral materials are kept in order to help secure those materials.
- 8.5.12.3 The Chief must ask the security forces to collaborate to protect the outer perimeter of the residence or the location where the electoral materials are kept.
- 8.5.13 The Chief shall make an appointment to meet with other members no longer than 5:30 am on polling day at the residence or safe location where the electoral materials are kept in order to transport the materials to the Polling Station.
- 8.5.14 All members of the PSC must prepare a one-day meal to eat during their free time when there are no voters or at any other appropriate time.

### **Administrative and Security Location of Polling and Counting Stations**

- 8.6 The Polling and Counting Station is the administrative and security location where there are inner and outer parameters as stated under Point 5.5 of Chapter 5 of the present Regulations and Procedures. The Polling and Counting Station must be a place where security check and guard are most strictly applied, with a view to ensure the safety of polling.
- 8.6.1 The Chiefs of PSC/BCC shall take necessary measures to protect those inside the Station and its inner parameter from injury, disturbance, intimidation or coercion and to protect all materials and equipment in the Station.
- 8.6.1.1 For security measures of the Polling and Counting Station, measures and conditions set out in Point 5.7 and under Point 5.7.1, 5.7.3, and 5.7.6 in Chapter 5 of the present Regulations and Procedures must be enforced.
- 8.6.1.2 For security measures of the Counting Station, measures and conditions set out in Point 5.7 and Point 5.7.1, 5.7.4, and 5.7.7 in Chapter 5 of the present Regulations and Procedures must be enforced.
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## Conduct of Polling

- 8.7 In order to manage polling, the PSCs shall arrive at the location of the Polling Station by bringing along with them the electoral materials in a timely fashion no later than 6:00 a.m. on polling day
- 8.7.1 Soon after the PSC has entered the Station, the Chief must declare to let the political party representatives, national and international observers to enter the Station, and shall check their identification badges and/or official letter of appointment and accreditation one by one and motion into the place reserved for them.
- 8.7.2 At the same time of applying Point 8.7.1 above, the Chief PSC shall assign the Second Assistant to perform his/her duties in the inner perimeter of the Polling Station and assign other members of the PSC to prepare the furniture and place the electoral materials according to the plan of the Polling Station which was designed before and as prescribed in the PSC/BCC Manual.
- 8.7.2.1 Place a table for the Chief at the left side after the entry point, on which Forms 1202 are placed to be distributed to use as complaint form.
- 8.7.2.2 Place a long table for the Secretary and the Deputy Chief to sit next to each other at the right side after the entrance point, on which the voter list, forms to be filled in as the polling record and other forms are placed in front of where the Secretary is seated, and the **ballot pack**, red stamp and the envelop containing the confidential stamp used for stamping on the back of ballots are placed in front of Deputy Chief.
- 8.7.2.3 Place two **voting booths** with which pens are attached by string on two (2) tables next to the wall, one or one meter and a half from the wall and with at least one (1) meter away from one another in order to keep the secrecy of voting, but must not put them near any window. A piece of hard paper on which ballots are marked must be placed on the table of each confidential booth.
- 8.7.2.4 Place the **assembled ballot box**, the indelible ink and the wiping cloth on the long table in the middle of the room opposite to the table of the PSC's Chief.
- 8.7.2.5 Tables and chairs (if any) for political party representatives, national and international observers, if any, must be placed next to the wall at the left of the Chief's table.
- 8.7.2.6 **Polling and counting kits** that contain unused materials must be kept near the Chief's table.
- 8.7.3 After applying Point 8.7.2, the Chief shall explain to the political party representatives, national and international observers by outlining the essence of what they should ~~de~~ abide by and implement as follows:
- 8.7.3.1 Comply with the LEMNA, Regulations and Procedures of the NEC, Code of Conduct for political parties, candidates, political party representatives, Codes of Conduct for observers and journalists established by the NEC;
- 8.7.3.2 Constantly monitor the operation and procedures of polling and counting in case any there is any irregularity;
- 8.7.3.3 Assist in checking and monitoring in order to prevent the official ballots from being taken away from the Polling Station;
- 8.7.3.4 Ask questions and/or make requests and/or objection directly to the Chief of PSC/BCC;
- 8.7.3.5 Do not give any advice to the PSC;
- 8.7.3.6 Do not give any advice or question any voters;
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- 8.7.3.7 Do not do anything that interrupts the voting and counting operation.
- 8.7.4 At between 6:00 o'clock and 6:30 am on the polling day, the PSC shall check and show the ballot box to those who are present in the Polling Station in accordance with the procedures as follows:
- 8.7.4.1 The Chief shall recheck the ballot box to make sure that it is properly installed as instructed.
- 8.7.4.2 The Chief shall open the outer and inner covers of the ballot box and display it to those who are present in the Polling Station to see that nothing is in the ballot box, and then close the inner cover of the box, twist the cover to close the holes where ballots are inserted, bolt the inner cover and seal it, then order the Secretary to note down the number of that seal on the election record.
- 8.7.4.3 The Chief shall write down the code number of his/her Polling Station with permanent marker on two (2) sheets of paper, stamp them and stick them on both sides of the ballot box, and then shall allow the political party representatives and observers to check and take note of the identification of that ballot box.
- 8.7.4.4 The Secretary shall write down the amount of time spent for checking the ballot box in the election record.
- 8.7.5 The ballot box, which has been labeled the code number of the Polling Station and sealed as stated in Point 8.7.4 above, must be prohibited from:
- 8.7.5.1 being taken out of the Polling Station unless the NEC decides to count the ballots at another place except after the closing of polling and when it is the time requiring the ballot box to be delivered to the CEC's office for the purpose of verification and counting of ballots at the Counting Station.
- 8.7.5.2 being opened except for the purpose of counting the ballots in that Polling Station when voting has already finished when it is so required by the Regulations and Procedures of the NEC regarding the counting of ballots at the Counting Station of the CEC.
- 8.7.6 If the electoral materials for the Polling Station are handed over and received after 6:30 a.m. due to force majeure but not exceeding 7:00 a.m. of the polling day, the PSC Chief shall temporarily suspend the implementation of the procedure as stipulated in Point 8.7.7 below until the implementation of the regulations and procedures as stated in Point 8.7.4 above have been completed. In this case, the Secretary shall precisely record down the amount of time spent for implementing each voting procedure on the election record.
- 8.7.7 If there is nothing changed, at between 6:30 a.m. and 7:00 a.m. on polling day, the PSC shall check and count the actual number of ballots received as well as check and show official stamp for that Polling Station in front of the political party representatives and observers who are present in the Polling Station.
- 8.7.7.1 The Deputy Chief shall open the ballot package and check and make sure that these received ballots are exactly the ones for his/her Polling Station to be used in the 2008 Election of the Members of the National Assembly. In case of finding out that the ballots are not the ones for his/her Polling Station, the PSC shall report this immediately through the CEC and PEC to the NEC to work out a solution.
- 8.7.7.2 Then, the Deputy Chief shall count ballots whose number is normally more than the number of the voters whose names appear on the voter list of that Polling Station by 50 to 99 ballots.
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- 8.7.7.3 The Secretary shall write down the actual number of ballots resulted from count as well as the first and the last serial number of ballots stated on their stubs on the election record. While the actual number of ballots as a result of count is more or less comparing to the number of received ballots, the Secretary shall also wrote down discrepancy on the election record.
- 8.7.7.4 The Secretary shall check the number of voters in the voter list and note it down in the election record.
- 8.7.7.5 The Chief shall open the envelop containing the confidential stamp used for stamping on the back of ballots, then take out the stamp and test it by stamping on a normal white sheet of paper and show it to those who are present in the Polling Station so that they can clearly see and remember the logo on that confidential stamp.
- 8.7.8 The Chief shall declare the opening of the Polling Station at 7:00 am on polling day and invite the members of the PSC to cast their vote first, then the political party representatives and observers if they have their names in that Polling Station. If there is any case as stated in Point 8.7.6 above, the Chief can declare the opening of the Polling Station after 7:00 am but no later than 8:00 am of the polling day.
- 8.7.9 After he/she already cast the vote, the Second Assistant shall manage order of voters who are in the inner perimeter by helping to find their names in the voter list, telling them their serial numbers, issuing them queue numbers and instructing them to queue up.
- 8.7.10 After the PSC Chief declare the opening of the Polling Station, the member in charge of public order who is on duty at the entrance of Polling Station shall inform voters who are queuing up in the direction to the entry point of the Polling Station about priorities given respectively to monks, elderly, pregnant, sick, disabled and those accompanying the disabled voters who cannot cast their votes by themselves and those who come queue up first. The member in charge of public order may ask/remind voters if they have already found their names on the voter list. If they have not found theirs yet, inform them that they may ask the Second Assistant to find their names on the voter list posted in front of the Polling Station. The member in charge of public order shall allow voter to enter the Polling Station one by one and make sure that there are no more than four (4) voters in the Polling Station. To cast their votes, voters shall meet the following conditions:
- 8.7.10.1 show the member in charge of public order any of their identity documents as determined by the LEMNA and the Regulations and Procedures, which they must use to vote. The identity documents can be: a Khmer Citizenship ID or a Passport, a Family Certificate or Book with the voter's photo, a Civil Servant or Military, or National Police ID Card or Identity Certificate issued by ministry or state institution, or a Monk ID Card of Mohanikaya and Thamayut Sect or a Written Statement of Identity and/or Age and Resident with a photo (Form 1018);
- 8.7.10.2 have not yet cast their vote and agree to allow the member in charge of public order to check their finger to make sure that it is free of any stain of indelible ink.
- 8.7.11 The order-keeping member shall inform voters whom he/she allow to enter the Polling Station to walk to the table where the Secretary and the Deputy Chief are sitting. A voter shall show any of his/her identify documents as mentioned in Point 8.7.10.1 above as well as voter information notice (if there is any). At the same time, the Secretary shall:
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- 8.7.11.1 examine the voter's finger to make sure that no trace of indelible ink is stained on his/her fingers.
  - 8.7.11.2 find voter's name in the voter list according to the serial number of the voter information notice (if there is any) and give back this notice to voter and then verify the voter's name and data on his/her identity document with the voter list.
  - 8.7.11.3 If a voter's name and data match with the ones on the voter list, the Secretary shall place a ruler alongside the row of the voter's name and tick to prove the presence of voter in the empty box next to the name of that voter, and then pass the voter's identity document to the Deputy Chief.
  - 8.7.11.4 Advise the voter to see the Deputy Chief to get a ballot.
- 8.7.12 During the implementation of Point 8.7.11.2, if the Secretary finds out that there is some trace of indelible ink on a voter's finger(s), he/she shall accompany the voter to see the PSC Chief and report to him/her on this case.
- 8.7.12.1 The Chief shall invite political party representatives and observers to take note of this issue and shall ask the voter concerned to elaborate on the existence of the trace of the indelible ink on his/her finger(s).
  - 8.7.12.2 If the voter cannot justifiably explain the indelible ink trace, he/she shall be then presumed to have the intention to vote twice and shall be punished under the LEMNA.
  - 8.7.12.3 The PSC Chief shall temporarily confiscate his/her identity document and send it to the CEC to take further actions.
  - 8.7.12.4 The Secretary shall take note of the event in the election record and shall extract the name and data of the voter from his/her identity document for further follow up.
  - 8.7.12.5 If the voter refuses to follow the above procedure, the PSC or CEC Chief shall request a competent authority to detain that voter until polling is over.
- 8.7.13 During the implementation of Point 8.7.10.3, if the Secretary cannot find the voter's name in the voter list, he/she shall accompany the voter to see the PSC Chief and report to him/her on the case.
- 8.7.13.1 The Chief shall inform the voter that he/she cannot vote at this Polling Station because he/she fails to adequately meet the conditions as stipulated in Article 50 (new) of the LEMNA.
  - 8.7.13.2 If it is the case of coming to a wrong Polling Station, the PSC Chief shall ask voter for his/her information notice for verification and inform the him/her of the location of the Polling Station where is supposed to vote.
  - 8.7.13.3 The Chief shall tell the voter to leave the Station.
- 8.7.14 After applying the procedures as laid down in Point 8.7.10, the Deputy Chief shall detach one ballot from the stub of the ballot booklet and then stamp it on the back with the confidential stamp as determined by the NEC and fold it four (4) times and give it to the voter together with his/her identity document. The Deputy Chief shall not give another ballot to a next voter if the earlier one has not left the confidential booth. After handing over a ballot paper to a voter, the Deputy Chief must tell the voter in brief that:
- 8.7.14.1 This is a ballot paper.
  - 8.7.14.2 You should enter a confidential booth and with a pen already there or your personal pen or ink pen, you should put a tick in a box next to any political party that you like. You cannot use a pencil to mark your ballot. You should think carefully before ticking in order to prevent the ballot paper from being spoiled because of changing your decision after ticking.
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- 8.7.14.3 You should fold the ballot according to its original folds so that the tick you made remains unseen inside the fold, and the mark of the confidential stamp can be seen on exterior part.
- 8.7.15 When receiving a ballot paper, a voter shall keep the secrecy of voting.
- 8.7.15.1 A voter shall not ask or let anyone in the Polling Station know about any specific political party that he/she likes or dislike.
- 8.7.15.2 Even if a voter is illiterate, he/she cannot request for assistance from any person who is present in the Polling Station to help him/her in voting. In contrast, except a voter with disabilities, who cannot vote by him/herself as stated under Point 8.7.18 of the Regulations and Procedures.
- 8.7.15.3 Political party representatives or observers who are inside the Polling Station are not allowed to assist voters in voting, even though they are requested for such assistance.
- 8.7.15.4 Voters and those who are inside the Polling Station are prohibited from using mobile phone, and/or camera, and/or other taking-picture devices and/or acting in violation to the secrecy of voting in the Polling Station except the journalists who are acknowledged by the NEC and permitted by the PSC Chief.
- 8.7.16 After receiving a ballot paper and following the instructions of the Deputy Chief as stated in Point 8.7.14.2 and 8.7.14.3, a voter shall leave the confidential booth and walk to the table where the ballot box has been placed.
- 8.7.16.1 The voter shall present his/her folded ballot paper by turning the backside bearing the mark of the confidential stamp to the First Assistant, and then insert it by him/herself into the ballot box through a small slot (except voters with disabilities who cannot insert ballots by themselves).
- 8.7.16.2 At the same time when the folded ballot paper was about to be inserted into the ballot box, the First Assistant must make sure that it is the only official ballot paper with the official confidential stamp on its back designed for that Station. The PSC Chief shall be immediately reported when it is found that any voter has inserted fake ballot paper or other things into the ballot box. The PSC Chief shall announce this case to the political party representatives and observers who are present in the Polling Station before working out the solution to find the official ballot paper.
- 8.7.16.3 Then, the voter shall agree to allow the First Assistant to dip his/her right index finger to an extent the nail is covered, or other if that finger is maimed, into the bottle of indelible ink as determined in Point 8.7.17 below.
- 8.7.16.4 If any voter is substantiated to have intended to insert a fake ballot paper, and/or other things and/or two ballot papers into the ballot box, and/or hide the official ballot paper with the purpose to take it out of the Polling Station, the concerned voter must face a sanction under the LEMNA.
- 8.7.16.5 In this case, the Chief of the PSC shall stop the voter as stated in Point 7.8.16.4 above from casting his/her vote and confiscate those improper ballot papers and search for the official ballots (if there are any) and put them into an envelope with a note written on the back of the envelope reading "Confiscated Improper ballots" and then confiscate the voter's identity document temporarily and have a record made and fill the complaint form to charge the offender to the CEC.
- 8.7.16.6 If the offender is a candidate running for the election and if sufficient evidence is found, the CEC shall forward the complaint to the PEC in order for the PEC to ask the NEC for a legal action to be taken.
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- 8.7.17 The indelible ink, whose stain can be seen obviously, will be regulated to be used in the 2008 Election of Members of the National Assembly in order to prevent from double voting.
- 8.7.17.1 Each Polling Station must be supplied with two (2) bottles of indelible ink.
- 8.7.17.2 One of the bottles of indelible ink shall be shaken and opened for using when polling starts and another shall be reserved when the first one is exhausted.
- 8.7.17.3 After inserting his/her ballot paper into the ballot box and before leaving the Polling Station, the voter must agree to allow the First Assistant to dip his/her right index finger into the bottle of indelible ink at least to the depth of having the fingernail completely dipped, and wait there for thirty (30) seconds until the ink is properly dried before leaving.
- 8.7.17.4 In case the right index finger is maimed, the voter shall use any other finger in the following order: the middle, ring or small finger or thumb of the right hand, or the left thumb, the index, middle, ring or small finger of the left hand. If he/she has none of the above, dipping or painting any part of his/her limbs shall be acceptable.
- 8.7.17.5 The bottle of indelible ink shall be firmly covered and shaken every thirty (30) minutes.
- 8.7.17.6 If there are no voters in the Polling Station over a period of time, the First Assistant shall cover the bottle to prevent the ink from evaporating.
- 8.7.18 No one in the Polling Station can assist a voter in voting except a voter with disabilities, who cannot vote by him/herself and have requested a helper of majority age to accompany him/her, or otherwise have requested the assistance from the Chief of the Polling Station as stipulated in Article 97 (new) of the Electoral Law, shall follow the procedures hereof:
- 8.7.18.1 After being allowed to enter the Polling Station, the disabled voter and the helper as stated in Point 7.8.18 above shall follow the procedures as prescribed under Point 8.7.11, 8.7.14 and 8.7.16.
- 8.7.18.2 After entering the Polling Station, the disabled voter, who wishes to request for the assistance from the Chief of the Polling Station, shall have to see the Chief personally. Then, the Chief shall accompany the voter and observe the procedures as prescribed under Point 8.7.11, 8.7.14 and 8.7.16. In this case, the Chief can also assign any member to help as agreed by the concerned voter.
- 8.7.18.3 The disabled voter who is unable to vote by him/herself shall only ask and/or tell the Chief and Members of Polling Station or the helper chosen by him/herself about the political party that he/she likes in the confidential booth where ballot papers are marked.
- 8.7.18.4 In the confidential booth, the Chief, member of the PSC or the helper shall quietly ask the voter which political party that he/she wants to vote for, making sure that no one in the Polling Station can hear. Then the Chief, member of the PSC or the helper shall tick the box on the ballot paper that the disabled voter chooses, and after that, fold the ballot according to its fold to make sure that the tick is inside the folds, and then take the disabled voter to the ballot box and help him/her insert the ballot paper into the ballot box through a small slot.
- 8.7.18.5 The Chief, member of the PSC or the helper assisting the disabled voter shall keep the confidentiality of voting by the disabled voter.
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- 8.7.19 During voting, if there are no voters in the Polling Station, the First Assistant shall temporarily twist to close the cover of the slot where ballots are inserted and shall reopen it when there are voters.
- 8.7.20 Nobody can check the marking of the ballot by any voter, except the requested helper who has assisted the disabled voter as stipulated in Point 8.7.17 above.
- 8.7.20.1 Any person who attempts to see the marking of the ballot by a voter shall face a warning by the Chief of the PSC. The second attempt shall be considered as a violation to the secrecy of voting, and the concerned person must be expelled from the Polling Station and sanctioned under the LEMNA.
- 8.7.20.2 The Secretary shall record the event in a separate record for further follow up.
- 8.7.20.3 If the perpetrator violating the principle of secrecy of voting as mentioned in Point 8.7.20.1 above is a candidate running for the election, the Chief of the PSC shall send the record on that incident to the CEC.
- 8.7.20.4 As soon as the CEC has received the record as stipulated in Point 8.7.20.3, the CEC shall urgently conduct an investigation of the violation, and if it is substantiated, the CEC shall file the complaint to the PEC in order for the PEC to request the NEC to take a legal action.
- 8.7.21 Any voter who causes a ballot to be damaged or torn unwillingly or has already put a mark on the ballot but changes his/her mind afterward can request for another one from the Chief of the PSC.
- 8.7.21.1 The voter who has asked for another ballot shall fold the spoiled or torn or mismarked ballot according to its folds so that the mark is inside the folds, and then hand it over to the Chief of the PSC.
- 8.7.21.2 The Chief shall put the spoiled or torn or mismarked ballot into an envelope on which the word on its back 'Spoiled Ballots' is written.
- 8.7.21.3 The Secretary who has already put a mark on the voter list earlier in a blank box next to the voter's name as instructed in Point 8.7.11.4 above shall not put another mark for the second time but shall take note into the election record.
- 8.7.21.4 The Chief shall instruct the Deputy Chief to provide another ballot to the voter and shall ensure sufficient number of ballots for all voters for voting on the polling day.
- 8.7.21.5 In case a number of voters come consecutively to ask for another ballot according to Point 8.7.21 above, which can be considered as an abnormality, the Chief of the PSC can decide not to give the requested ballots and shall remind the Deputy Chief to instruct voters based on the meaning of Point 8.7.14.2 above.
- 8.7.22 If any political party representative objects to the voting operation and/or any decision of the PSC, he/she shall raise the objection directly to the Chief of the PSC mentioning the reason and/or evidence that convinces him/her to understand that there is an irregularity and/or violation of the law and/or of the Regulations and Procedures for voting at that Polling Station.
- 8.7.22.1 If it is understood to be reasonable, the Chief shall temporarily suspend the voting operation in order to listen to the objection of that representative, and discuss the matter with other PSC members.
- 8.7.22.2 After reviewing the case of objection, and the PSC Chief agrees with the objection, he/she shall instruct and remind the PSC members and those who are present in the Polling Station of the concerned substance as
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- stipulated in the Regulations and Procedures, and shall try to find any mean to resolve that irregularity.
- 8.7.22.3 If the Chief of the Polling Station rejects the objection, he/she shall provide reasons related to that rejection, and the political party representative has the right to ask to record down the case of this objection on the election record if he/she agrees to thumbprint the record.
  - 8.7.22.4 If the representative does not agree to thumbprint, the case of this objection will not be recorded down on the election record.
  - 8.7.22.5 The decision of the PSC Chief shall be effective and the Chief shall declare to continue the process of the election operation.
  - 8.7.22.6 Point 8.7.22.5 above does not preclude objection to the CEC on the case to which party representative has objected at the Polling Station, but under this circumstance he/she must accept the measures of management of the PSC Chief by not interfering with the voting operation.
  - 8.7.22.7 The Chief shall provide Form 1202 to be filled in as a complaint, if requested by the representative who wishes to further the complaint to the CEC.
- 8.7.23 If any voter disrupts the voting operation, either when he/she is inside the Polling Station or is lining up outside the Polling Station, the Chief shall order the voter to leave the Polling Station or to be away from the outer parameter of the Polling Station. If that voter refuses to follow the order, the PSC Chief shall ask the security force to expel or detain this individual until polling is over.
  - 8.7.24 The Chief of the PSC can request for the security forces to rearrange the order inside and outside the Polling Station if the polling operation is disrupted to an extent that voters cannot continue voting, or the polling cannot be proceeded freely. Disruption to voters or the polling operation inside or outside the Polling Station include:
    - 8.7.24.1 the use of intimidating or scorning or insulting words;
    - 8.7.24.2 loud shouting;
    - 8.7.24.3 pushing with force;
    - 8.7.24.4 throwing various objects at voters or the Polling Station;
    - 8.7.24.5 acts of any individual(s)' interference which interrupts voters;
    - 8.7.24.6 the display of improper behavior and language;
    - 8.7.24.7 the display of weapons, explosive and other dangerous devices.
  - 8.7.25 If the polling has come to an end at 15:00 hrs of the polling day, which is a determined time when polling is supposed to be finished and voters are still lining up inside the inner perimeter or standing inside the Polling Station, those voters must be allowed to cast their votes.
    - 8.7.25.1 In this case, the Second Assistant shall collect the identity document from voters who are in the queue and inside the Polling Station starting from the one who is standing at the last of the queue and hand over those documents to the Member in charge of public order at the entrance of the Polling Station.
    - 8.7.25.2 Member in charge of public order shall call voter's name one by one until the last voter is called to enter the Polling Station in order to vote according to their orders and procedures.
    - 8.7.25.3 Any person, who is not present inside the Polling Station or in the queue of voters inside the inner perimeter at 15:00 hrs at the latest, shall not be allowed to vote.
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- 8.7.26 If the voters whose names are listed on the voter list have not all come to vote, the Chief of PSC cannot close the polling at his/her Polling Station before 15:00 hrs on polling day.
- 8.7.27 If the voters whose name are listed on the voter list have all come to vote, the Chief of PSC can announce closing the polling at his/her Polling Station at 15:00 hrs.
- 8.7.28 In case of force majeure or insecurity or state of emergency that endangers or threatens the safety of the electoral officials and voters in the parameters of the Polling Station on polling day, the Chief of the PSC can decide not to open or can shut down his/her Polling Station as determined by the NEC under Point 8.9 in Chapter 8 of the present Regulations and Procedures.

### **The Closing of Polling at Polling Stations on Polling day**

- 8.8 When the last voter has cast his/her vote and left the Polling Station, the Chief shall assign the member in charge of public order to take necessary measure to keep those who have no duties away from entering and get out of the Polling Station through its entry point. The Chief of the PSC shall announce closing the polling in that Station, and then shall verify the number of voters against the number of ballot papers and have the election record filled in.
- 8.8.1 After announcing the close of polling, the Chief shall take actions according to the procedures to ensure the safety of the ballot box as follows:
- 8.8.1.1 The Chief shall twist the covers to close the two ballot- inserting slots of the ballot box and stick a thin piece of paper which contains the signature of the PSC Chief and political parties' representatives (if they agree) on the cover to close the two ballot-inserting slots as well.
- 8.8.1.2 The Chief shall close the outer cover of the ballot box and lock it with seals with identification number through the two rings used for sealing the box then allow the political party representatives and observers to examine that ballot box and the two numbers of the seals as well.
- 8.8.1.3 The Secretary shall additionally record down the time the polling is closed as well as the identification mark and the number of the two seals used for sealing the box as mentioned in Point 8.8.1.2 above on the election record of the Polling Station (Form 1101).
- 8.8.1.4 The Chief shall take strict measure to take care of the ballot box containing ballot papers for counting ballot papers at the Polling Station or for delivery to other places if otherwise decided by the NEC.
- 8.8.2 Then, the Chief of PSC shall assign his/her members to verify the number of voters, the number of ballot papers used, unused and spoiled in front of the political party representatives and observers whereof:
- 8.8.2.1 The Secretary shall count the number of ticks placed in the box on the voter list of serial number of voter's name as stated in Point 8.7.11.3 above and report to the Chief about the number of voters who have cast their votes.
- 8.8.2.2 The Deputy Chief shall separate the stubs of the used ballots from the stubs of the unused ballots, then count the number of the unused ballots and the spoiled ones separately. If the actual number of the ballots received as mentioned in Point 8.7.7.3 above subtracts by the sum of the number of the spoiled ones and the number of the unused ones equal to the number of voters who have cast their votes as mentioned in Point 8.8.2.1 above, the
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- Secretary shall record down these equal figures on the election record (Form 1101).
- 8.8.2.3 If this verification shows that there is a discrepancy between the number of used ballots and the number of the voters who have cast their votes, the Secretary shall verify the number of voters who have cast their votes in the voter list for the second time, and the Deputy Chief shall also re-verify the number of the used, unused and spoiled ballots. If the discrepancy continues to exist, the Secretary shall record down the figure of the discrepancy on the election record (Form 1101).
- 8.8.2.4 The discrepancy between figures as mentioned in Point 8.8.2.3 above shall not be considered as irregularity.
- 8.8.2.5 The Second Assistant shall pierce all the unused ballots by using piercer in order to nullify the remaining unused ballots.
- 8.8.2.6 The Deputy Chief shall put the unused and pierced ballots and the stubs of the used ones in only one plastic bag then close it.
- 8.8.3 The Chief of PSC shall make sure that the Secretary additionally recorded down the identification number of the seals used for sealing Package “B” as mentioned in Point 8.8.12 below on the election record (Form 1101) and stamp it with the confidential stamp on the right corner of its upper part. Three (3) copies of the election record of the Polling Station (Form 1101), completed by the Secretary, are signed by the Secretary and by the Chief personally and stamped.
- 8.8.3.1 The Chief shall display the record as set out in Point 8.8.3 above to the political party representatives and observers.
- 8.8.3.2 Political party representatives can sign or thumbprint as witnesses on the record.
- 8.8.3.3 Refusal to sign or thumbprint as witnesses the election record by any political party representative will not invalidate that record.
- 8.8.4 The PSC Chief shall prepare to keep the election record of the Polling Station (Form 1101) as mentioned in Point 8.8.3 above according to the followings:
- 8.8.4.1 put one (1) copy in a printed envelope bearing the words “ the Election Record for Delivery to the NEC” on its back;
- 8.8.4.2 put one (1) copy in a printed envelope bearing the words “the Election Record for Delivery to the PEC” on its back;
- 8.8.4.3 put one (1) copy in a printed envelope bearing the words “the Election Record for Delivery to the CEC ” on its back.
- 8.8.5 Then, the PSC Chief shall prepare to keep relevant electoral materials in the plastic bag or a separate envelop and then put it into Safety Package “A” with its printed label which reads “the Election Counting Record of the Polling Station No.....” Electoral materials which are put into Safety Package “A” include:
- 8.8.5.1 the envelop containing election record used during polling as stated in Point 8.8.4.1 above;
- 8.8.5.2 the envelope containing the voter list used in the election;
- 8.8.5.3 the envelope containing “the spoiled ballot papers”;
- 8.8.5.4 the plastic bag containing “the unused ballots and the stubs of the used ballots”;
- 8.8.5.5 the envelope containing the confidential stamp;
- 8.8.5.6 the envelope for putting “the improper ballots confiscated” (if any);
- 8.8.5.7 the envelope for putting the evidence confiscated (if any).
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- 8.8.6 The Chief of PSC shall ensure that all envelopes and plastic bags storing materials as stated under Point 8.8.5 above are put inside Safety Package “A” and shall ensure that Safety Package “A” is not closed at this moment and will be closed with the reserved safety glue only when the PSC finishes counting and puts election and counting record and other electoral materials into relevant Safety Package “A”.
- 8.8.7 The Chief of PSC shall ensure that the code number of the Polling Station of Safety Package “A” which stores envelopes, plastic bags and electoral materials as stated under Point 8.8.6 above is properly filled in with an indelible marker and is strictly and safely maintained when counting is proceeding.
- 8.8.8 The Chief shall assign PSC members to put the remaining electoral materials into the zinc box and pack the bottles of indelible ink separately and at the same time, uninstall the two (2) confidential voting booths and put them into the nylon bags according to the time they were delivered.

### **Closing of the Polling Station in Case of Emergency**

- 8.9 Before or on polling day, if one or a number of Polling Stations are in the situations of force-majeure, insecurity or emergency that can cause dangers or threats to the safety of the electoral officials and voters in the Polling Station and/or inside the inner perimeter of the Polling Station, the NEC has the right to decide not to open or shut down the Polling Station(s).
    - 8.9.1 The decision not to open or shut down the Polling Station can be made only if that or those Polling Stations are in case of force-majeure, insecurity or emergency situations. Force-majeure, insecurity or emergency are determined as stated in Points 1.3.3 and 1.5.3 of the present Regulations and Procedures.
    - 8.9.2 If before polling day there is any case of force-majeure, insecurity or emergency as listed under Point 8.9.1 happen, the PSC Chief shall urgently report the actual situations to the CEC.
      - 8.9.2.1. The CEC shall evaluate the situations and examine the possibility whether the Polling Station can be opened or not, then report to the PEC urgently.
      - 8.9.2.2. The PEC shall examine and evaluate the situations of force-majeure, insecurity or emergency precisely, then report and provides comments immediately to the NEC to make the decision whether to open or close that Polling Station.
      - 8.9.2.3. After the decision is made, the NEC shall inform the PEC immediately so that it can take further actions.
      - 8.9.2.4. The above report and information shall be made by using mobile phone or walkie-talkie or electronic message (email).
    - 8.9.3 On polling day, before or during the process of polling, if there is any case of force-majeure, insecurity or emergency as listed under Point 8.9.1 happen, the PSC Chief has the right to decide whether to open or shut down the Polling Station. In this case, the Chief of PSC shall report urgently to the CEC so that the CEC will forward to the PEC and the PEC will report immediately to the NEC.
    - 8.9.4 Any Polling Station that is decided to open or shut down in case of force-majeure, insecurity or emergency must be shut down for the whole day until a new decision is made.
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- 8.9.5 In case any Polling Station is decided not to open or shut down during polling because of force-majeure, insecurity or emergency, the NEC shall report immediately to the Royal Government and National Assembly.
- 8.9.6 In case one or more Polling Stations are decided not to open or shut down during polling due to force-majeure, insecurity or emergency, the CEC shall ensure the dissemination of such information by :
- 8.9.6.1 informing voters who need to vote at that/those Stations about the closing of the Station by specifying the reason for such decision;
  - 8.9.6.2 assigning the PSC to pack the ballot box with cast ballots inside, collect unused ballots and other relevant election materials and documents and also to fill in Forms 1107 on delivery, handing over and receipt of the electoral materials, and then send them to be kept at the CEC.
  - 8.9.6.3 collecting the cast ballots of the Station that is closed and to count and note it into the election record (Form 1101) then put it in the separate bag. Those ballots shall be invalidated by excluding them into the election result in the Commune/Sangkat. Assigning the PSC to make a separate record on the not opening or closing of the Polling Station, which shall be sent to the CEC along with the materials and documents mentioned in Point 8.9.6.2 above.
  - 8.9.6.4 determining the cast ballots inside the ballot box as mentioned in Point 8.9.6.2 above as being void by not including them in the election result of the Commune/Sangkat.
  - 8.9.6.5 reporting to the PEC based on the PSC record so that it will pass on to the NEC;
  - 8.9.6.6 informing the composition of PSC of the polling station which is not opened or shut down that its employment ends and allowance is allocated according to the contract.
- 8.9.7 In the event that force-majeure, insecurity or emergency occurred at one or more Polling Stations after closing the poll, election records are made and if the ballot box with ballots inside, election records as well as the other relevant documents remain in tact, the PSC Chief shall send those electoral materials to the CEC as soon as possible by following the procedures as prescribed under Point 8.13 of the Regulations and Procedures.
- 8.9.8 In the event of force-majeure, insecurity or emergency occurred at one or more Polling Stations, after the poll is closed, election records are made but if the ballot box containing ballots inside, election records as well as the other relevant documents are destroyed and/or damaged, the PSC Chief shall pack and send those electoral materials to be kept at the CEC.
- 8.9.9 When receiving the report that any Polling Station is not opened and/or shut down due to force-majeure, insecurity or emergency as indicated in Points 8.9.3 and 8.9.8 above, the CEC shall extend its suggestion immediately to the PEC and the NEC to request for rerun the elections at those relevant Polling Stations.
- 8.9.10 Other Polling Stations that are not shut down in the Commune/Sangkat shall manage the implementation of polling process, closure of polling, ballot-counting, packing and receiving electoral materials as usual according to the present Regulations and Procedures.
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- 8.9.10.1 The CEC shall keep and take care the used and unused ballots, the result of ballot count and other relevant electoral materials of the Polling Station which is not shut down at the CEC's office or at any safe place which is permitted by the NEC until reelection at the Polling Station which is not opened or shut down is over.
- 8.9.10.2 Electoral materials of the Polling Station which is not shut down can be collected to be handed over to the PEC or kept at the CEC according to the decision made by the PEC.
- 8.9.10.3 The CEC shall keep electoral materials of the Polling Station which requires reelection.

**Reelections at Polling Stations that are Shut down and/or not Opened on Polling Day due to force-majeure, insecurity or emergency circumstances.**

8.10 The NEC shall rerun the election within a period not exceeding eight (8) days after the day *the NEC declares* the Station(s) not opened or shut down according to the conditions as stipulated in Point 8.9.3 and 8.9.8 above. The NEC can organize a reelection at the location of the same Polling Station or any other location which is not far away from the previous one in a Commune/Sangkat where it is safe enough and well secured. In case of not being able to organize the reelection as above required due to the fact that the case of force-majeure, insecurity or emergency circumstances have not returned to normal yet, the NEC has the right to decide whether or not to organize the reelection.

- 8.10.1 The NEC shall determine the date and location where the reelection can be held and instruct the CEC to disseminate and post the information at the CEC's office and at the location where the reelection will be conducted at least three (3) days before the day of reelection.
  - 8.10.2 In order to manage and organize the reelection, the NEC shall separately instruct the relevant PEC and CEC on the actual work relating to the reelection.
  - 8.10.3 To conduct the reelection, the NEC shall:
    - 8.10.3.1 keep a composition of the PEC and a number of officials working at the PEC as duties required;
    - 8.10.3.2 keep the composition of relevant CECs;
    - 8.10.3.3 keep the composition of relevant PSCs who are working at the Polling Station which was shut down or assign officials who used to work at other Polling Station so that no training is needed.
  - 8.10.4 The mandate of the PEC, CEC and PSC for the reelection will end as determined by the NEC.
  - 8.10.5 The authority and duty of the PEC, CEC and PSC for the reelection shall be in accordance with the LEMNA and the present Regulations and Procedures and practical requirements as determined by the NEC.
  - 8.10.6 All voters whose names are in the voter list of that/those relevant Stations shall be allowed to vote again, regardless whether or not they have already cast their vote.
  - 8.10.7 In order to be able to vote in the reelection, Khmer citizens of either sex shall have:
    - 8.10.7.1 his/her name on the official voter list of that Polling Station;
    - 8.10.7.2 any identity document used for voting as stipulated in Point 8.7.10.1 above.
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- 8.10.8 The Commune/Sangkat Authority shall issue a certificate which proves identity, age and residence (Form 1018) with photo to voters for reelection as requested by the concerned voters until 17h30 pm before the polling day in case their identity documents have been lost or spoiled.
- 8.10.9 The official voter list of the relevant Polling Station used for universal voting shall also be used for the reelection. One (1) copy of this list shall be posted at the CEC and another at the Station where the reelection is conducted one (1) day prior to polling day.
- 8.10.10 The composition of the political party representatives and observers who are allowed to observe the election process in that Polling Station during universal voting shall remain the same during the reelection.
- 8.10.11 The NEC shall arrange the printing of ballots used for reelections based on the sample of previous ballots for the relevant provincial/municipal constituency but on papers of a different color from the old ones. Ballots shall sufficiently respond to the practical need for use.
- 8.10.12 The NEC shall re-supply the material kits and documents for reelection in a sufficient number and timely fashion to the relevant Polling Station through PEC and CEC.
- 8.10.13 During reelections, the campaigning of political parties running for the election in the relevant provincial/municipal constituency is not allowed.
- 8.10.14 The procedures of reelection shall follow the procedures of polling as written in the present Regulations and Procedures. Finger dipping will be made on the left index finger with indelible ink.
- 8.10.15 At the end of the reelection at relevant Polling Station, the PSCs shall also close the poll, complete the election and count records, collection, delivery and receipt of electoral materials as it was done for universal voting stipulated in the present Regulations and Procedures.
- 8.10.16 After reelection takes place, the CEC shall check and consolidate the results of the election in the Commune/Sangkat in accordance with the present Regulations and Procedures. In consolidating the election results, the CEC shall consolidate the results of the whole Commune/Sangkat including the result of the elections and counting at those Stations that were not shut down as mentioned in Point 8.9.10 above with the results of the election and counting at the Stations where reelections are conducted as stipulated in Point 8.10.15, then send the consolidated election results of the Commune/Sangkat and relevant materials to the PEC.
- 8.10.17 The PEC shall consolidate the results of the elections in the Province/Municipality based on the records of the consolidation of the election results from all Communes/Sangkats in the Province/Municipality including the result of election in Communes/Sangkats that have one or more Polling Stations where reelection was conducted, and then send the records to the NEC, enclosed with the valid, invalid, unused ballots and other electoral materials.
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8.10.18 Between the process of reelection and the announcement of the official results, appeals or objections, meeting to adopt decision and/or hearings on complaints relating to the reelection shall follow the same procedures of universal election as prescribed in the present Regulations and Procedures.

### Ballot Counting at the Polling Station

8.11 According to Article 102 of the LEMNA, ballots shall be counted at each Polling Station of the Commune/Sangkat after the poll is closed and election records are made except the Polling Station which does not enable the ballots to be counted due to cases of force majeure or emergency and the NEC decides to have the CEC manage the ballot-counting of that Station at the CEC's office or at any safe place.

8.11.1 When ballots are counted, the Polling Station shall become Counting Station and PSC shall become BCC. In this case, the Chief of PSC who then becomes the Chief of BCC shall take measures by applying 8.6 and Point 8.6.1.2 above and shall appropriately and safely manage electoral materials which were used during voting, then the Chief of BCC shall prepare the room for counting ballots as set out in the plan determined by the NEC hereof:

8.11.1.1 Prepare in the middle of the room a big table or many small tables and 4 chairs for the members of BCC so that political party representatives and observers walk around the table to observe the counting operation.

8.11.1.2 Lift the ballot box in the middle of the table and put safety package "A" as stated in Point 8.8.5, all electoral materials and all Forms necessary for counting operation on the table where the Chief sits.

8.11.1.3 Assign Second Assistant and Member in charge of public order to guard at the door's entrance in order to prevent entry to the room, maintain safety of electoral materials which are not used in counting operation and maintain the public order inside the Counting Station.

8.11.2 The operation of counting ballots must be carried out only in the Counting Station. Once this operation has started, it must be completed without taking a rest. The Chief of BCC shall prepare the light at the Counting Station in case ballots are counted until at night.

8.11.2.1 During the counting operation, political party representatives and observers are arranged to position themselves near the place where they can observe every counting activity.

8.11.2.2 Political party representatives and observers are allowed to observe the counting operation at each Counting Station and shall fill out their names in the attendance sheet (Form 1115) before the counting starts.

8.11.2.3 Political party representatives and observers can change their substitutes, if there are any, to observe the whole counting process.

8.11.3 During the counting operation, the Chief of BCC shall sit at the one end of the table and the Secretary at the other end of the table while the Deputy Chief and First Assistant shall sit at the two sides of the table facing each other.

8.11.4 In front of political party representatives and observers who are present in the Counting Room, the Chief of BCC shall announce the starting of ballot counting and shall:

8.11.4.1 Keep next to him/her:

- Safety Package "A" storing plastic bag or envelop containing election record and other electoral materials;
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- Complaint form 1202 to be handed over to political party representatives if so requested;
- Plastic bag storing valid ballots and envelop storing invalid ballots;
- Elastic bands.

8.11.4.2 Hand over one (1) copy of the Vote Record Form 1108 to the Deputy Chief of BCC.

8.11.4.3 Hand over to the Secretary Form 1102 to fill out the counting record of that Polling Station and 1 copy of Form 1108 to record the votes and an envelop containing election record which is taken from Safety Package “A”.

8.11.4.4 Hand over to the First Assistant a big marker and a large piece of sheet of paper to record votes.

8.11.4.5 Assign the Secretary to start filling out in the Count Record (Form 1102) by writing the actual number of ballots received, unused ballots, spoilt ballots and the number of voters who have cast their votes. These figures were already verified as stated under Point 8.8.2 above and were recorded in the election record (Form 1101).

8.11.5 In front of all political party representatives and observers, the BCC Chief shall precisely verify that the two seals which were closed at the cover of the ballot box is in their original state, then cut off those seals using scissors or knife and open the outer cover. Then, the BCC Chief shall verify the number of the seal which was fastened at the rings of the inner cover of the ballot box and a thin paper which was stuck all over the silts where the ballots were inserted in order to make sure that there is no disturbance and then cut off that seal and tear that paper. Finally, the Chief shall open the inner cover of the ballot box and pour all the ballots from the box on the table between the place where the Deputy Chief and First Assistant sit and put an empty ballot box next to them.

8.11.5.1 The First Assistant shall pick up non-ballots objects which are not attached with the ballots (if there are any) from the pile of ballots and put those in a reserved envelop.

8.11.5.2 The Secretary shall record the case as stated in Point 8.11.5.1 above into the Count Record (Form 1102).

8.11.6 The BCC Chief shall order his/her Deputy and First Assistant to unfold the ballots which were poured out of the ballot box, turn them backward, and put twenty-five (25) valid ballots which bear confidential stamp on their back in a first pile and put the ballots which bear no confidential stamp at their backs in a second pile. Then the Deputy Chief and First Assistant shall count the ballots from the two piles and report to the Chief the number of ballots counted. The Chief shall make sure that the following procedures are applied:

8.11.6.1 In case the total number of ballots counted above corresponds the number of voters who have cast their votes or the actual number of ballots received minus the number of spoil and unused ballots, the Secretary shall record such figure into the Count Record;

8.11.6.2 In case the total number of ballots counted above is more or less than the number of voters who have cast their votes or the actual number of ballots received minus the number of spoilt and unused ballots, the BCC Chief shall count the ballots as stated in Point 8.11.6 above for a second time;

- 8.11.6.3 If the BCC Chief has counted the ballots for a second time but the number of voters is still different as stated in Point 8.11.6.2 above, the Secretary shall record such different into the Count Record;
  - 8.11.6.4 The BCC Chief shall declare to the political party representatives and observers about the result of ballot verification as stated in Point 8.11.6.1 or 8.11.6.2 and/or 8.11.6.3 above so that they will be informed and it will be easy for them to follow up with the assessment of such result.
  - 8.11.6.5 The Deputy shall hand over the ballots which bear no confidential stamp on their back in the second pile (if there is any) to the BCC Chief, who will then put this pile on his right hand side;
  - 8.11.6.6 The Deputy shall hand over the ballots which bear confidential stamp on their backs in the first pile to the BCC Chief, who will then put this pile on his left hand side.
- 8.11.7 After the completion of ballot verification, the BCC Chief shall start counting the ballots of the Polling Station, where he/she firstly shall check and verify the validity of the ballots and then determines the valid and invalid ballots. Next, the Chief shall check for the valid ballots and announce the ballots cast in support to any political party. The BCC Chief shall ensure that the counting process is conducted through the following:
- 8.11.7.1 As determined in 8.12 below, the BCC Chief shall take ballots one by one out of the first pile for examination, verification and determination of its validity and display it in a way that political party representatives and observers could see it clearly.
  - 8.11.7.2 If the BCC Chief determines the ballot to be an invalid ballot, he/she shall announce it as “invalid ballot” and then place that ballot in pile of invalid ballots on his/her right hand side.
  - 8.11.7.3 If the BCC Chief determines that ballot to be a valid ballot, he/she shall proclaim the political party that ballot was cast for and put it in a pile separately set for each political party.
  - 8.11.7.4 Based on the proclamation of the BCC Chief, the Deputy Chief and Secretary shall draw one (1) mark for one (1) ballot any political party has received in a way as instructed by the NEC on the vote-marking record (Form 1108) and the First Assistant shall use a marker to draw one mark on a large hard paper which can be attached onto the wall or on the blackboard.
  - 8.11.7.5 In case of objection to any ballot verified as stated in Point 8.11.7.3 above, the Chief shall put the objected ballot in the pile of invalid and undetermined ballots as stated in Point 8.11.7.2 above, which shall be examined, verified and determined again for the last time by following Point 8.11.7.6 below.
  - 8.11.7.6 When all ballots were taken out of the first pile, the Chief shall continue to take ballots one by one from the pile of invalid and undetermined ballots for examination, verification and determination again for the last time in order to make sure if it is an invalid ballot.
  - 8.11.7.7 If the Chief decides that it is a valid ballot, Points 8.11.7.3 and 8.11.7.4 above must be followed.
  - 8.11.7.8 If the Chief decides that it is an invalid ballot, he/she shall place that ballot in the same pile of invalid ballot.
- 8.11.8 While checking, verifying and determining ballots as stated in Point 8.11.7.1 and 8.11.7.6 above, if the Chief notices that any ballot is an undecided ballot by referring to the instructions as stipulated in Point 8.12, he/she shall discuss with the
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composition of the BCC the validity and determination of that ballot again for the last time if it is a valid or invalid ballot.

8.11.8.1 Whether it is determined as a valid or invalid ballot, the Chief shall proclaim loudly the reason for determining that ballot as such and shall allow political party representatives and observers to examine that valid or invalid ballot and question the reason for such determination by the Chief, but they are not allowed to hold it.

8.11.8.2 If any political party representative does not agree with the decision of the Chief in determining any ballot above as valid or invalid, that representative has the right to object and ask to record the content and reason of the objection and shall place thumbprint in the counting record. The case of this objection will not be recorded in the record if that representative refuses to jointly place his/her thumbprint on the record.

8.11.8.3 The decision of the Chief shall be effective.

8.11.8.4 The determination as stated in Point 8.11.8.3 above does not preclude any political party representative who wants to further the objection to the PEC to the case he/she has raised in Point 8.11.8.2 above, but he/she must agree to accept the administrative measures of the Chief and shall not interfere into the ballot counting operation.

8.11.8.5 The Chief shall provide four (4) copies of Form 1202 to be filled in as complaint if requested by a political party representative who wishes to forward his/her complaint to the CEC.

8.11.9 After all of the ballots are counted, the Chief shall order the Deputy Chief and Secretary to record the total number of invalid ballots and to consolidate the number of votes cast in favor of each political party and consolidate the number of valid ballots cast in favor of all political parties on the Vote Recording Table (Form 1108), as well as order the First Assistant to do the similar job on the large sheet of paper or blackboard used for vote-marking. As well, in front of political party representatives and observers who are present in the Counting Station, the Chief shall count the number of ballots placed in separate piles for each political party and in the piles of invalid ballots, and then verify the figures of votes as a result of counting with the figures that the Deputy Chief and Secretary or Assistant came up with as the result of the above calculation. The BCC Chief shall ensure that two (2) copies of the Vote Recording Table (Form 1108) and one (1) sheet of vote recording are signed by him/herself, Secretary, political party representatives who are present (if those representatives agree).

8.11.10 The BCC Chief shall announce publicly the result of the total sum and count the number of ballots as stated in Point 8.11.9 above and shall additionally examine and verify the number of the total ballots cast in favor of all the political parties with the number of total invalid ballots.

8.11.10.1 If the sum of the total number of valid and invalid ballots is equal to the total number of ballots poured out of the ballot box as stated in Point 8.11.6 above, the Secretary shall record the number of the ballots cast in favor of each political party and the number of invalid ballots in the Counting Record (Form 1102).

8.11.10.2 If the sum of the total number of valid and invalid ballots is less or more than the total number of ballots which were poured out of the ballot box and already counted as stated in Point 8.11.6 above, the Chief shall count the ballots in separate piles set for each political party and the number of invalid ballots again.

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- 8.11.10.3 After the recount and calculation of the sum of these ballots by the Chief as stated in Point 8.11.10.2, if the discrepancy remain unaccounted for and if there is no event interrupting the process of ballot counting, and/or there is no one or more ballots found on the floor as it may have fallen off, it can presumed that the discrepancy has preexisted by accident. In this case, the Secretary shall record those figures of the discrepancy in the Counting Record (Form 1102).
- 8.11.11 The BCC Chief shall make sure that the valid ballots cast in favor of each political party are tied separately with rubber bands.
- 8.11.12 The BCC Chief shall make sure that the invalid ballots are tied with rubber bands and put in the printed envelope with the words “Invalid Ballots” on the back.
- 8.11.13 The BCC Chief shall ensure that all of the valid ballots as stated in Point 8.11.11, the envelope containing the invalid ballots as mentioned in Point 8.11.12, vote-recording table as sated in Point 8.11.9 and non-ballot objects (if any) as stated in Point 8.11.5.1 are put together in one plastic bag with the printed words on it “Valid and Invalid Ballots of the Polling Station No .....”, and then tie the neck of this plastic bag and shall write the code numbers of all Polling Stations that the team is responsible for with a large indelible marker on the outer part of the plastic bag in order to be prepared for handing it over to the CEC.

## **Valid and Invalid Ballots**

- 8.12 In order to carry out the ballot counting operation well and properly, all compositions of BCC, especially the BCC Chief and Deputy Chief, shall understand clearly about the natures of valid and invalid ballots.
- 8.12.1 A valid ballot is an official ballot which is supplied by the NEC for the election of members of the National Assembly at each Provincial/Municipal Constituency and bears the confidential stamp of the relevant Polling Station on its back and on which a voter has expressed his/her will clearly by putting a mark of support in a rectangle box next to a political party that he/she desires.
- 8.12.2 An invalid ballot is a ballot which is considered as void, including those ballots which are not official ones and/or are marked or unmarked that the BCC can determine which political party the vote was cast for or bear a sign which makes voters’ identity known and/or are torn or spoiled and/or carry no official confidential stamp. Invalid ballots which consist of five (5) different kinds as follows:
- 1. Unofficial ballots**
- 8.12.2.1 ballots which are smaller or bigger in size than official ballots;
- 8.12.2.2 ballots which are printed on the type of paper that is (thicker or thinner) different from the official ballots of the NEC;
- 8.12.2.3 ballots which have different color from the official ballots of the NEC;
- 8.12.2.4 ballots which do not have the name of one or more political parties running for the third election of members of the National Assembly at the relevant Provincial/Municipal Constituency;
- 8.12.2.5 ballots which have the names of political parties more than the number of political parties running for the third election of members of the National Assembly for each Constituency;
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8.12.2.6 ballots which are printed with the wrong name and/or serial number of a political party running for the third election of members of the National Assembly for each constituency;

8.12.2.7 falsified or fake ballots which have insufficient, inaccurate content and/or the different content from the ballots officially printed by the NEC and are not supplied by the relevant PSC.

**2. Ballots which are marked or unmarked that the BCC could not determine which political party they were cast for:**

8.12.2.8 ballots which are unmarked (blank ballots);

8.12.2.9 ballots which are marked in a rectangular box of more than one political party;

8.12.2.10 ballots which have one or more ticks outside the rectangular boxes next to political parties even if there is or is not a tick in the box of any political party.

**3. Ballots which have various marks or pictures which make voters' identity known:**

8.12.2.11 ballots which have written words, description or phrases or sentences inside or outside the rectangular box of any political party and/or any part of both sides of ballots;

8.12.2.12 ballots which have a finger-print even inside or outside the rectangular box of any political party and/or on any part of both sides of ballots;

8.12.2.13 ballots which is pasted with a postage stamp or which are attached with a bill note or sticker or a written note or logos on the rectangular box of a political party or on any part of both sides of ballots;

8.12.2.14 ballots which are pasted or attached with various document;

8.12.2.15 ballots which have a written name or signature or sign that make voters' identity known.

**4. Ballots which are torn or damaged/stained:**

8.12.2.16 ballots whose serial number or a rectangular box of any political party is torn up;

8.12.2.17 ballots which are torn apart;

8.12.2.18 ballots which have color stain on the front and/or back side that no one can read see the logo and scripts printed on the ballots and/or mark demonstrating support for any political party.

**5. Ballots which bear no official confidential stamp of the relevant polling station.**

8.12.2.19 ballots which bear no official confidential stamp of the relevant Polling Station;

8.12.2.20 ballots which bear official stamp but it is not the official confidential stamp of the relevant Polling Station.

**Preparation and Packing Polling, Ballot Counting Records and the Relevant Electoral Materials**

8.13 When the ballot counting operation as stipulated under Point 8.12 is completed, the BCC Chief shall ensure that two (2) copies of the Vote Recording Table (Form 1108) and three (3) copies of the counting record (Form 1104) which were properly filled in are signed by the Secretary and stamped by him/herself. The BCC Chief shall manage the packing of polling and ballot counting records at his/her Polling Station and other relevant electoral materials to be send to the CEC.

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- 8.13.1 The Chief shall display the counting record as stipulated in Point 8.13 above to political party representatives and observers as well as invite them to jointly sign or thumbprint as witnesses.
- 8.13.1.1 Political party representative may place thumbprint on the ballot counting record above as a witness.
- 8.13.1.2 The refusal to sign or thumbprint on the counting record from any political party representative or observer cannot invalidate the record.
- 8.13.2 The BCC Chief shall put the counting record (Form 1102) and vote recording table (Form 1108) as stated in Point 8.11.9 in the reserved printed envelop with the words “Envelop storing polling and counting records” on the back and send the vote recording table to the NEC. Then the BCC Chief shall pack the envelop storing polling and counting record and vote recording table as well as all envelops or plastic bags storing relevant electoral materials and put all those in the Safety Package “A” and then close it by using the reserved glue and write down the code number of that Polling Station correctly. The BCC Chief shall ensure that Safety Package “A” stores the following materials:
- 8.13.2.1 envelop storing the polling and counting records and one the Vote Recording Table to be sent to the NEC;
- 8.13.2.2 envelop storing the official voter list used for polling;
- 8.13.2.3 envelop storing confidential stamp;
- 8.13.2.4 envelop storing “spoilt ballots”;
- 8.13.2.5 plastic bag or envelop storing “unused ballots and stub of ballots used”;
- 8.13.2.6 envelop storing documents and evidences which have been withheld (if there is any);
- 8.13.2.7 envelop storing inappropriate ballots which have been withheld (if there is any);
- 8.13.2.8 plastic bag storing valid and invalid ballots, large piece of paper to record vote and envelop storing non-ballots objects (if there is any).
- 8.13.3 The BCC Chief shall put two (2) copies of the counting record (Form 1102) and one (1) copy of the vote recording table (Form 1108) as stated in Point 8.11.9 in the reserved printed envelop with the words “Polling and counting records” on the back to be sent to the CEC as stated in Point 8.8.4.3 above.
- 8.13.4 The BCC Chief shall put three (3) copies of the counting record in the reserved printed envelop with the words “Polling and counting records” on the back to be sent to the PEC as stated in Point 8.8.4.2 above.
- 8.13.5 The BCC Chief shall assign the Second Assistant to post four (4) copies of the counting record publicly at the entrance of the Polling and Counting Station.
- 8.13.6 The BCC Chief shall assign his/her members to fill out the result of election by station (Form 1104) by recording the figure from the counting record (Form 1102) and then place a signature and stamp to be distributed to the political party representatives.
- 8.13.7 The BCC Chief shall ensure that the three (3) copies of the receipt and delivery of electoral materials form are duly filled by the Secretary and signed by the Chief him/herself for the purpose of delivery/receipt of Package “B” at the CEC and shall:
- 8.13.7.1 Put one (1) copy in the envelop to be stored in Package “B”;
- 8.13.7.2 Put one (1) copy in the outer pocket of Package “B”;
- 8.13.7.3 Retain one (1) copy for receipt/delivery of Package “B” at the CEC.
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- 8.13.8 The BCC Chief shall ensure that the following electoral materials are packed into the Package “B” to be sent to the CEC.
- 8.13.8.1 Safety Package “A” storing electoral materials as stated in Point 8.13.2 above.
  - 8.13.8.2 Envelop storing polling and counting records and Vote Recording Table to be sent to the CEC.
  - 8.13.8.3 Envelop storing polling and counting records and Vote Recording Table to be sent to the PEC.
  - 8.13.8.4 Envelop storing receipt and delivery of electoral materials form as stated in Point 8.13.7.1 below.
  - 8.13.8.5 Small envelop storing stamp of the polling station (to be stored after Form 1107 has been stamped).
- 8.13.9 The BCC Chief shall ensure that Package “B” containing electoral materials as stated in Point 8.13.8 above are properly closed with the seal and written by the permanent marker with the code number of the Polling Station.
- 8.13.10 The BCC Chief shall allow political party representatives as well as national and international observers to observe all the process of packing electoral materials for the delivery at the CEC and has recorded the number of the seal which seals off the Package “B” as stated in Point 8.13.9 above.
- 8.13.11 The BCC Chief shall manage to pack the remaining electoral materials for sending to the NEC. Those materials include ballot box, confidential booth, zinc box, indelible ink, Polling Station’s signboard, etc. These materials are to be sent at the same time of delivering polling and counting records to the CEC.

#### **Delivery of Polling and Counting Records as well as Remaining Materials at the CEC**

- 8.14 After packing the polling and counting reports and all the remaining election materials, the BCC Chief shall take necessary measures to send Package “B” as stated in Point 8.13.9 and other remaining election materials immediately as stipulated in point 8.13.11 above to the CEC in the evening or night of the polling day.
- 8.14.1 Based on the distance, means of transportation, time and security situation, if the BCC Chief thinks that Package “B” and materials as stated in Point 8.14 above can be delivered to the CEC timely and safely, he/she shall do so by inviting political party representatives and observers to participate in the above delivery by informing them the departure, time and destination of the delivery of Package “B” and other electoral materials at the CEC.
  - 8.14.2 The BCC Chief accompanied by his/her Deputy shall be responsible for transporting Package “B” and other materials as stated in Point 8.14 above to the CEC. If necessary, the Chief shall direct his/her members to transport all the remaining materials.
  - 8.14.3 If necessary, the BCC Chief shall request for two (2) security guards to accompany the delivery of Package “B” and other electoral materials to the CEC.
  - 8.14.4 During the receipt of Package “B” and other electoral materials, the CEC shall ensure that all election materials and documents are examined and signed on the sending/delivery/receipt note (Form 1107) by certifying that all materials are all received. However, as for the delivery and receipt of Package “B”, the CEC shall:
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- 8.14.4.1 Open Package “B” in order to check the electoral materials inside based on the three (3) copies of the delivery/receipt note, but must not open Safety Package “A”;
  - 8.14.4.2 After the examination, place signature on the three (3) copies of the delivery/receipt note.
  - 8.14.4.3 Invite political party representatives and observers to sign or thumbprint the delivery/receipt note as witnesses. Objection of the political party representatives to sign or thumbprint on the delivery/receipt note will not nullify it.
  - 8.14.4.4 One (1) copy of the delivery/receipt note (Form 1107) which was already signed shall be handed over to the BCC Chief, one (1) to put into the outer pocket of Package “B”, and one (1) copy to be kept as documentation.
- 8.14.5 All Packages “B” received by the CEC shall be notified and kept in a safe place and in orders of polling and counting station’ code number in the Commune/Sangkat.
- 8.14.6 The CEC shall take strict measures to ensure the safety and security of Package “B” as stated in Point 8.13.8 above. The CEC shall:
- 8.14.6.1 Request for the security forces to guard the CEC’s perimeter or a place where Package “B” and electoral materials are kept.
  - 8.14.6.2 Manage the proper use of electricity at the CEC’s Headquarter or a place where Package “B” and electoral materials are kept.
- 8.15 Based on the distance, means of transportation, time and security situation, if the BCC Chief thinks that Package “B” and materials as stated in Point 8.14 above can not be delivered to the CEC in the evening or night of the polling day, he/she shall take measures to take care and protect Package “B” and those electoral materials at any safe place by informing the relevant political party representatives and observers
- 8.15.1 The BCC Chief shall take care of Package “B” and other electoral materials above at his home or any member’s home or at any safe place as determined.
  - 8.15.2 The BCC Chief shall inform political party representatives and observers about the house or any safe place where Package “B” and other electoral materials are kept and shall also invite political party representatives and observers to take care of those materials as well. At the same time, he/she shall inform the political party representatives and observers about the time of tomorrow’s departure for the delivery and receipt of Package “B” and other electoral materials.
  - 8.15.3 At night, the political party representatives and observers may stay in the house or a safe place where Package “B” and other electoral materials are kept.
  - 8.15.4 The BCC Chief shall ensure that at least three (3) BCC Members including the Chief him/herself protect and take care of Package “B” and electoral materials.
  - 8.15.5 The BCC Chief must not leave Package “B” and electoral materials unsafeguarded.
  - 8.15.6 If necessary, the BCC Chief shall request for two (2) securities to guard the perimeter of a place where Package “B” and electoral materials are kept in the night.
  - 8.15.7 Compliance with the time determined, the next morning, the BCC Chief shall deliver Package “B” and other electoral materials to the CEC and shall apply the Regulations and Procedures as stipulated in Points 4.14.2, 8.14.4, and 8.14.5 above.
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## **Ballot Counting at the CECs Office or at Any Safe Place**

- 8.16 According to Article 102 (New) of the LEMNA, any commune(s) which falls under situation in Point 8.9.7 above, the NEC shall direct the relevant CEC to conduct counting of that Polling Station at the CEC's office or at any safe place.
- 8.16.1 The Force majeure or insecurity or emergency as determined in Point 8.9.1 above.
- 8.16.2 Procedures for packing electoral materials as stated under Point 8.8 above of the LEMNA shall be applied.
- 8.16.3 The BCC Chief shall manage to fill out two (2) copies of the delivery/receipt note (Form 1107) for delivering and receiving at the CEC.
- 8.16.4 The Chief accompanied by his/her Deputy and his other Members shall be responsible for these delivering and handing over directly and shall invite political party representatives and observers to observe this transporting process and shall request for two (2) security guards for protection as well.
- 8.16.5 Upon the receipt of ballot box containing ballots inside, Package "B" and all remaining electoral materials above, the CEC Chief shall sign on the two (2) copies of delivery/receipt note and retain one (1) copy back to the BCC Chief.
- 8.16.5.1 Political party representatives and observers may sign or thumbprint on the delivery/receipt note of electoral materials as witnesses.
- 8.16.5.2 Objection of the political party representatives to sign or thumbprint on the delivery/receipt note will not nullify it.
- 8.16.6 Upon the receipt of ballot box containing the ballots inside and Package "B" of the Polling Station incurring the force majeure or insecurity or emergency, the CEC all notify and thus maintain those separately in any safe place and inform the relevant PSC composition, who will become the BCC, to come to the CEC the next morning at seven (07:00) hour in order to count the ballots for that Polling Station.
- 8.16.6.1 In case the BCC's composition is absent, the CEC can appoint different PSC's composition or the CEC's members itself to count the ballot for that Polling Station.
- 8.16.6.2 The BCC's composition who will perform the counting duty at the CEC office shall receive food and travel allowances during that counting operation.
- 8.16.7 As time determined in Point 8.16.6 above, the CEC shall manage to count the ballot of the Polling Station incurring the force majeure or insecurity or emergency as stated in point 8.16 above at its office or at any safe place.
- 8.16.8 When the BCC's composition or the electoral officials who have the counting duty are present in the counting room, the CEC Chief shall hand over the box containing the ballots inside and Package "B" storing Safety Package "A" containing vote report and other necessary forms to the BCC Chief in order to proceed counting the ballots. The BCC Chief shall:
- 8.16.8.1 Ensure that the box containing ballots inside and Package "B" are not dismantled.
- 8.16.8.2 Cut off the seal of Package "B" and verify the electoral materials with the delivery/receipt note (Form 1107).
- 8.16.9 During the counting operation taking place above, all the procedures as stipulated under Points 8.11, 8.12, 8.13 and 8.14 of the Regulations and Procedures shall be applied. Due to the fact that the counting is conducted at the CEC office, some relevant procedures are determined for implementation where the BCC Chief shall:
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- 8.16.9.1 Be responsible for taking one (1) copy of the counting record (Form 1102) to post in front of the relevant Polling Station;
- 8.16.9.2 Ensure that, after the counting is over, all electoral materials are packed in the plastic bag or envelop and put in Safety Package “A” and are stuck with the reserved safety glue. Then Package “B” shall be repacked by storing materials in orders as stated in Point 8.13.8 above but not sealed and hand over it to the CEC in the counting room in presence of the political party representatives and observers;
- 8.16.9.3 Hand over the empty ballot box to the CEC;
- 8.16.9.4 Ensure that the delivery/receipt note (Form 1107) is filled and used for delivering and receiving as determined by the NEC.

### **Submission of Complaint/Appeal against the Polling and Counting at the CEC**

- 8.17 Any political party representative, who is not satisfied with the BCC’s decision regarding the objection or conclusion on any irregularity during the election operation as stipulated in Point 8.7.22 or during verification and counting operation as stipulated in point 8.11.8 above, may fill out the complaint form to be filed with the CEC. The complaint/appeal against polling and/or counting shall be filed immediately at the time the vote and vote-count report and other electoral materials are being delivered to the CEC in the evening of the polling day or within eleven thirty (11:30) the next day after polling takes place. As determined above, if the CEC does not receive any complaint against the polling and counting, it is taken to mean that no complaint/appeal is filed.
- 8.17.1 Political party representatives wishing to file a complaint shall fill out and thumbprint on the three (3) copies of the complaint form (1202), which contain the following necessary information:
- 8.17.1.1 The identification of the Polling and Counting Station;
  - 8.17.1.2 Time of the occurrence;
  - 8.17.1.3 Type of irregularity;
  - 8.17.1.4 If possible, state Article of law or the Regulations and Procedures which are violated;
  - 8.17.1.5 People involved during the incident;
  - 8.17.1.6 Name and address of the witness;
  - 8.17.1.7 Name and address of the observers present during the occurrence, if any.
- 8.17.2 For the complaint received after the scheduled time as stipulated in Point 8.17 above, the CEC Member in charge of legal service shall notify clearly the date and time and then confirm the expiration of the complaint and sign on the complaint form and hand over one (1) copy to the complainant, post one (1) copy for publicity, keep one (1) copy for file and send one (1) copy to the PEC. Also, inform the complainant that his/her complaint form which was submitted after the deadline cannot be accepted by the CEC for ruling.
- 8.17.3 For the complaint received within the scheduled time as stipulated in point 8.17 above, the CEC Members in charge of legal service shall notify the time and the date of the receipt of the complaint and fill out the venue of the approval meeting, hand over one (1) copy back to the complainant, post one (1) copy for publicity at the CEC and one (1) copy to the CEC to use for the meeting to adopt decision. The members in charge of legal service shall inform the complainant that the CEC will have to verify and hold the meeting to adopt decision on the relevant complaint on the checking and consolidating the temporary result of ballot-counting in the polling stations in the Commune/Sangkat.
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- 8.17.4 In case there is not sufficient information and evidence to prove the irregularities of the complaint/appeal which may influence the result of ballot-counting of the Polling and Counting Station(s) in the Commune/Sangkat, the CEC shall manage to examine the result of ballot-counting at the relevant station by applying the normal procedures as stated in Point 8.20 by not opening Package “A” for the purpose of verifying electoral materials and counting ballots. Then the CEC Chief shall:
- 8.17.4.1 Direct the members in charge of legal service to fill out three (3) copies of the rejection decision of the complaint and/or appeal (Form 1203) by indicating the reasons of rejection as well.
  - 8.17.4.2 Sign and date on the decision filled out by the member in charge of legal service and then hand over one (1) copy to the complainant, send one (1) copy to the PEC, and retain one (1) copy for files and then inform the complainant that he/she can further the complaint with the PEC against the decision adopted by the CEC within two (2) days after the day the complaint is rejected.
  - 8.17.4.3 Hand over three (3) copies of the complaint form 1202 to the political party representatives to fill out if they request so.
- 8.17.5 In case there is the complaint/appeal related to any irregularities which may influence the electoral result of any Polling Station, the CEC Chief shall:
- 8.17.5.1 Monitor and consolidate the temporary result of the counting in the station where complaint was filed.
  - 8.17.5.2 Open Safety Package “A” in order to check and recount the ballots as stipulated under Point 8.21.
  - 8.17.5.3 Permit the complainant of political party representatives and observers to examine the implementation of Points 8.17.5.1 and 8.17.5.2 above.
- 8.17.6 During the verification as stated in Points 8.17.5.1 and 8.17.5.2 above, if the CEC finds no evidence regarding the irregularities during the polling and/or counting which may influence the electoral result of that Polling Station, the CEC shall hold a meeting to adopt decision on the complaint. In the event that the CEC rejects the complaint, the CEC Chief shall:
- 8.17.6.1 Direct members in charge of legal service to fill the form of rejection on the complaint/appeal (Form 1203) in three (3) copies by specifying the reasons of rejection as well;
  - 8.17.6.2 Sign and date on the decision filled out by the member in charge of legal service and then hand over one (1) copy to the complainant, send one (1) copy to the PEC, and retain one (1) copy for files and then inform the complainant that he/she can further the complaint with the PEC against the decision adopted by the CEC within two (2) days after the day the complaint is rejected;
  - 8.17.6.3 Hand over three (3) copies of the complaint form 1202 to the political party representatives to fill out if they request so.
- 8.17.7 During the verification as stated in Point 8.17.5.1 and 8.17.5.2 above, if the CEC finds evidence regarding any serious irregularities during the polling and/or counting which may influence the electoral result of that Polling Station, the CEC shall conduct a meeting to adopt decision on the complaint. In the event that the CEC agrees with the complaint, the CEC Chief shall:
- 8.17.7.1 Direct members in charge of legal service to fill the form of agreement with the complaint/appeal (Form 1203) in three (3) copies;
  - 8.17.7.2 Sign and date on the decision filled out by the member in charge of legal service and then hand over one (1) to the complainant, send one (1) copy to
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the PEC, and retain one (1) copy for files and then inform the complainant that the CEC will make a report and give comments from this case with the attachment of the report of the consolidated of election in the Commune/Sangkat to be sent to the PEC for approval.

8.18 The procedures as stipulated in Point 8.17 above is also applicable to the complaint/appeal filed against the violation or any conclusion on any irregularities in any polling station during polling and counting in the relevant polling and counting station.

8.18.1 Violations or conclusions as stated in Point 8.18 above which constitute to any irregularities determined through observation or report or any allegation with sufficient evidence include:

8.18.1.1 Using force to withdraw identity documents from voters;

8.18.1.2 Obstructing the candidate of any political party and supporters from launching the campaign within the scheduled period;

8.18.1.3 Using force or violence to obstruct voters from coming to vote;

8.18.1.4 Obstructing or intimidating or forcing the voters to take the pledge to vote for any political party;

8.18.1.5 Spoiling the order or disturbing the electoral operation of polling and/or ballot-counting;

8.18.1.6 Inciting the supporters or the voters to the act of violation and intimidation or violence on any political party;

8.18.1.7 Using force or violence or intimidation which causes fright, confusion and trouble and influences the confidentiality of the election;

8.18.1.8 Cheating or lobbying of vote through materials and money.

8.18.2 Images which constitute to the acts of intimidation, oppression, threat, force or violence, violation or violent threat in words, statements and gestures include:

8.18.2.1 Direct or indirect words or a piece of writing containing a threat to life, physical body or destruction to the property;

8.18.2.2 Direct or indirect verbal remarks or a piece of writing made in a sense to commit torture;

8.18.2.3 Minor or serious physical beating of the voters or any candidate;

8.18.2.4 Display or use of weapons for the purpose of intimidation;

8.18.2.5 Verbal or written reference to a past event where a person was executed or beaten or raped or whose property was destroyed or damaged;

8.18.2.6 Shooting with a gun over a person's head or his/her house roof or vehicle or at areas around that person;

8.18.2.7 Placing an animal corpse or various signs or any equipments in front of a person's house, which can cause the person to fear for his/her life or his/her relative's;

8.18.2.8 Escorting any supporter or voter by force, causing the person to be feared or fear for his/her safety or the safety of his/her family;

8.18.2.9 Intimidating by aggression or using language.

### **Checking and Consolidating Election Results in the Commune/Sangkat by the CEC**

8.19 After receiving Package "B" containing polling and counting records and other relevant electoral materials from all the Polling and Counting Stations in the Commune/Sangkat as stated in Point 8.14.4, 8.15.7 and 8.16.7.2 above, the CEC shall take necessary measures to check and consolidate the election result by Stations in the Commune/Sangkat as soon as possible and not later than two (2) days after polling takes place.

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- 8.19.1 Relevant political party representatives and observers are allowed to observe the operation of the CEC in checking and consolidating the electoral results from all the Polling Stations in the Commune/Sangkat.
- 8.19.1.1 Each political party representative and observer of every Polling Station in the Commune/Sangkat shall assign one member as his/her representative and one (1) as a reserve representative to observe the operation of the CEC in consolidating the election results in the Commune/Sangkat.
- 8.19.1.2 Political party representatives or observers who participate in observing the process of checking and consolidating the election results in the Commune/Sangkat above may rotate with the reserve one to perform the duty on his/her behalf.
- 8.19.1.3 Political party representatives and observers shall be arranged to seat at a location close enough to observe all activities relating to checking and consolidation of the election results in the Commune/Sangkat.
- 8.19.2 Once the operation of checking and consolidating the counting results by the CEC has started, it must be completed without taking a rest. The CEC shall check and consolidate the election result from all the Polling Stations in the Commune/Sangkat including the counting results of the Stations where the ballots were counted at the CEC office or any safe place and where the CEC opened Package “A” for examination and recounting according to the complaint/appeal lodged, if there is any.
- 8.19.3 The CEC shall start the operation of checking and consolidating the counting results from all the Polling and Counting Stations in the Commune/Sangkat at its office or any building which requires good safety and security and shall prepare the room according to the plan of counting room as set out in Point 8.11.1.1 above. For the above checking and consolidating, the CEC Chief shall sit at one end of the table and direct the member in charge of administration to sit opposite to him/her and the Deputy Chief and the members in charge of legal service sit facing each other at each side of the table. Also, the member in charge of training is responsible for guarding the door and keeps the order in the room where checking and consolidation of the election results in the Commune/Sangkat are carried out. The CEC Chief shall:
- 8.19.3.1 Prepare on the table in front of him the following items:
- Form 1202 to fill out the complaint to be handed over to political party representatives at their request;
  - One (1) calculator;
  - Other necessary materials.
- 8.19.3.2 Hand over to the Deputy Form 1109 to fill out the Table for Consolidating the Election Results in the Commune/Sangkat and other necessary forms for use in this checking and consolidating result.
- 8.19.3.3 Hand over to the member in charge of administration the Form 1103 to fill out the report of the consolidated result of the Commune/Sangkat and other necessary forms for use in this checking and consolidating result.
- 8.19.3.4 Hand over the member in charge of legal service Form 1109 to fill out the Table for Consolidating the Election Results in the Commune/Sangkat and other necessary forms for use in this checking and consolidating result.
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8.20 In case no complaint/appeal is lodged, or complaint/appeal is lodged after the scheduled date, or complaint/appeal is lodged with insufficient ground related to the irregularities which influence the election result of any Polling and Counting Station, the CEC shall not open Safety Package “A” to count the ballots again. In this case, the CEC shall manage to check and consolidate the counting result of all the Polling and Counting Stations in the Commune/Sangkat in order to combine as the consolidated result of election in the Commune/Sangkat.

8.20.1 During the checking and consolidating the election result of in the Commune/Sangkat as stipulated in 8.20 above, the CEC merely verifies and computes based on polling and counting reports and vote recording table. In this process, the CEC Chief shall:

8.20.1.1 Direct the member in charge of legal service to fetch Package “B” containing polling and counting reports to put on the Chief’s desk and count the ballots one by one from the place the ballots were kept.

8.20.1.2 Open Package “B” and take out the envelop containing polling and counting reports (Forms 1101 and 1102) and vote recording table (Form 1108), previously sent to the CEC and put on the table.

8.20.1.3 Take out from Package “B” the polling and counting reports and put in the reserved Package “Special C” as stipulated in Point 8.20.6 below. Then, keep beside him/her Package “B” containing Safety Package “A” and the envelop containing the PSC seal.

8.20.1.4 Verify and compute the figure in the vote report (Form 1101) and vote recording table (Form 1108) of each Polling Station and then compare this result with the relevant figures recorded in the vote-count report (Form 1102) of each relevant Polling Station in order to make sure whether or not the vote-count report is correct.

8.20.1.5 If the PSC/BCC finds the figures miscomputed, make correction in presences of political party representatives and observers. When correcting, the CEC Chief shall strike the wrong figures and write the new figures next to the wrong ones with the signature of the CEC Chief. In this case, direct the member of administration to record this issue into the report of the consolidated result of election in the Commune/Sangkat (Form 1103) as well.

8.20.1.6 Record and call out the figures of valid ballots received by each party, invalid ballots, and other relevant data and figures correctly checked from the vote-count report (Form 1102) of the relevant polling and then instruct the Deputy Chief and member in charge of administration and legal service to record those figures into the Table for Consolidating Result of Election in the Commune/Sangkat (Form 1109).

8.20.1.7 Ensure that the vote report (Form 1101), vote-count report (Form 1102) and vote recording table (Form 1108) of each Polling Station, which are used in the checking and consolidating result above, are put in the same envelop and kept as CEC’s files.

8.20.1.8 Direct the CEC’s members to repack Package “B” containing only Safety Package “A” and envelop containing the PSC’s seal and then keep them at the original place for packing and sending to the PEC.

8.20.2 The CEC Chief shall ensure that all procedures as stipulated in Point 8.20.1 above are applied for each Package “B” containing the vote and vote-count reports of each Polling and Counting Station one by one from all Packages “B” in all the Stations in the Commune/Sangkat.

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- 8.20.3 The CEC Chief shall ensure that three (3) copies of the Table for Consolidating Result of Election (Form 1109) recorded by the Deputy Chief and members of administration and legal service from all the Polling Stations in the Commune/Sangkat are computed manually and electronically. The three (3) copies of this Table for Consolidating Result of Election shall be properly rechecked and signed by the member of administration and the Chief CEC. One (1) copy of this Table will be sent to the PEC, one (1) copy to the NEC, and (1) copy as documentation.
- 8.20.4 The CEC Chief shall ensure that the member of administration fill correctly the report of the consolidated result of election (Form 1103) in four (4) copies by recording clearly the code number of all the Polling and Counting Stations in the Commune/Sangkat, other relevant data and figures as well as the election results in the Commune/Sangkat which were properly computed as stipulated in point 8.22.3 above. This report shall be signed by the Chief and member of administration and displayed for the political party representatives and observers to see and examine.
- 8.20.4.1 Political party representatives and observers may sign or thumbprint on the report of the consolidated result of election (Form 1103) as witnesses.
- 8.20.4.2 Objection of the political party representatives to sign or thumbprint on this report will not nullify it.
- 8.20.5 The CEC Chief shall prepare and make use of the four (4) copies of the report of the consolidated result of election (Form 1103) and three (3) copies of the Table for Consolidating the Result of Election (Form 1109) in the Commune/Sangkat above as below:
- 8.20.5.1 Post one (1) copy of the report of the consolidated result of election (Form 1103) in front of the CEC office.
- 8.20.5.2 Send one (1) copy to the PEC attached with one (1) copy of the Table for Consolidating the Result of Election in the Commune/Sangkat (Form 1109) stored in the pre-printed envelop with writing “The Report of the Consolidated Result of Election in the Commune/Sangkat (Form 1103) to be sent to the PEC”.
- 8.20.5.3 Send one (1) copy to the NEC attached with one (1) copy of the Table for Consolidating the Result of Election in the Commune/Sangkat (Form 1109) stored in the pre-printed envelop with writing “The Report of the Consolidated Result of Election in the Commune/Sangkat (Form 1103) to be sent to the NEC”.
- 8.20.5.4 Keep one (1) copy as CEC’s files.
- 8.20.6 The CEC Chief shall reserve one Package “Special C” storing the envelop containing electoral materials to be sent to the NEC through the PEC. The CEC Chief shall prepare the documents in Package “Special C” which contain:
- 8.20.6.1 An envelop storing vote and vote-count reports to be sent to the PEC which is taken from Package “B” in every checking and consolidating the result of the counting in each Polling and Counting station.
- 8.20.6.2 All envelops containing the report of the consolidated result of election in the Commune/Sangkat as stipulated in Points 8.20.5.2 and 8.20.5.3 above.
- 8.20.6.3 An envelop containing documents related to complaint or appeal to be sent to the PEC.
- 8.20.6.4 In case there is a complaint/appeal filed, which requires the opening of Safety Package “A” for verification and ballot recounting of one or more Polling Stations, the Chief shall ensure that the envelop containing the report to be sent to the PEC as stipulated in point 8.21.3.2 below is
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stapled with the envelop containing the report of the consolidated result of election in the Commune/Sangkat as stipulated in Point 8.20.5.2 above.

8.21 In case there is a complaint or appeal lodged during the period as stipulated in point 8.17 and 8.18 above, the CEC shall also check and consolidate those election results in order to combine as the election results in the Commune/Sangkat by implementing the procedures in this Chapter from Points 8.20.1 to 8.20.6 above. If the complaint/appeal is filed with insufficient ground related to any irregularities which influence the result of the counting of any Polling and Counting Station, the CEC shall check the result of counting from the relevant Station as usual without the need to open Safety Package “A” for verifying the electoral materials and ballot-recounting.

8.21.1 If the complaint/appeal has the ground related to any serious irregularities which influence the result of the counting of the polling station(s), the CEC shall open Safety Package “A” of the relevant Polling Station for verification and ballot-recounting. While applying the procedures as stated in Point 8.20.1 above, the CEC Chief shall:

8.21.1.1 Take out Safety Package “A” from Package “B” to put on the table.

8.21.1.2 Use scissors to cut open Safety Package “A” and then take out all envelops and plastic bag containing all electoral materials to put separately in front of him/her.

8.21.1.3 Hand over the envelop containing vote and vote-count reports and the vote recording table to the member of administration for verification of the figures recorded those documents again.

8.21.2 After having the vote and vote-count reports, vote recording table and other electoral materials of the relevant Polling and Counting Stations, the CEC Chief shall manage to check and verify the electoral materials and ballots of those Stations again by paying attention to the issues related to the complaint/appeal’s objective and the following general affairs:

8.21.2.1 Verify the code number of the Polling and Counting Station;

8.21.2.2 Verify the confidential seal of the Polling Station;

8.21.2.3 Check and verify the number of voters who cast their votes in the voters’ list;

8.21.2.4 Check the number of ballots and the serial number of the stubs of the ballots provided to the Polling Station against the serial number of the stubs of the ballots received from that Polling Station;

8.21.2.5 Verify the spoiled ballots;

8.21.2.6 Verify the unused ballots;

8.21.2.7 Check and verify the number of invalid ballots;

8.21.2.8 Check and verify the valid ballots received by each party.

8.21.3 After the implementation of checking and verification as stipulated in Point 8.21.2 above, the CEC Chief shall:

8.21.3.1 Make report and give comment related to the result of the checking and verifying with the request to the PEC to approve the suspension or acceptance of the result of election of that Polling Station. The report shall be made in two (2) copies with the signatures of the member of administration and the Chief.

8.21.3.2 Put one (1) copy of the all the reports as stipulated in Point 8.21.3.1 above in an envelop with writing “The Report on Checking and Ballot Recounting to be Sent to the PEC” on its back, stapled with the envelop storing the report of the consolidated result of election in the Commune/Sangkat as stipulated in Point 8.20.5.2 above and put it Package “Special C” as stipulated in point 8.22.1 below.

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- 8.21.3.3 Keep one (1) copy of this report as stipulated in Point as documentation.
  - 8.21.3.4 Put the electoral materials which were already verified in the envelop and plastic bags and then repack Package “A” the way it was originally done as stipulated in Point 4.13.2 above.
  - 8.21.3.5 Repack Package “B” containing only Safety Package “A” and the envelop containing the PSC’s seal and keep in the original place for repacking and sending to the PEC.
- 8.21.4 When the checking, verifying and consolidating of the result of the Polling and Counting Station where complaint/appeal is lodged, are finalized, the CEC Chief shall conduct a meeting to adopt decision on the complaint by applying the procedures as stipulated under Points 8.17.6 and 8.17.7 above.
- 8.22 After implementing the procedures as stated in Points 8.20 and 8.21 of this Chapter, the CEC shall ensure that the report of the consolidated result of election in the Commune/Sangkat and all material for polling and counting of the Polling and Counting Stations in all Communes/Sangkat are properly packed into Package “Special C” and Package “C” for sending to the PEC within three (3) days after the receipt of the vote and vote-count reports and materials for polling and counting from all Polling and Counting Stations in the Commune/Sangkat. In case there is a complaint/appeal lodged in the Commune/Sangkat which requires the opening of Safety Package “A” for verification of electoral materials and ballot-recounting of the Station(s), the CEC Chief shall ensure that all Packages “B” storing Packing “A” which was opened for verification and ballot-recounting are packed into Package “C where there is complaint lodged and which requires recounting”.
- 8.22.1 Before closing Package “Special C”, the CEC Chief shall ensure that all of the following minutes, reports and electoral materials stored in all the envelops which are to be sent to the PEC and NEC.
- 8.22.1.1 The envelop containing one (1) copy of the report of the consolidated result of election (Form 1103) in the Commune/Sangkat and one (1) copy of the vote recording table in the Commune/Sangkat (Form 1109) to be sent to the PEC.
  - 8.22.1.2 The CEC report on the verification and ballot-recounting as stated in Point 8.21.3 above (if there is any).
  - 8.22.1.3 The envelop containing one (1) copy of the report of the consolidated result of election in the Commune/Sangkat (Form 1103) and one (1) copy of the vote recording table to be sent to the NEC.
  - 8.22.1.4 The envelop containing one (1) copy of the vote and vote-count reports (Form 1101 and 1102) of each Polling Station which was taken from Package “B” to be sent to the PEC.
  - 8.22.1.5 All documents related to complaint/appeal, if any, to be put in an envelop with writing Sent to the PEC on its back.
  - 8.22.1.6 An envelop containing one (1) copy of delivery/receipt note of electoral materials (Form 1107).
- 8.22.2 The CEC Chief shall ensure that one (1) of three (3) copies of the delivery/receipt note of electoral materials and documents (Form 1107) listing all materials is put into Package “Special C” above, one (1) copy into the outer pocket of Package “Special C” and retain one (1) copy for use in the delivering and receiving electoral material at the PEC.
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- 8.22.3 The CEC Chief shall close Package “Special C” and write down the code number of his/her Commune/Sangkat on the outer part of Package “Special C” with permanent marker.
- 8.22.4 Then, the CEC Chief shall pack Package “B” of the Polling and Counting Station where there was no complaint/appeal filed and where Safety Package “A” was not opened for verification and recounting as stipulated in Point 11.11 above, then put all Packages “B” in Package “Special C”. As for packing, the CEC Chief shall:
- 8.22.4.1 Put Packages “B” in order of serial numbers of the code numbers in each package “C”.
  - 8.22.4.2 Prepare putting the delivery/receipt note of electoral materials (Form 1107) in orders as determined in Point 8.22.2 above.
  - 8.22.4.3 Close each package “C” and seal it. Write down the code number on the outer area of Package “C” with the permanent marker and the phrase “No Complaint/Checked”.
- 8.22.5 Then, the CEC Chief shall pack Package “B” of the Polling and Counting Station where there was no complaint/appeal filed and there was complaint but Safety Package “A” was opened for verification and recounting as stipulated in Point 8.21 above, then put all Packages “B” in Package “Special C” as many as required to accommodate all Packages “B” separately. As for packing, the CEC Chief shall:
- 8.22.5.1 Put Package “B” of the Polling and Counting Station where there was complaint filed and ballots were recounted in Package “C” with a note “C there was a complaint filed and ballots are required for verification”.
  - 8.22.5.2 Ensure that three (3) copies of the delivery/receipt note of electoral materials (Form 1107) are filled out by listing all materials in the relevant Package “C” and shall put one (1) copy in Package “C”, one (1) copy into the outer pocket of Package “C” and retain one (1) copy for use in the delivering and receiving electoral materials at the PEC.
  - 8.22.5.3 Tie Package “C” and seal it;
  - 8.22.5.4 Write down the code number on the outer part of Package “C” with the permanent marker and the phrase “There was a Complaint Filed/Recounted”.
- 8.22.6 In case there is more than one of Packages “C” as stipulated in Points 8.22.4 and/or 8.22.5 above, the CEC Chief shall write additional note in the outer part of those Packages “C” the serial number of each Package “C”. For example, the total number of Package “C” is three, so the serial number shall be written as 1/3, 2/3 and 3/3.
- 8.22.7 The CEC Chief shall ensure that the ballot box, confidential booth, zinc box, the CEC’s stamp, calculator, Ariel Communication System kits, indelible ink, etc. received from all Polling Stations in the Commune/Sangkat and/or are kept at the CEC office are packed and delivered, and Package “C” shall also be delivered to the PEC. For this delivery of electoral materials, the Chief shall ensure that the delivery/receipt note of electoral materials (Form 1107) are filled out separately and implemented correctly according to the conditions of delivering and receiving electoral materials.
- 8.22.8 The CEC Chief shall announce to invite political party representatives and national and international observers to be the witnesses in the delivery/receipt of Packages “C” and Packages “Special C” and other electoral materials above. Also inform the
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departure time of the delivery, destination, and time of sending/receipt at the PEC Secretariat as well.

## The Creation of Centers of PEC for Checking and Consolidating the Election Results in Provinces/Municipalities

- 8.23 The PEC shall establish a center for checking and consolidating the election results of the provincial/municipal constituency for delivering to the NEC for examination and decision as the official election results.
- 8.23.1 Each center for checking and consolidating the election results of a province/municipality may have its location at the Secretariat of the PEC or in a separate room or part of any building which can well accommodate the following:
- 8.23.1.1 A space, located near the entrance, for receiving Packages “C” and Package “Special C” from all the communes that are under the concerned province/municipality.
- 8.23.1.2 A wide enough room where Safety Packages “Special C” and Packages “C” can be separately kept and put according to each Commune/Sangkat in province/municipality with the code numbers of each Commune/Sangkat written on them.
- 8.23.1.3 A separate room for keeping the other remaining electoral materials which were handed over by all the CECs.
- 8.23.1.4 A big room or many small rooms where there are enough tables and chairs for the purpose of checking and consolidating the electoral results of Commune/Sangkat and which can accommodate checking and consolidation composition of the PEC and relevant political party representatives, observers, and relevant claimants or representatives.
- 8.23.1.5 A small clean room (if possible) for keeping one set of computer which is equipped with computer program and unified format for entering the data of election results of a province/municipality to be sent to the NEC.
- 8.23.2 The PEC shall ensure the security and the safety of the building of the center for checking and consolidating the election results of a province/municipality. All the doors and the windows must be properly closed and locked after working hours. In the process of checking and consolidating the election results in a province/municipality, the PEC shall assign one official to be in charge of maintaining the order in the center and another to be based at the doorway under the direct supervision of the PEC Chairman.
- 8.23.3 The PEC shall ensure that the center for checking and consolidating the election results of a province/municipality has a security perimeter whose outer ring shall be defended by the security forces of the appointed provincial/municipal security bureau and the inner ring by the PEC security forces at all times.
- 8.23.4 The PEC is the only institution, which is responsible for supervising the entry and exit out of the center for checking and consolidating the election results of a province/municipality and has the right and power to enter and exit from the center. All persons who are present inside the security perimeter and the center for checking and consolidating the election results of a province/municipality shall be subjected to the supervision and instructions of the PEC Chairman pursuant to the conditions of LEMNA and the Regulations and Procedures.
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- 8.23.5 All persons without a written permission from the NEC shall be prohibited from entering the center of checking and consolidating the election results of a province/municipality. The following persons shall be allowed to enter the center:
- 8.23.5.1 The officials of the result checking and consolidation team of the PEC.
  - 8.23.5.2 The representatives of political parties, observers, reporters and complainants or their representatives.
  - 8.23.5.3 The security and rescue agents when requested by the chief or representative of the PEC in case of necessity.
  - 8.23.5.4 The NEC officials who are assigned to fulfill the duties or officials of the PEC who are assigned to assist in the process of checking and consolidating the election results of the province/municipality.
- 8.23.6 The following activities shall be prohibited in the center for checking and consolidating the election results of a province/municipality:
- 8.23.6.1 Wearing or displaying anything which relates to a political party or a candidate of any political party.
  - 8.23.6.2 Dissemination of information or speaking about something that influences and makes the checking and consolidating the election results of a province/ municipality officials to work in favor or against any political party or candidate of a political party.
- 8.23.7 The PEC shall appoint some teams (according to the number of the Communes/Sangkats of each province/municipality) to check and consolidate the election results of Communes/Sangkats of a province/municipality, and another team (1) is to check and consolidate the election results of its own province/municipality. The PEC shall ensure that each results checking and consolidating team is capable of checking and verifying the election result of at least ten (10) Communes/Sangkats:
- 8.23.7.1 The composition of each result checking and consolidating team shall be selected from among the members and officials of PEC, especially those who are less busy such as trainers. If there are not enough officials, the PEC may propose for the appointment of CEC members, who live close to the secretariat of the PEC to the result-checking team.
  - 8.23.7.2 The checking team, as stipulated in 8.23.7.1, shall consist of four (4) members, of whom one is the Chief, who is the member or official of PEC, one (1) is the Deputy Chief, one (1) is the Secretary, and one is the Assistant.
- 8.23.8 The checking team, as stipulated in 8.23.7.1, has duty to check and verify the election result of Commune/Sangkat of province/municipality according to the number of Communes/Sangkats that the team is in charge of, and report the result of the checking and then verifying to the Chief of PEC. For checking and verifying the election result of Commune/Sangkat all checking teams shall be based on the following:
- 8.23.8.1 Report of consolidation of election results of the Commune/Sangkat (Form 1103) and the table of the consolidation of election results of the Commune/Sangkat (Form 1109).
  - 8.23.8.2 CEC reports on checking and ballot recounting as stipulated in 8.21.3 above, if any.
  - 8.23.8.3 The CEC's decisions to approve or reject on the complaint or appeal, (if any).
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- 8.23.8.4 Complain or appeal that is submitted to PEC, as stipulated in 8.25.5 below, (if any).
- 8.23.8.5 Report on the opening of Safety Packages “A” for ballot recounting by the result-checking team of PEC (if approved by the PEC).
- 8.23.9 Each result checking team of PEC has duties to check and verify the election result of Communes/Sangkats that the team is in charge of, and then report the result of the checking and verifying to the PEC.
- 8.23.10 After receiving the reports on results of checking and verifying from all the checking teams, the PEC shall recheck and consolidate the results, which will be the election result of the provinces/municipalities. Then fill in the record of the consolidation of the election results of the province/municipality, which needs to be signed by a Secretary and Chairman of the PEC, and then, shall prepare, pack, and deliver the record with other relevant electoral materials to the NEC.
- 8.23.11 If PEC decides to suspend the election results of any Commune/Sangkat and/or election results of one or more Polling Station(s) of that Commune/Sangkat, the PEC shall pack and deliver the statement on decision of the result suspension with the election records, ballot-verifying records, ballot-counting records, and electoral materials of the concerned Commune/Sangkat to the NEC within twenty-four (24) hours of the time the decision of result suspension was issued by the PEC.
- 8.23.12 During the consolidation of the results and filling the record, as stipulated in 8.23.10 above, Chairman of the PEC shall direct the election results of provinces/municipalities checking and consolidating teams. The consolidating teams have duties to prepare the tables of result consolidation, records of result consolidation, and sheets of the election result of province/municipality in a computer, to prepare official documents of PEC and immediately send by email those official tables and records to the NEC. The result consolidation team consists of a member of the PEC who is in charge of administration, another PEC member who is in charge of operations, a number of officials as required who are knowledgeable of using computer, and one computer operator or official who is knowledgeable of using email as members.
- 8.23.13 The NEC shall provide computers, scanners and printers, equipped with email system to the PECs in a timely fashion.
- 8.23.13.1 Secretariat of the NEC shall be in charge of providing instruction for the PECs’ computer officials on using emails.
- 8.23.13.2 The PECs shall use email only for sending messages, letters, breaking information, reports, and technical data on polling.

## **Handing over and Receipt of Packages “C” and Packages “Special C” in**

### **Provinces/Municipalities of the PECs**

- 8.24 Immediately after arriving at the center for checking and consolidating the election results of the PEC, the CEC Chief shall hand over to the material receiving official of the PEC the Safety Packages “Special C” containing the records of consolidation of election results of Commune/Sangkat, all Packages “C” containing the electoral materials and count ballots from all the Polling Stations/Counting Stations of the Commune/Sangkat and all Packages
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holding other electoral materials. The CEC Chief shall hand over to the PEC official as well the relevant delivery and receipt form (Form 1107).

8.24.1 When handing over and receiving all of Packages “C”, the PEC official must ensure that all Packages “Special C” and Packages “C” and the remaining electoral materials as stated under Point 8.22 above are properly checked and verified based on the delivery and receipt form, which are kept in the outer pocket of those packages and which was handed over by the CEC Chief as provided for in Point 8.24 above. After checking that everything is correct, the material receiving official shall sign the delivery and receipt form to acknowledge the receipt of complete stuff.

8.24.1.1 Political party representatives may sign or make a thumb-print as witnesses on the delivery and handing over form above.

8.24.1.2 The refusal to sign or make a thumb-print on the delivery and receipt form by the political party representative cannot invalidate the form.

8.24.2 The receiving official of the PEC shall take note all the items of materials listed in the list on receipt of materials and make a note on it saying that “complete items received”, then shall manage to make use of the signed delivery and receipt as stated in Point 8.24.1 above as follows:

8.24.2.1 return one (1) copy to the CEC Chief.

8.24.2.2 retain one (1) copy for file.

8.24.2.3 put one (1) copy in the pocket of each Package “Special C” or Package “C”.

8.24.3 After implementing Point 8.24.2, the material-receiving official of the PEC shall hand over all electoral materials received to his/her colleague to keep the electoral materials in the room where Packages “Special C” and packages “C” are stocked as stated in Point 8.23.1.2 and in the room where remaining electoral materials are kept as stated in Point 8.23.1.3 above. The official in charge of stock shall distribute and keep the items of materials separately according to Communes/Sangkats and write down their code numbers of each Commune/Sangkat as well.

8.24.4 If during the handing over and receipt of the electoral materials from the CEC as stated in Point 8.24 above, there is one or more Packages “C” bears a note on them which reads “complained and there is a need to verify the ballots”, the receiving official of the PEC shall additionally write down on his/her delivery and receipt form the word “complained and there is a need to verify the ballots”. In this case, the receiving officials of the PEC shall:

8.24.4.1 write down the name and code number of any Commune/Sangkat, which has a complaint and/or objection, and whose one or more Safety Packages were opened for re-verification and whose ballots were separately counted.

8.24.4.2 keep Safety Packages “Special C” and Packages “C” as stated in Point 8.19.4 above separately in the stockroom so that it is easy to find.

8.24.5 The receiving officials shall report the number of Packages “Special C” and Package “C” and the remaining electoral materials from all the Commune/Sangkat in a province/municipality and the names and codes number of the Communes/Sangkats which contain Packages “Special C” and Package “C” as stated in Point 8.24.4 above to the PEC for its determination, distribution and instruction to the relevant result checking team based on each realistic case.

- 8.25 Political party representatives, who have been accredited to do observation in a Commune/Sangkat or a province/municipality or representatives who are not satisfied with the Decision adopted by the CEC on the complaint/appeal field during the process of polling and counting as stated in Point 8.21.4 have the right to file complaint and/or appeal against that/those case(s) to the PEC.
- 8.25.1 Every complaint or appeal as provided for in Point 8.25 above shall be made in writing to a PEC within two (2) days after the day the CEC issues the Decision to those appeals. The PEC shall hold a public hearing to decide on the complaint or appeal within three (3) days after the day of receiving the complaint.
- 8.25.2 If the PEC does not receive any complaint and/or appeal within the period as mentioned above, this will be considered that there is no complaint and/or appeal relating to election results of any Polling Station and/or of Commune/Sangkat in a province/municipality lodged.
- 8.25.3 Political party representatives or representatives who wish to file a complaint and/or appeal as provided for in Point 8.25 above, may request for three (3) copies of the Form 1202 from a CEC and shall fill in and sign the complaint and/or appeal form by giving a number of specific information as follows:
- 8.25.3.1 Identification of the CEC and/or Polling and Counting Station;
  - 8.25.3.2 Time an irregularity occurred;
  - 8.25.3.3 Subject of the irregularity;
  - 8.25.3.4 If it is possible, specify an Article(s) of the law or regulations and procedures which was violated;
  - 8.25.3.5 A person(s) who is involved in the irregularity;
  - 8.25.3.6 Name and address of a witness;
  - 8.25.3.7 Supporting documents or evidence;
  - 8.25.3.8 Name and address of the observers who are present at the time of incidence, if any.
- 8.25.4 The PEC shall not accept to rule the complaint and/or appeals received after the duration provided for in Point 8.25.1 above and those which do not have enough documents and evidences.
- 8.25.4.1 For the complaint and/or appeal received after the determined duration, the PEC shall write down clearly the time and date and make a note that the appeal is submitted after the deadline, sign and stamp the appeal and return one copy to the appellant or his/her representative, keep one copy for files, send one copy to the NEC, and inform the appellant or his/her representative that his/her appeal which was submitted after the deadline cannot be accepted for ruling.
  - 8.25.4.2 For the complaint and/or appeal which does not have sufficient documents and evidences, the PEC make a note of rejection on the complaint and/or appeal by specifying clearly the reason for that rejection, then sign and stamp and give one copy to the appellant or his/her representative, one copy to the NEC, and keep one copy for files.
  - 8.25.4.3 The appellant or his/her representative, as provided for in Points 8.25.3.1 and 8.25.3.2 above, has the right to appeal in writing to the NEC within two (2) days after the day of receiving the notification of rejection.
- 8.25.5 Upon receiving the complaint and/or appeal within the period as mentioned in Point 8.25.1 above, the complaint receiver of the PEC shall, at the instructions of the PEC Chairman, write down the time and place where the PEC will hold a hearing to rule on the complaint and/or appeal, sign, and then shall:
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- 8.25.5.1 return one copy to the appellant or his/her representative;
  - 8.25.5.2 inform the appellant or his/her representative that the PEC will open a hearing to decide on his/her the complaint and/or appeal on the time, date, and place which are written on the complaint/appeal;
  - 8.25.5.3 post one (1) copy of the appeal for publicity;
  - 8.25.5.4 prepare one (1) copy of the appeal for the PEC to use in the hearing to rule on the complaint/appeal.
- 8.25.6 The complaint receiver of the PEC shall report the above said complaint/appeal immediately to the PEC for its determination, distribution and instruction to the relevant result checking team to check the election result in the Commune/Sangkat which has complaint in front of political party representatives, observers and complainant or his/her concerned representative. If necessary, the PEC shall direct the result checking team to open Safety Package “A” of the Polling Station where there was complaint for the verification of electoral materials and/or recounting the ballots.

Operation of PECs in Checking and Verifying the Election Results by Communes/Sangkats and Consolidating Election Results in Provinces/Municipalities

- 8.26 Upon receiving Packages “Special C” and Packages “C” of some Communes/Sangkats, the PECs shall take measures step by step to enable the result checking teams to check and verify the election results of each Commune/Sangkat under their responsibility so that they can complete their work as soon as possible. Checking of election results shall be implemented of both Communes/Sangkats with complaints and Communes/Sangkats without complaints. Based on the election results of Communes/Sangkats which have been checked and verified, the PEC shall manage the consolidation of election results of the province/municipality within five (5) days of the day the CEC handed over Packages “Special C” and Packages “C” at the PEC.
- 8.26.1 Political party representatives or observers and/or claimants or representatives concerned with the complaint as stated in point 8.25 above are permitted to observe the operation of checking and consolidating the election results of a province/municipality at the center of checking and consolidation of election results of the PEC.
- 8.26.1.1 Each political party representative or observer who is positioned at all Communes/Sangkats of a province/municipality may select one representative to observe the operation of result-checking team of the PEC.
  - 8.26.1.2 Each political party representative or observer who is accredited to observe the operation of result-checking team of a PEC can be replaced by a reserved representative.
  - 8.26.1.3 Political party representatives and observers shall be arranged to position themselves near the place where they can observe the activities of checking and consolidating the election results in a province/municipality.
- 8.26.2 The operation of checking election results in any Commune/Sangkat, if started, has to be completed without taking a rest, especially in the Commune/Sangkat that has complaint and/or appeal relating to serious irregularities which require the result checking team to open one or more Packages “A” for rechecking the electoral materials and recounting of ballots.
- 8.26.3 The PEC shall manage the operation of checking and verifying the election results of all Communes/Sangkats of the province/ municipality at in a big room or many small rooms of the center for checking and consolidating the election results which was established under Point 8.23 of the present Chapter. Two or more result-
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checking teams of the PEC may work at their respective desks in the same room or in a separate room based on the actual affordability of the province/municipality. Each result-checking team shall design the counting room set out in the plan as stated under Point 8.11.1 above and shall have sufficient materials and forms for use in this operation.

- 8.26.3.1 For the above checking result, the Chief of the team shall sit at one end of the table and Secretary sits at another end by facing each other and the Deputy Chief of the team and the Assistants shall sit on each side of the table opposite to each other.
- 8.26.3.2 The Chief of the team shall keep Form 1202 to be given to political party representatives to fill the complaint if there is a request for it and other necessary materials and forms for use in the process of checking the results.
- 8.26.3.3 The Chief shall hand over to his/her Deputy and Secretary Form 1116 to fill out the result checking list of the result-checking team of the PEC.
- 8.26.3.4 The Chief of the Team shall have one (1) calculator for use in the operation of checking the results.

### **Checking the Election Results of a Commune/Sangkat where there is no Appeal and/or Objection**

8.27 For a Commune/Sangkat where there is no appeal and/or objection as provided for in Points 8.17 and 8.25 above, the result-checking team of the PEC shall not open Safety Package “A” to recount the ballots. In this case, the result checking team is required only to check, reconcile and verify the election results of that Commune/Sangkat based on the record of consolidation of election results of the Commune/Sangkat (Form1103) with the table of consolidation of election results of the Commune/Sangkat ( Form 1109).

- 8.27.1 In the process of checking the results, the Chief of the result verification team of the PEC shall ensure the implementation of the following procedures by:
    - 8.27.1.1 ordering the team Assistant to fetch Package “Special C” of the Commune/Sangkat, where no complaint is lodged, one by one, from the stockroom to be kept on the table in front of the Chief of the team.
    - 8.27.1.2 opening Package “Special C”, then take out and place on the table an envelope which contains the record of consolidation of the election results of the Commune/Sangkat (Form 1103) and table of the consolidation of election results of the Commune/Sangkat (Form 1109), all the envelopes which contain the record of polling and ballot counting (Forms 1101 and 1102) and table for vote-recording (Form 1108) which need to be sent to the PEC.
    - 8.27.1.3 taking out from Package “Special D” the envelopes of the record of consolidation of election results of the Commune/Sangkat (Form 1103) and the table for the consolidation of the election results of the Commune/Sangkat (Form 1109) which need to be sent to the NEC and hand over to the PEC to put in Package “Special D” then the Chief shall put Package “Special D” next to him/her.
    - 8.27.1.4 assigning his/her team members to check and verify the election results of that Commune/Sangkat by basing on the figure on the record of consolidation of election results of the Commune/Sangkat (Form1103) with the table for the consolidation of election results of the Commune/Sangkat (Form 1109). In this case there is incorrectness in this checking, the result-checking team shall additionally verify with the record of polling and ballot counting (Forms 1101 and 1102) of the relevant Polling Stations.
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- 8.27.1.5 ensuring that two (2) copies of the record on result of the verification (Form 1116 TP) filled by the Deputy Chief, Secretary are duly verified and specified the names and codes numbers of the relevant Commune/Sangkat.
- 8.27.1.6 ensuring that two (2) copies of the record on result of the verification specify the following if so found:
- the figure of the election result in the Commune/Sangkat of checking and verification is correct;
  - the CEC has made a mistake in verifying and calculating the election results of that Commune/Sangkat and that mistake was corrected by the result verification team.
- 8.27.1.7 If the result checking team finds any mistake in calculating the consolidation of the election results of any Commune/Sangkat, the Chief shall show where the mistake is, correct it and tell the reasons for such correction to political party representatives and observers who are present. In this correction, the Chief shall strike on the incorrect figure and write down the new figure with the signature of the Chief of the team as well.
- 8.27.1.8 ensuring that the results of verification (Form 1116 TP) which was already filled out by the Secretary shall be signed by all members of the relevant result-verification team.
- 8.27.1.9 ensuring that the results of verification (Form 1116 TP) above is attached with the record of consolidation of election results in the Commune/Sangkat (Form 1103) and the table of consolidation of the election results in the Commune/Sangkat (Form 1109), then put them in the previous envelop then prepare to forward to PEC for decision.
- 8.27.2 The PEC shall make a decision on the result of the verification (Form 1116 TP) of the result checking team which was submitted as stated in Point 8.27.1.9 above. If everything is found to be correct, the PEC Chairman shall make a note of approval, sign, stamp and date on the record on verification results, display it in front of the relevant political party representatives and observers and then hand over one (1) copy of the result of the verification with a note of approval attached with all relevant documents to the result checking team to put it in Package “Special C” for files at the PEC.
- 8.27.3 The PEC Chairman shall ensure that at all time the verification of election result is conducted in each Commune/Sangkat, the Chief of the verification team hands over to him/her the consolidation of election result in the Commune/Sangkat (Form 1103) and the table of consolidation of the election results in the Commune/Sangkat (Form 1109) which are to be put in the reserved Package “Special D” as stated in Point 8.30.2 below.
- 8.27.4 The PEC Chairman shall ensure that one (1) copy of result of the verification and all documents as stated in Point 8.27.1.4 above are used in verifying the result and submitted to the PEC to make an approval and are originally placed in the envelop and packed in Package “Special D” by the checking team and put it back to the stock place which is to be kept for the PEC’s files.
- 8.27.5 The PEC shall ensure that the verification of election result in all Communes/Sangkats where no complaint is lodged in a province/municipality is conducted by Commune/Sangkat and all the procedures as stated from Point 8.27.1 to 8.27.4 above are applied.
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**Checking the Election Results of Communes/Sangkat where appeals and/or objections are submitted to CECs and it is required to open Safety Package “A” for Ballot Verification at the CEC where appeals or objections were submitted at the PEC**

8.28 In case there is a Commune/Sangkat where appeal(s) or objection(s) were submitted to the CEC where one or more Package “A” was opened and ballots were recounted, the Decision of approval or rejection was made by CEC and appeal(s) or objection(s) were lodged with the PEC, the result-checking team of the PEC shall also check the election result of that Commune/Sangkat. In this case, Procedures in this Chapter as stated under Point 8.27.1 and 8.27.3 above shall be applied but the result-checking team of the PEC shall additionally apply the following:

8.28.1 The result-checking team shall check in advance the Decision made by the CEC, the report of the CEC in relation to the opening of Package “A” and ballot verification and appeal(s) or objection(s) in relation to the Commune/Sangkat submitted with the PEC and shall ask for comments from the PEC about the permission to open Safety Package “A” of the relevant Polling Station.

8.28.1.1 Based on the above documents, if there is no irregularity, the PEC shall not require Package “A” to be opened for verification of electoral materials and ballot-recounting.

8.28.1.2 Based on the above documents, if there is serious irregularity, which may affect the election result in the relevant Commune/Sangkat, the PEC shall not decide to open Package “A” for verification of electoral materials and ballot-recounting.

8.28.2 If the PEC does not require Package “A” to be opened for verification of electoral materials and ballot-recounting as stated in Point 8.28.1.1 above, all Procedures in this Chapter as stated from Point 8.27.1 to 8.27.4 shall be applied.

8.28.3 If the PEC decides to open Safety Package “A” for verification of election materials and ballot-recounting as stated in Point 8.28.1.2 above, the result-checking team shall carry out Procedures Points 8.27.1 and 8.27.3 above and the Chief shall:

8.28.3.1 direct the Assistant to fetch Package “C” of the relevant Commune/Sangkat from the stockroom to place in front of the Chief of the team.

8.28.3.2 cut open Package “C”, take out Package “B” and open and take out Package “A” to place on the table.

8.28.3.3 open Safety Package “A” and take out all envelopes and plastic bags holding all electoral materials inside to place separately in front of him/her.

8.28.3.4 hand over polling and counting report and vote recording table to the Secretary for follow-up and examination by comparing with the result of opening Package “A” for ballot verification.

8.28.3.5 open envelop or plastic bag storing election materials one by one.

8.28.4 When the polling and counting reports, vote recording table, and electoral materials of the relevant Polling Stations are complete, the Chief of the result-checking team shall manage to recheck electoral materials and recount ballots in the manner as set out in the Procedures under Point 8.21.3 above by paying attention to the issues stated in the objective of the relevant complaints.

8.28.5 In case the PEC requires one or more Package “A” of the relevant Commune/Sangkat to be opened for verification of electoral materials and ballot-recounting, the result-checking team shall apply the Procedures in the manner set

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out in Points 8.28.3 and 8.28.4 above for each Safety Package “A” until all Packages “A” are opened.

- 8.28.6 When completing the opening Package “A” of any Polling Station for verification and ballot-recounting as stated under Points 8.28.3 and 8.28.4, the Chief of the result-checking team shall manage to apply the following:
- 8.28.6.1 Make a report on the result of the opening of Safety Package “A” and ballot-recounting in two (2) copies which are to be signed by all the result-checking compositions. In this report, there must be comments made by the PEC to:
- accept the election result of the relevant Polling Stations and/or of the relevant Commune/Sangkat.
  - suspend the election result of the relevant Polling Stations by rejecting the election result of the relevant Polling Station or of the Commune/Sangkat.
- 8.28.6.2 Write down on the report of the CEC about the opening of Package “A” and verification of election materials (if any) by indicating the reasons consistent with the report of the result-checking team as stated in Point 8.28.6.1 above.
- 8.28.6.3 Submit the report as stated in Point 8.28.6.1 above, the Decision of the CEC about the opening of Safety Package “A” and verification of ballots (if any) attached with the result checking table and relevant documents submitted by the result-checking team, to the PEC to make approval as stated in Point 8.27.1.9 above.
- 8.28.6.4 Put electoral materials in the plastic bag and envelopes and then pack them into Package “A” the way it was originally done.
- 8.28.6.5 Put Package “A” into Package “B” and then tie it up and put Package “B” into Package “C” of the complained Commune/Sangkat the way it was originally done which is to be kept at the original place for packing and delivery to the NEC.
- 8.28.7 Based on the report of the result-checking team about the opening of Safety Package “A” and ballot-recounting and documents as stated in Point 8.28.6.3 above as well as the appeal or objection the PEC has received, the PEC shall conduct a meeting to approve the relevant complaints by applying Points 8.28.11, 8.24.12 and 8.28.13 above.
- 8.28.8 In case the appeal(s) or objection(s) as stated under Point 8.25.5 above were submitted to the PEC after the result-checking team had already checked the result as stated under Point 8.28 of the election result of the complained Commune/Sangkat, the PEC shall base on that checked result in order to make approval to the relevant complaints.
- 8.28.9 In case the appeal(s) or objection(s) as stated under Point 8.25.5 above were submitted to the PEC after the result-checking team had already checked the result as stated under Point 8.28 of the election result of the complained Commune/Sangkat, the PEC shall ensure that all Procedures as stated in Points 8.28.3, 8.28.4, 8.25.5, 8.25.6 and 8.28.7 are applied before the PEC conducts a meeting to adopt decision on the complaints.
- 8.28.10 In case the appeal(s) or objection(s) of the relevant Commune/Sangkat as stated under Point 8.25.5 above are not yet checked, the PEC shall ensure that all
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Procedures as stated in Points 8.27.1, 8.27.3, 8.28.3, 8.28.4, 8.28.5, 8.28.6 and 8.28.7 are applied before the PEC conducts a meeting to adopt decision on the complaints.

The PEC's Hearing to rule on appeals or objections

- 8.28.11 If the PEC decides to accept the election result of any Polling Station or of the Commune/Sangkat, the PEC shall reject the CEC's decision to accept the relevant complaints and also reject the appeal(s) or objection(s) submitted to the PEC. The PEC Chairman shall:
- 8.28.11.1 Make a note of acceptance on the result checking table which requests the PEC to accept the election result of that Commune/Sangkat, the report about the opening of Package "A" and ballot-recounting of the result-checking team and/or the CEC's report on the opening of Safety Package "A" and ballot-recounting (if any) which is attached with relevant documents submitted to the PEC to make approval as stated in Point 8.28.6.3 above and then sign, stamp and date as well as display in front of the complainant, political party representatives and observers who are present.
  - 8.28.11.2 Make a note of rejection on the Decision of the CEC which agrees with the relevant complaints and sign, stamp and date.
  - 8.28.11.3 Ensure that the member in charge of administration has filled out the Decision made by the PEC (Form 1203) to accept the election result of the Commune/Sangkat or of any Polling Station of the relevant Commune/Sangkat by indicating the reasons and which is to be signed by the member in charge of administration and the PEC Chairman.
  - 8.28.11.4 Hand over one (1) copy of the PEC's decision (Form 1203) to accept the election result to the complainant, send one (1) copy to the relevant CEC, and send one (1) copy to the NEC.
  - 8.28.11.5 Inform the complainant or political party representatives that if they are not satisfied with the PEC's decision above, they have the right to further complaint with the NEC within two (2) days after the day of PEC's approval.
  - 8.28.11.6 Hand over Form 1202 to the complainant or his/her representatives to fill out the complaint in three (3) copies if there is a request from them.
  - 8.28.11.7 Hand over each one (1) copy of all documents as stated in Points 8.28.11.1, 8.28.11.2, 8.28.11.3 and 8.28.1.4 to the result-checking team to put in Package "Special C" for keeping for files at the PEC.
- 8.28.12 If the PEC decides to suspend the election result of any Commune/Sangkat where this decision is in agreement with the CEC to reject the election result of any Polling Station or of the relevant Commune/Sangkat and to agree with the appeal or objection submitted at the PEC, the PEC Chairman shall:
- 8.28.12.1 Make a note of rejection on the result-checking table and the report on the opening of Safety Package "A" and ballot recounting of the result-checking team, which was submitted to the PEC to make decision as stated in Point 8.28.6.3 above and then sign, stamp, and date as well as display in front of the complainant, political party representatives and observers who are present.
  - 8.28.12.2 Make a note of acceptance on the decision of the CEC which agrees with the relevant complaints and sign, stamp and date.
  - 8.28.12.3 Ensure that the member in charge of administration has filled out the decision made by the PEC (Form 1203) to reject the election result of
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- any Commune/Sangkat or Polling Station of the relevant Commune/Sangkat by indicating the reasons and which is to be signed by the member in charge of administration and the PEC Chairman.
- 8.28.12.4 Hand over one (1) copy of the PEC's decision (Form 1203) to reject the election result to the complainant, send one (1) copy to the relevant CEC, and send one (1) copy to the NEC.
- 8.28.12.5 Declare that the election result of any Commune/Sangkat or Polling Station is rejected by the PEC and this decision is being rechecked by the NEC.
- 8.28.12.6 Ensure that the member in charge of administration has put in the separate envelopes for sending to the NEC one (1) copy of the decision of the CEC to suspend the election result of any Commune/Sangkat or Polling Station, one (1) copy of the report of the result-checking team about the opening of Package "A" and ballot recounting, one (1) copy of the result-checking table which the PEC has temporarily suspended, and one (1) copy of the CEC's report on the opening of Safety Package "A" and ballot verification, if any.
- 8.28.12.7 Hand over one (1) copy per set of all documents as stated in Points 8.28.11.1, 8.28.11.2, 8.28.11.3 and 8.28.1.4 to the result checking team to put in Package "Special C" for keeping for files at the PEC.
- 8.28.13 In the event the PEC decides to suspend the election results of any Commune/Sangkat, the PEC Chairman shall hand over the rejection decision on the election results of that Commune/Sangkat or any Polling Station of that Commune/Sangkat and relevant electoral materials to the NEC within twenty-four (24) hours starting from the time the suspension decision was issued. The PEC Chairman shall have the electoral materials of the relevant Commune/Sangkat packed for delivery to the NEC as follows:
- 8.28.13.1 Put into the large envelope all the envelopes holding documents and Forms as stated in Point 8.28.12.6 and the envelop storing Forms 1103 and 1109 of the relevant Commune/Sangkat to be sent to the NEC and then write a note part as "Decision of temporary suspension of the Commune/Sangkat No...." (Fill out the code number of the relevant Commune/Sangkat).
- 8.28.13.2 Put into Package "D" all Packages "C" containing Package "B" of the relevant Commune/Sangkat based on the capacity which may store all Packages "C" and then tie up the seal and shall write a note at the outer part of Package "D" as "Suspending result of the Commune/Sangkat No..." (Fill out the code number of the relevant Commune/Sangkat).
- 8.28.13.3 Manage to fill in the delivery and receipt from (Form 1107) in three (3) copies by listing all the materials which are stored in the large envelop and Package "D".
- 8.28.13.4 Put one (1) copy of the delivery and receipt form into the large envelop as stated in Point 8.28.13.1 above and then staple one (1) copy at the outer part of this large envelop and keep one (1) copy for use at the time of handing over at the NEC.

Filling out election results of the province/municipality

- 8.29 After receiving the document of the result-checking team of the PEC which is written as a note of acceptance or suspension of the election results of one or more Polling Station(s) and/or the election results of any Commune/Sangkat by the PEC Chairman, as stated in Points 8.27.2, 8.28.11 and 8.28.12 above, the PEC Chairman, who is the Chief of the result-
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checking team of the province/municipality, shall assign his or her team members, appointed and tasked as mentioned in Point 8.23.12 above to add up together the election results from all Communes/Sangkats of the province/municipality by using manual method of calculation and/or the calculator, and to enter the data of the election results from all communes/sangkats into the table of the election result consolidation of the province/municipality form (Form 1110) set up in the computer, which will automatically compute the election results of the province/municipality. Based on the results of the manual and computerized calculation which are reconcilable, the chief of the election result consolidation team of the province/municipality shall assign his or her members to copy the figure of the total results from the table of the election result consolidation of the province/municipality (Form 1110) onto the record of the election result consolidation of the province/municipality (Form 1111) and the sheet of the election results of the province/municipality (Form 1114) for submitting to the Secretary and the PEC Chairman for signature as an official document.

8.29.1 The PEC Chairman shall ensure that one set of computer provided by the NEC which is sufficiently equipped with email system and contains the table of the consolidation of the election results of the province/municipality attached with the formula of calculation, is set up and can function well and properly.

8.29.1.1 The PEC Chairman shall take care well of the CD-Rom containing the table of the election result consolidation from of the province/municipality set up with the formula of calculation.

8.29.1.2 The PEC Chairman shall regularly investigate and monitor regularly every activity carried out by the election result consolidation team of the province/municipality.

8.29.2 The PEC member in charge of administration, and the member in charge of operations, who are part of the election result consolidation team of the province/municipality, shall cooperate with each other to act as the general staff for the PEC Chairman who is also the chief of the result consolidation team. The PEC members in charge of administration and operations shall ensure that the document of the result-checking team of the PEC, bearing a note of acceptance or suspension, by the PEC Chairman, of the election results of one or more polling stations and/or the election results of any Commune/Sangkat as provided for in Point 8.29 above, have its validity examined and prepared separately and by following the order of the code numbers of the Commune/Sangkat.

8.29.2.1 Based on the result verification (Form 1116 TP), bearing a note of acceptance or suspension of the result, made by the PEC Chairman, the PEC member in charge of operations together with an Assistant, shall verify the figure of the election result of each Commune/Sangkat by using the manual method of calculation and/or a calculator, then copy and add up the figure of the election results of all Communes/Sangkats together as the election result of the province/ municipality.

8.29.2.2 The PEC member who is in charge of administration and is also the PEC Secretary with a computer operator or an official who is knowledgeable about the computer as an Assistant shall copy the figure of the election results of each Commune/Sangkat from the result of verification (Form 1116 TP) bearing a note of acceptance or suspension made by the PEC Chairman onto the table of the result consolidation of the province/municipality (Form 1110) set up in the computer.

8.29.3 After applying Points 8.29.2.1 and 8.29.2.2 above, the PEC members in charge of administration and operations, shall verify the election results of the

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province/municipality which they have calculated and report to the PEC Chairman who is also the chief of the result consolidation team.

- 8.29.4 If the figures of the election results of the province/municipality verified above are not reconcilable, the PEC Chairman who is also the Chief result consolidation team, shall assign his or her team members to review and verify the method of manual calculation and the data entry in the computer, as provided in provisions 8.29.2.1 and 8.29.2.2 above.
- 8.29.5 If the figure of the election results of the province/municipality verified above is correct, the PEC Chairman who is also the Chief of the result consolidation team, shall assign the PEC member who is in charge of administration and is the PEC Secretary to print out the table of result consolidation of the province/municipality (Form 1110), fill in and prepare the record of the election result consolidation of the province/municipality (Form 1111) and sheet of the election results of the province/municipality (Form 1114) as the official document for delivery to the NEC.
- 8.29.6 The PEC Chairman shall ensure that the table of the result consolidation of the province/municipality (Form 1110) is printed out in two (2) copies and is signed by the PEC Secretary, of which the PEC Chairman shall send one copy to the NEC and keep one copy for files. The PEC Chairman shall ensure that the table of the result consolidation of the province/municipality (Form 1110) set up in the computer which has contained the same data as the table of the result consolidation of province/ municipality (Form 1110) which was officially signed is immediately sent by email to the NEC to the address as determined.
- 8.29.7 The PEC Chairman shall ensure that three (3) copies of the record of the election result consolidation of the province/municipality (Form 1111), whose figure of total results was copied from the table of result consolidation of the province/ municipality (Form 1110) are signed by the PEC Secretary and Chief, and is shown to the representatives of political parties and observers, and shall invite the representatives of political parties to sign or make thumb-print as witnesses. The PEC Chairman shall distribute the records as follows:
- 8.29.7.1 post one copy at the PEC Secretariat;
  - 8.29.7.2 send one copy to the NEC;
  - 8.29.7.3 keep one copy for files;
  - 8.29.7.4 make photocopy and distribute one copy each to the representatives of political parties running for the election in the provincial/ municipal constituency.
- 8.29.8 The PEC Chairman shall ensure that the sheet of the election result of the province/municipality (Form 1114) is filled in by copying the figure of total results from the record of election result consolidation of the province/municipality (Form 1111) and is signed by the PEC Secretary and chief of the PEC and is shown to relevant representatives of political parties and observers sheet of the election result of the province/municipality must be prepared and copied in a number enough for distribution as follows:
- 8.29.8.1 post one copy at the PEC Secretariat;
  - 8.29.8.2 send one copy to the NEC;
  - 8.29.8.3 keep one copy for files;
  - 8.29.8.4 give one copy each to the representatives of political parties and observers based in the province/municipality.
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- 8.29.9 The PEC Chairman shall ensure that every document of the result checking team of the PEC, bearing a note of acceptance or suspension, made by the PEC Chairman, of the election results of one or more Polling Station(s) and/or the election results of any Commune/Sangkat, and which has been handed over to the result consolidation team of the province/municipality for use as mentioned in Point 8.28 above, is prepared, distributed, and handed over for the following purposes:
- 8.29.9.1 make photocopy, one copy each, of the record of the result of verification (Form 1116 TP) and the report of the opening of Safety Package “A” and ballot recount of the CEC and/or the result checking team of the PEC (if any) but their original copy shall be kept for files and the photocopied one shall be attached with the record of the election result consolidation of the Commune/ Sangkat (Form 1109) which need to be sent to the NEC and which is contained in Safety Package “Special C” as mentioned in Points 8.27.3 and 8.27.4 above.
  - 8.29.9.2 keep one copy each of the relevant appeal bearing a note of acceptance or rejection and the decision of acceptance or rejection of the appeal (if any) for files of the PEC.
  - 8.29.9.3 put into the envelope one copy of the record of the election result consolidation of the Commune/Sangkat (Form 11103) and one copy of the table of the election result consolidation of the Commune/Sangkat (Form 1109), which need to be kept for files of the PEC.
- 8.29.10 The PEC Chairman shall ensure that every existing and additionally photocopied document on the checking and consolidation of the election result of the province/municipality as stated in Points 8.29.9.1, 8.29.9.2, and 8.29.9.3 above is prepared, divided and/or attached as instructed and then handed over to the official in charge of stock who shall put it into the safety package “Special C” of the relevant Commune/Sangkat, as stated in Points 8.27.3 and 8.27.4 above, so as to prepare for packing and delivery to the NEC within twenty-four (24) hours, in case of the suspension of the result or for packing and delivery to the NEC according to normal schedules and/or for files of the PEC.

### **Packing and Delivery of the election result of the province/municipality and every relevant electoral materials to the NEC**

- 8.30 After completing every procedure as provided from Points 8.26 until 8.29 of this Chapter, the PEC shall ensure that the record of the election result consolidation of the province/municipality (Form 1111), sheet of the election result of the province/municipality (Form 1114) and the table of the election result consolidation of the province/municipality (Form 1110) as well as all packages “C” storing electoral materials of all Communes/Sangkats of the province/ municipality, are properly packed into Package “D Special” and “D”, delivered, and handed over to the NEC properly within five (5) days after the receipt of the consolidation result of election of the Commune/Sangkat. In case there is one or more appeals(s) or objection(s) submitted with the PEC, the PEC Chairman may manage to pack all the result papers and electoral materials as stated above for delivery and handing over to the NEC after all the complaints are ruled out by the PEC.
- 8.30.1 The PEC Chairman shall ensure that all the rejection decisions on the election result of the Commune/Sangkat or one or more Polling Stations(s) of the Commune/Sangkat and electoral materials of that or those Communes/Sangkats where their election results were temporarily suspended as stated in Point 8.28.12 above, are packed separately by the Commune/Sangkat as stated in Point 8.28.13
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- above and delivered to the NEC by following the procedures provided under Point 8.29.10 above.
- 8.30.2 As for the Communes/Sangkats whose election results were accepted by the PEC, the PEC Chairman shall prepare a Package “Special D” in order to put all the envelopes storing electoral materials which are to be sent to the NEC and shall ensure that all those envelopes storing electoral materials are rechecked and tied in the separate bunches according to the type of document contained in the envelope. At all time the operation of checking the election result of each Commune/Sangkat takes place, the PEC Chairman shall collect and put into Package “Special D” the following:
- 8.30.2.1 The envelope containing the record of the consolidation of the election results of the Commune/Sangkat (Form 1103) and result consolidation table (Form 1109) which is to be sent to the NEC and was handed over by the Chief of the result-checking team as stated in Point 8.27.1.3 and 8.27.3 above.
  - 8.30.2.2 All the envelopes storing the result table (Form 1110), result sheet (Form 1114) and the record of the consolidation of the election result of a province/municipality (Form 1111) as stated in Points 8.29.6, 8.29.7, and 8.29.8 above.
  - 8.30.2.3 All the tables of result of verification (Form 1116 TP), report of the result-checking team about the opening of Package “A” and ballot-recounting and/or the CEC’s report on the opening of Safety Package “A” and ballot verification, if any, which is stated in Point 8.28.11.1 above and was used for the implementation as stated in Point 8.28.11 above.
  - 8.30.2.4 All the PEC decisions to reject the appeal, which need to be put in the same large envelope with the note written on its back as “Delivery to the NEC”.
  - 8.30.2.5 The envelope storing one (1) copy of the delivery and receipt of electoral materials (Form 1107).
- 8.30.3 The PEC Chairman shall have the delivery and receipt form (Form 1107) filled out in three (3) copies by listing the items of materials placed in Safety Package “Special D” above, and shall put one (1) copy into Safety Package “Special D” and one (1) copy into the outer pocket of Safety Package “Special D” and keep one (1) copy for use at the time of handing over and receipt of materials at the NEC.
- 8.30.4 The PEC Chairman shall close Package “Special D” and write down the code number of the province/municipality on the exterior part of Package “Special D” with indelible marker.
- 8.30.5 Then, the PEC Chairman shall manage the packing of every Package “C” of the Commune/Sangkat where there was no appeal and/or objection and the result was rechecked as stated in Point 8.27 above, into Package “D” as many package “D” as required to accommodate all Packages “C” of those Commune/Sangkat without complaints. For this packing, the PEC Chairman shall:
- 8.30.5.1 If possible, have the package “C” of the Commune/Sangkat according to the order of the code number packed into each Package “D”.
  - 8.30.5.2 Ensure that three (3) copies of the delivery and receipt form (Form 1107) are filled out by listing the items of materials placed into the each package “D” and shall put one copy into Package “D”, put one copy into the outer pocket of Package “D” and keep one copy for use at the time handing over electoral materials at NEC.
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- 8.30.5.3 Tie up Package “D” then lock and note down on the outer part of each Package “D” with the indelible marker the code number of the relevant Commune/Sangkat, from which number to which number, packages “C” were packed in that package “D” and then write additionally the word “No Complaint”.
- 8.30.6 If there are a number of Commune/Sangkat, where appeals or objections were lodged, it is required that package “A” be opened and the ballot recount be conducted of one or more Polling Station(s), the PEC Chairman shall ensure that every Package “C” of the Commune/Sangkat where there were appeals and/or objections are packed separately in Package “D”. The PEC Chairman shall arrange Package “D” where appeals or objections were lodged and the result was rechecked as stated in Articles 8.28 and 8.29 above, as many as required to accommodate all Packages “C” of Commune/Sangkat where there were those appeals and/or objections. For this packing, the PEC Chairman shall:
- 8.30.6.1 Put all Packages “C” of the complained Commune/Sangkat which required Package “A” to be opened and ballot recounting into Package “D” separately.
- 8.30.6.2 Ensure that three copies of the delivery and receipt form (Form 1107) are completed by listing the items of the materials which are kept in each Package “D”, and shall put one copy into Package “D”, put one copy into the outer pocket of package “D” and keep one copy for use at the time handing over electoral materials at NEC.
- 8.30.6.3 Tie up Package “D” then seal.
- 8.30.6.4 And write down on the outer part of each Package “D” with the indelible marker the code number of the relevant Commune/Sangkat, from which number to which number, packages “C” were packed in that package “D” and then write additionally the word “Complaint”.
- 8.30.7 If there are more than one Package “D” as provided for in Point 8.30.5 and 8.30.6 above, the PEC Chairman shall make sure that the serial numbers are written on each Package “D”. For example, if there are three Packages “D”, the first package “D” shall be written on it the number 1/3, the second package “D” the number 2/3, and the third Package “D” the number 3/3.
- 8.30.8 The PEC Chairman shall announce to invite political party representatives, national and international observers who are present to be witnesses in the delivery and receipt of Package “Special D” and all Packages “D” above and shall also inform them about the departure time of this delivery and destination and time of handing over at the Headquarter of the NEC.
- 8.30.9 The PEC Chairman shall ensure that all the remaining electoral materials which were received from the CEC of a province/municipality and/or kept at the PEC Secretariat are separately packed and delivered to the NEC at a later time. For the delivery and receipt of the remaining electoral materials, the PEC Chairman shall ensure that the Form 1107 is filled in and used according to the instruction of delivery and handing over of electoral materials.

### **Lodging appeals against the rejection decision of the PEC on the appeal to the NEC**

- 8.31 The appellant or his/her representative, who is not satisfied with the decision of the PEC to reject his/her appeal relating to the counting and/or consolidation of election results of one
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or more Polling Station(s) and/or election results of the Commune/Sangkat as provided for in Point 8.28.11.6 above, has the right to appeal to the NEC within two (2) days after receiving the rejection decision on the appeal.

8.31.1 Every appeal as mentioned in Point 8.31 above shall be made in writing and submitted to the NEC Headquarter and the NEC shall decide on that appeal within three (3) days after receiving the appeal.

8.31.2 If the NEC does not receive any appeal within the above period, this shall be considered that there is no appeal lodged against the rejection decision of the PEC related to ballot recounting and/or consolidation of election results of one or more Polling Station(s) and/or election results of the Commune/Sangkat in a province/municipality.

8.31.3 An appellant or his/her representative or political party representatives, who wish to appeal as mentioned in Point 8.31 above, shall fill in and sign the appeal on which a number of specific information shall be given as stated from Points 8.25.3.1 to 8.25.3.8 above.

8.31.4 Appeals which are submitted after the period as mentioned in Point 8.31 above, the complaint receiving official of the NEC shall clearly write down the time and date and then make a notification on the appeal submitted after the deadline and sign on that compliant, then return one (1) copy to the appellant or his/her representative, keep one (1) copy for files and inform the appellant or his/her representative that his/her appeal which was submitted after the period determined cannot be accepted for settlement.

8.31.5 For the appeals which do not have enough documents and evidence although they are submitted within the period as mentioned in Point 8.31 above, the NEC shall not hold a hearing for settlement. The NEC shall reject to rule on that or those complaint(s) by authorizing the Secretary General to make a note of rejection on the appeal and specifying the reasons of the rejection clearly, then sign and seal on the complaint, and return one (1) copy to the appellant or his/her representative and keep one (1) copy for files.

8.31.6 For the appeals which have enough documents and evidence and submitted within the period as mentioned in Point 8.31 above, the complaint receiving official of the NEC shall write down the time and date of receiving the complaint, and with the instruction from the NEC, fill in the time, date, and place where the NEC will hold a hearing to rule on the appeal, then sign and after that shall:

8.31.6.1 Return one (1) copy of the appeal to the appellant or his/her representative;

8.31.6.2 Inform the appellant or his/her representative that the NEC will hold a hearing to decide on his/her appeal after the result checking team of NEC completes the checking of the election results of the Commune/ Sangkat relating to the appeal;

8.31.6.3 Post one (1) copy of the appeal for publicity;

8.31.6.4 Prepare two (2) copies of the appeal for the NEC to use in the hearing.

8.31.7 The complaint receiving official shall report the case of appeal by enclosing the received appeal to the NEC immediately through the Secretary General in order to ask for a NEC's decision on whether or not to check result and if it is necessary or unnecessary to open Safety Package "A" to recount ballots. Based on the NEC's decision, the Secretary General shall assign a result checking team to review the

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election results of relevant Commune/Sangkat in front of the representatives of the political parties, observers, and appellant or his or her representative.

### **The Creation of Material Receiving Teams, Result Checking Teams, and Seat Allocation Teams of the NEC, and Preparation for Checking the Result of the Election of Members of the National Assembly**

8.32 For the purpose of rechecking the results of the Election of Members of the National Assembly, the NEC shall establish one (1) team for receiving election materials, a number of result checking teams as required and a team for seat allocation, and be prepared in advance to serve the resulting checking conducted at the provincial/municipal constituency.

8.32.1 The material receiving team shall be created at the NEC to ensure the receiving Packages “Special D” storing documents of election results of a province/municipality and Packages “D” storing the record of relevant electoral materials delivered and handed over to the NEC by the PEC, and also ensure the distribution and maintenance of those materials in the stockroom of each province/municipality.

8.32.1.1 The material receiving team shall be led by a Director of Administrative Department and consists of one (1) official from Administrative Department, two (2) officials from Operation Department, one (1) official from Department of Legal Service and Dispute, and one (1) official from Finance Department as its members.

8.32.1.2 This team shall regularly report to the NEC through the Secretary General.

8.32.2 As necessary, a number of the result checking teams of the NEC shall be established to check election result of all provinces/municipalities in the Kingdom of Cambodia. Each team consists of the staff members appointed from various departments under the General Secretariat of the NEC and entrusted with the responsibility for checking the election result of one or more provinces/municipalities.

8.32.2.1 Each result checking team shall consist of four (4) members, led by one (1) Chief, one (1) Deputy Chief, one (1) Secretary and one (1) Assistant.

8.32.2.2 This team shall regularly report to the NEC through the Secretary General.

8.32.3 Each result checking team of the NEC has the duties to check the election result of each province/municipality separately, then shall fill the figure of the checking result in the table of result checking (Form 1117 TP). In the event that any Commune/Sangkat has the appeal and/or objection submitted at the NEC or the election result of one or more Polling Station(s) of the Commune/Sangkat was suspended by the PEC, the result-checking team shall make additional implementations by making a report of giving comments to accept or reject the election results of that/those relevant Polling Station(s). The Chief of the team shall ensure that the above result-checking table and/or report are signed by all relevant members of the team and submitted to the NEC through the Secretary General for examination and decision. Then, the NEC shall hand over the approved materials, through the Secretary General, to the Seat Allocation Team to act accordingly. The checking of the election result shall be implemented in accordance with:

8.32.3.1 The record of the consolidation of the election results of province/municipality (Form 1111), sheet of the election results of the province/municipality (Form 1114), and the table of the consolidation of election results of province/municipality (Form 1110).

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- 8.32.3.2 The record of the consolidation of the election results of Commune/Sangkat (Form 1103), and the table of the consolidation of the election results of Commune/Sangkat (Form 1109).
  - 8.32.3.3 A table of the result-checking of the PEC (Form 1117 TP) as well as the report on the opening of Safety Package “A” and ballot recounting and/or the CEC report about opening of Safety Package “A” and ballot verification, if any.
  - 8.32.3.4 The record of the ballot recount (Form 1104), the table of vote recording (Form 1108), and election record (Form 1101).
  - 8.32.3.5 The decision of the PEC on the appeal and all complaint-related documents (if any).
  - 8.32.3.6 The result of the opening of Safety Packages “A” and ballot recount if the NEC decides and requires to do so.
- 8.32.4 The Seat Allocation Team of the NEC shall be established at the NEC so as to enter the data which is the election results of each province/municipality in the computer, then verify the result of the consolidation with the figure written down on the record of the consolidation of election results of relevant province/municipality (Form 1111), then get the draft temporary results printed and submit it to the NEC, through the Secretary General, for examination, decision and publicity. In the even no appeal is lodged or every appeal has been finally resolved, the Seat Allocation Team shall prepare a draft official election results and the draft table of result of seat allocation and submit to the NEC through the Secretary General, for official approval.
- 8.32.4.1 The seat allocation team shall consist of a number of members, as necessary, who shall be appointed from among the officials, Operation Department, and Department of Legal Service and Dispute and Cabinet of the Secretariat General.
  - 8.32.4.2 This team shall be led by one (1) Chief who is the Chief of the Operation Department, one (1) Deputy Chief who is the Chief of the Department of the Legal Service and Dispute, one Vice Chief who is the Deputy Chief of the Operation Department, and shall appoint one (1) Secretary as an Assistant.
  - 8.32.4.3 This team shall regularly report to the NEC through the Secretary General.
- 8.32.5 The seat allocation team of the NEC shall carry out its work in the computer room of the Operation Department and have the responsibilities and duties as follows:
- 8.32.5.1 Enter step by step the data which is the election result of province/municipality into the computer based on the table of the consolidation of election results of province/municipality (Form 1110) which was sent by email an/or fax by the PEC, then, correct and verify the consolidated results with the result sheet of the election in a province/municipality (Form 1114), the table of result checking of the result checking team of the NEC (Form 1117 TP) and the figure on the record of the consolidation of the election results of relevant province/municipality (Form 1111).
  - 8.32.5.2 Print out the draft temporary election result and submit it to the NEC, through the Secretary General, for official decision and public dissemination.
  - 8.32.5.3 Correct the figure of the results in accordance with the decision of the NEC and/or the Constitutional Council on the appeal (if any), and prepare to print the draft official result of the parliamentary election and submit it to
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- the NEC, through the Secretary General, for official approval and public dissemination.
- 8.32.5.4 Allocate the seats in accordance with the formula as determined by law, by means of the manual calculation, as stated in the Annex 3 on the Seat Allocation and by using the computerized program of seat allocation based on the table of the official results of the Election of Members of the National Assembly.
  - 8.32.5.5 Print out the table of the result of the seat allocation for each province/municipality which each political party have received, then verify and copy the name of the candidates elected based on the number of seats, and sequential number from the candidate list of the political parties which have received seats onto the draft announcement of the elected National Assembly members of the fourth legislative term.
  - 8.32.5.6 Prepare the table of the result of the seat allocation and draft announcement of the elected candidates as the National Assembly members of the third term, then submit it to the NEC, through the Secretary General, for official approval.
- 8.32.6 The Secretary General of the NEC shall instruct and manage the result checking team of the NEC and seat allocation team of the NEC to recheck the result of the Election of Members of the National Assembly and seat allocation by province/municipality. The Secretary General shall check all documents of the result checking team and seat allocation team in order to submit them for the NEC approval.
  - 8.32.7 The Secretary General of the NEC shall prepare a number of rooms of the NEC building as a warehouse for stocking packages “special D” containing the records of the consolidation of election result of the province/municipality and Packages “D” containing the relevant electoral materials and shall:
    - 8.32.7.1 Reserve one separate room on the ground floor for maintaining all large envelopes containing the PEC’s rejection decisions on the appeal to suspend the election results of one or more Polling Stations and/or the election results of the Commune/Sangkat and very package “D” containing packages “C” of the relevant Commune/Sangkat whose election result of any Commune/Sangkat or Polling Station of the Commune/Sangkat has been rejected.
    - 8.32.7.2 Reserve one separate room on the first floor for maintaining every Safety Package “special D” of all the PECs.
    - 8.32.7.3 Reserve a number of rooms on the ground floor for stocking Packages “D” containing Packages “C” and kept separately according to each province/municipality.
  - 8.32.8 The Secretary General of the PEC shall prepare a number of wide rooms or many small rooms where the result-checking team can perform its job well.
    - 8.32.8.1 Two or more result checking teams can work together in the same room or in separate rooms based on the practical situation.
    - 8.32.8.2 The notification on time, date, place, name, and code number of Commune/Sangkat and Province/Municipality where the result checking will take place as well as the sequential number and the name of the Chief of the team shall be posted publicly at the NEC’s headquarter as an information to the relevant representatives of political parties, observers, and appellants or representatives who are permitted to observe the checking of result.
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- 8.32.9 During the process of the result rechecking at the NEC, the security requirements within the compound and inside the NEC Headquarter, as well as the order and discipline shall be reinforced through administrative measures, supervised and managed by the Secretary General.
- 8.32.9.1 The relevant political party representatives, observers, and appellant or his or her representatives who are permitted to observe the process of rechecking the result at the NEC's headquarter shall be under authority and instruction of the Secretary General of the NEC and/or the authorized officials.
- 8.32.9.2 The relevant political party representatives, observers, and appellant or his/her representative who are permitted to observe the process of rechecking the result at the NEC Headquarter shall comply with the Coded of Conduct for Political Parties, Candidates and Political Party Representatives, Codes of Conduct for Electoral Observers and the present Regulations and Procedures and shall not act in a way that disturbs, interrupts, or prevents the process of the result-rechecking or infringe upon the authority and independence of the NEC.
- 8.32.10 Any person without written permission from the NEC shall not be allowed to enter the room where the rechecking of the election of province/municipality is being carried out by the result-checking team and seat allocation team of the NEC. The following persons are allowed to enter the room where the result checking and seat allocation is carried out:
- 8.32.10.1 The officials of the result checking and seat allocation teams, who are appointed by the NEC.
- 8.32.10.2 Representatives of political parties running for election in the relevant provincial/municipal constituency, relevant appellant or his/her representative, observers, and journalists who are authorized by NEC.
- 8.32.10.3 Chairman, Deputy Chairperson, Members and Secretary General of the NEC who wish to monitor, observe, and advise on the process of the result-checking carried out by each team.

Handing over and receipt of Safety Packages "Special D" and Packages "D" containing the record of election results of the province/municipality and relevant electoral materials at the NEC Headquarter

- 8.33 The Composition of the material receiving team of the NEC who were appointed under Point 8.32.1 above shall be present at all times at the NEC Headquarter, from the time the PEC starts to check the election results, so as to be prepared to receive electoral materials delivered and handed over by the PEC to the NEC.
- 8.33.1 The material receiving team of the NEC shall be prepared in advance to receive electoral materials of each province/municipality separately in light of packing and delivery of the electoral materials made by the relevant PEC to the NEC as provided for in Point 8.30 above.
- 8.33.1.1 All the rejection decision on the election results of any Commune/Sangkat or Polling Station of the Commune/Sangkat and relevant electoral materials related to the Commune/Sangkat whose election result has been suspended by the PEC as stated in Point 8.30.1 above.
- 8.33.1.2 All Packages "D" and "Special D" containing the result of the Election of Members of the National Assembly in a province/municipality and relevant electoral materials whose election result of those Communes/Sagnkats has been accepted as stated in Points 8.30.2, 8.30.5 and 8.30.65 above.
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- 8.33.1.3 All remaining electoral materials which are to be packed and delivered separately to the NEC at a later time as stated in Point 8.30.9 above.
- 8.33.2 In case the PEC officials have already delivered electoral materials, as stated in Point 8.33.1.1 above to the NEC Headquarter, the material receiving team of the NEC shall open and examine all of the electoral materials in the large envelope, and Packages “D” which contain Packages “C” of the relevant Commune/Sangkat where the election result of one or more Polling Stations and/or the election result of that Commune/Sangkat were suspended by the PEC. During this examination, the officials of the material receiving team shall verify with all the three (3) copies of the delivery and receipt form (Form 1107), of which one (1) copy was in the large envelope, one (1) copy was stapled with the outer part of the large envelope and the one (1) copy was in the hand of the PEC official who have delivered the electoral materials.
- 8.33.2.1 The Official of the material receiving team shall write down all items received in his or her registry, and if everything is in complete, made a note to acknowledge “receipt of materials in complete”.
- 8.33.2.2 The Chief of the material receiving team shall sign the delivery and receipt form, as stated in Point 8.33.2 above, then give one (1) copy to the delivering official of the PEC, put one (1) copy back into the large envelope and keep one (1) copy for files.
- 8.33.2.3 The Official of the material receiving team shall take the large envelopes and Packages “D” containing all Packages “C” of the Commune/Sangkat where the election result were suspended to be kept in the room which has already been reserved as stated in Point 8.32.7.1 above and shall also write down the code number of the relevant Commune/Sangkat and province/municipality.
- 8.33.2.4 The Chief of the material receiving team shall report immediately to the NEC through the Secretary General of the name and code number of Commune/Sangkat whose election result was suspended by the PEC by enclosing it in the relevant large envelope.
- 8.33.3 In case the PEC official have already delivered the electoral materials as mentioned in Point 8.33.1.2 above to the NEC Headquarter, the materials receiving team of the NEC shall open and examine all electoral materials contained in Packages “Special D” and all Packages “D” containing Packages “C” of all relevant Communes/Sangkats where the election results of those Communes/Sangkats have been approved by the PEC. During the examination, the official of the material receiving team shall verify with all the three (3) copies of the delivery and receipt form (Form 1107) separately, of which one (1) copy is in Package “D” or Package “Special D”, one (1) copy is in the inner pocket of Package “D” or Package “Special D” and one (1) copy, which is with the official of the PEC, who has delivered the materials.
- 8.33.3.1 The Official of the material receiving team shall write down all items received in his or her registry, and if everything is in complete, made a note to acknowledge “receipt of materials is complete”.
- 8.33.3.2 The Chief of the material receiving team shall sign the delivery and receipt form as stated in Point 8.33.3 above, then give one (1) copy to the delivering official of the PEC, keep one (1) copy back in Package “D” or Package “Special D” and retain one (1) copy for files.
- 8.33.3.3 The Official of the material receiving team shall take Packages “Special D” of the relevant province/municipality to be kept in the room already
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reserved as provided for in Point 8.32.7.2 above according to the sequential order of the code number of each province/municipality.

8.33.3.4 The Official of the material receiving team shall take all Packages “D” containing Packages “C” of the relevant Commune/Sangkat where election results of those Communes/Sangkats have been approved by the PEC, to be kept in the room already reserved as provided for in Point 8.32.7.3 above, and shall also write down the code number of the relevant province/municipality. If among Packages “D” of the relevant PEC, there are a number of Packages “D” on which the word “complaint/recount” is written, the official of the material receiving team shall put those Packages “D” separately.

8.33.3.5 The Chief of the material receiving team shall report immediately to the NEC through the Secretary General about the province/municipality, which has handed over the Packages “Special D” and all Packages “D” containing Packages “C” of the relevant Commune/Sangkat where the election results of those Communes/Sangkats were approved by the PEC. If in the relevant province/ municipality there are any Communes/Sangkats where complaints were submitted to the CEC and/or the PEC and where one or more Safety Package(s) “A” were opened, verified and ballots were recounted, the Chief of the team shall additionally specify in the above report the name and code number of those complained Communes/Sangkats and shall take out of Packages “special D” all the envelopes containing the relevant decisions of the PEC and enclose them with the report.

8.33.4 If the PEC official has already delivered the remaining electoral materials, as stated in Point 8.33.1.3 above, to the NEC Headquarter, the official of the material receiving team of the NEC shall open and check the remaining electoral materials handed over to the NEC. For this checking, the material receiving team shall verify with the delivery and receipt form (Form 1107) and if everything is complete, the Chief of the team shall sign on that delivery and receipt form and return one (1) copy to the official of the PEC in charge of delivering. The Chief of the material receiving team of the NEC shall transfer all the remaining materials received above, with the attachment of one (1) delivery and receipt form, to the Department of Operation in charge of managing and keeping at the warehouse of the NEC or the determined stockroom.

#### **Cooperation of Result-Checking Team and Seat Allocation Team of the NEC to Check the Election Results of Province/Municipality**

8.34 The result-checking and seat allocation teams of the NEC have the duties to recheck and verify the election results of all provinces/municipalities in order to ultimately certify the correctness or incorrectness of the consolidation of the election results of all Commune/Sangkat of the province/municipality and consolidation of election results of all provinces/municipalities, to allocate and determine the number of seats which each political party running for the election in provincial/municipal constituency has received, and to single out the names of candidates who are elected as members of the National Assembly. If, during the rechecking, the result-checking team agrees with the election results of any province/municipality, the result-checking team shall complete a table of the result-checking (Form 1117 TP) and the seat allocation team shall prepare and print out the table of the temporary election results and then submit it, through the Secretary General, to the NEC for examination and approval and publication of temporary election results for serving

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the purpose of appeals by the political parties running for the elections before the publication of the official results.

- 8.34.1 When receiving, through Secretary General, the report from the material receiving team as set forth in Point 8.33.2.4 and 8.33.3.5 and from the Department of Legal Service and Dispute as written in Point 8.31.5 above, the NEC shall determine an instruction about the case that will review the election results of province/city and shall make a decision whether it is necessary or not to open Safety Packages “A” and recount the ballots if it is necessary.
  - 8.34.2 The determination and instruction of the NEC as stated in Point 8.34.1 above shall be made upon the actual situation of each province/city as follows:
    - 8.34.2.1 In case the provinces/cities where there are election results at one or more Polling Stations and/or election results of any Commune/Sangkat being suspended by the PEC and are sent to the NEC as stated in Point 8.28.13 above for review.
    - 8.34.2.2 In case the provinces/cities where there are no appeals and/or objections lodged to the CEC and/or PEC and/or NEC and none of their Packages “A” is opened and recounted.
    - 8.34.2.3 In case the provinces/cities where there are appeals and/or objections against the election results of one or more Polling Stations and/or election results of the Commune/Sangkat in any province/municipality lodged to the CEC and/or PEC and furthered to the NEC as stated in Point 8.31 above where there is one or more Safety Packages “A” being opened and recounted but the PEC has decided to accept the election results of that/those polling stations and/or election results of the relevant Commune/Sangkat.
  - 8.34.3 Relevant representatives of political party, observers and journalists who are allowed in written statement by the NEC have the right to participate in checking and verifying the result of the Election of Members of the National Assembly at the NEC Headquarter. If the room is small, the observation of political party representatives, observers ... as stated in this Point shall be under the management of the Chief of result-checking team or the seat allocation team who performs this task in a rotating manner.
  - 8.34.4 Relevant appellant or his/her representative whose appeal was accepted or rejected by the PEC as stated in Points 8.28.11 and 8.28.12 above of the LEMNA and the relevant appellant or his/her representative who lodged an appeal to the NEC as mentioned in Point 8.31 above, shall be permitted to observe the process of reviewing the election results of the relevant province/city at the NEC Headquarter. If the room is small, the observation of the relevant appellant shall be under the management of the Chief of result-checking team or the seat allocation team who performs this task in a rotating manner.
  - 8.34.5 The operation of checking of the result checking team in checking the election results of any province/city, if it starts, it must be completed without taking a rest.
  - 8.34.6 The result checking team of the NEC shall check the election results of the provinces/cities under its responsibility one by one in a large room or separate small rooms reserved as described in Point 8.32.8 above. In the process of result checking above, the Chief of the team shall ensure to have one (1) calculator, and Form to fill out the result checking table and all supporting documents as stated from Points 8.32.3.1 to 8.32.3.7 above.
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8.34.7 The seat allocation team of the NEC shall conduct the verification operation of the result of the Election of Members of the National Assembly province by province after receiving the result checking table approved by the NEC.

Checking Election Results of One or More Polling Stations and/or Election Results of a Commune/Sangkat that Were Suspended by the PEC

8.35 According to the NEC's decision provided in Point 8.34.1 above, if the Commune/Sangkat, whose result will be rechecked and verified, falls in the case whose election results of one or more Polling Stations and/or election results of the Commune/Sangkat in the province/city was suspended by the PEC, the Secretary General shall instruct the result checking team in charge to check and verify following the procedures as follows:

8.35.1 The result checking team shall ensure that the result checking of one or more Polling Stations and/or of the Commune/Sangkat in the province/city suspended by the PEC is implemented immediately and shall put it to the NEC for a decision within four (4) days after receiving the suspension decision of the results of that/those Polling Stations and/or of the relevant Commune/Sangkat.

8.35.2 In case the NEC decides not to open Safety Packages "A" in order to recount the ballots, the checking team shall just check the results based on the materials inside the large envelope of the relevant Communes/Sangkats as mentioned in Point 8.28.13.1 only.

8.35.3 In case the NEC decides to open one or more of Safety Packages "A" in order to recount the ballots, the checking team of the NEC shall check the results based on all the documents stored in the large envelope holding the decision to suspend the election results of the relevant Commune/Sangkat as stated in Point 8.28.13.1 and shall additionally implement the opening of Package "A" in order to verify and recount the ballots by following the procedures as stated from Points 8.28.3.1 to 8.28.3.5 and 8.28.4 above.

8.35.4 If the NEC decides to open Safety Package "A" of more than one Polling Stations of the Commune/Sangkat in order to verify electoral materials and recount the ballots, the result checking team shall implement following the same procedures as stated from Points 8.28.3.1 to 8.28.3.5 and 8.28.4 above for each Safety Package "A" until all Packages "A" of the Polling Station of the relevant Commune/Sangkat, which require to be opened, are checked and ballots recounted.

8.35.5 After finishing the result checking according to the procedures as provided in Points 8.35.3 and 8.35.4 above, the Deputy Chief of the team shall ensure that one (1) copy of the result-checking table (Form 1117 TP) and one (1) copy of the report giving comment to accept or reject the election result is made and signed by all the members of checking team and then submit it to the NEC, through the Secretary General, for review and approval.

8.35.6 The Secretary General shall make a note of giving comments on the result-checking table and report submitted for review as stated in Point 8.35.5 above and then sign and submit to the NEC for review and approval, of which the Secretary General shall:

8.35.6.1 Make a comment note of accepting the PEC decision to suspend the election results of the Commune/Sangkat whose election results of any Commune/Sangkat or Polling Station of the Commune/Sangkat were

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rejected if there is a serious degree of irregularity which affects the election result.

- 8.35.6.2 Make a comment note of rejecting the PEC decision to suspend the election results by accepting the election results of any Commune/Sangkat or Polling Station of the relevant Commune/Sangkat if there is no irregularity or there is an irregularity which may not affect the election result.
- 8.35.7 In case the NEC decides to agree with the suspension decision of the PEC, which has suspended the election results of the Commune/Sangkat and rejected the election results of any Commune/Sangkat or Polling Station of the relevant Commune/Sangkat, the NEC Chairman shall:
- 8.35.7.1 Make an acceptance note on the PEC decision to reject the election results of any Commune/Sangkat or Polling Station of the relevant Commune/Sangkat then sign and date.
- 8.35.7.2 Make an acceptance note on the report giving comments and make a rejection note on the result-checking table (Form 1117 TP) as stated in Points 8.35.6 and 8.35.6.1 above then sign and date.
- 8.35.7.3 Ensure that the specialized official has completed the rejection decision of the election results of that/those Polling Stations and/or of that Commune/Sangkat (Form 1203) by indicating clearly the reason of the rejection then signed and dated by the NEC Chairman.
- 8.35.7.4 Ensure that there are sufficient copies of the above rejection decision in order to hand over one (1) copy to the appellant, one (1) copy to the relevant PEC, one (1) copy to the relevant CEC and keep one (1) copy for files.
- 8.35.7.5 Announce that the NEC's decision that rejects the election results of that/those Polling Stations and/or of that Commune/Sangkat is the final decision and the NEC will organize reelection at that/those Polling Stations within eight (8) days after the day the rejection decision was issued.
- 8.35.7.6 Hand over each one (1) copy of the report giving comments on the result checking table and the decision of the PEC with the NEC Chairman's written statement and the NEC rejection decision on the election results of the Commune/Sangkat or Polling Station of that Commune/Sangkat, through the Secretary General, to the result checking team in charge in order to put in the large envelope and put it into Package "Special D" of the relevant province/municipality.
- 8.35.8 According to the NEC's rejection decision as provided in Point 8.35.7.3 above, the NEC shall assign and instruct the election commissions in all levels to organize a reelection at that Commune/Sangkat whose results have been rejected, by implementing the procedures and conditions provided in Article 8.10 of this Regulations and Procedures. The reelection process shall be implemented based on the same voter list and list of political parties running for election of the same province/city, and the ballots shall contain the same format and content but are reprinted on a different color paper.
- 8.35.9 If the NEC does not agree with the PEC who decided to suspend the election results of that/those polling stations and/or of that Commune/Sangkat, the NEC Chairman shall:
- 8.35.9.1 Make a rejection note on the PEC's suspension decision on the election results of that/those polling stations and/or of that Commune/Sangkat then sign and date.
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- 8.35.9.2 Make a rejection note on the report giving comments and make an acceptance note on the result-checking table (Form 1117 TP) as stated in Points 8.35.6 and 8.35.6.2 above then sign and date.
- 8.35.9.3 Ensure that the specialized official has filled out the acceptance decision of the election results of that/those Polling Stations and/or of that Commune/Sangkat (Form 1203) by specifying clearly about the reason of the NEC rejection on the PEC's suspension decision on the election results and it shall be signed, stamped and dated by the NEC Chairman.
- 8.35.9.4 Ensure that there are sufficient copies of the acceptance decision above in order to hand over one (1) copy to the appellant, send one (1) copy to the relevant PEC, one (1) copy to the relevant CEC, and keep one (1) copy for files; and make photocopy and distribute one copy each to representatives of the political parties running for the election in the province/city.
- 8.35.9.5 Hand over each one (1) copy of the report giving comments on the result checking table and the decision of the PEC with the NEC Chairman's written statement and the NEC's acceptance decision on the election results of the Commune/Sangkat or Polling Station of that Commune/Sangkat, through the Secretary General, to the seat allocation team for functioning.
- 8.35.9.6 Ensure that the result checking team has packed relevant Packages "A" into Package "B" and Package "C" and forward to the material receiving team to keep them in the original place.

8.35.10 Upon the receipt of documents mentioned in Point 8.35.9.6 above, the Chief of the seat allocation team of the NEC shall manage the consolidation of the election results of that/those Polling Stations and/or of that Commune/Sangkat into the table of the provisional result of the 4<sup>th</sup> National Assembly Election and continue to implement its tasks as provided in Point 8.32.5 above and in Article 8.38 below.

Checking the Election Results of the Provinces/Cities where there are No Complaints

- 8.36 In accordance with the NEC's instruction provided in Point 8.34.1 above, if the Commune/Sangkat, whose result will be rechecked and verified, falls in the Commune/Sangkat that has no complaints, the Secretary General shall instruct the result checking team who is in charge to implement the procedures as follows:
  - 8.36.1 In the case above, firstly, based on the instruction of the Secretary General, the result checking team of the NEC shall separately check the election results of the provinces/cities under its responsibility one by one based all relevant documents inside Packages "Special D" only and shall not open any Safety Packages "A". In the process of checking the results of any province/city, the Chief of the result checking team of the NEC shall:
    - 8.36.1.1 Assign two team members to fetch Packages "Special D" of the provinces/cities under their responsibility one by one from the stockroom to put on a table in front of the Chief.
    - 8.36.1.2 Open Packages "Special D" then take all envelopes containing documents of election results of the provinces/cities (Form 1111), election result sheet of the provinces/cities (Form 1114) and the result consolidation table of the provinces/cities (Form 1110) to place them on the table.
    - 8.36.1.3 Keep by his/her side Packages "Special D" holding the result consolidation record of the communes/sangkats (Form 1103), the result consolidation table of the Communes/Sangkats (Form 1109) and the result-checking table of the PEC (Form 1116 TP).

- 8.36.1.4 Assign the team members to check and calculate in order to verify the election results of the provinces/cities based on the records, result sheet, and the result consolidation table as mentioned in Point 8.36.1.2 above, and if there is any uncertainty, additionally check other documents listed in Point 8.36.1.3 above.
- 8.36.1.5 Ensure that one (1) copy of the handwritten report on result checking is made for each province/city and signed by all members of the checking team by clearly clarifying the following contents if it is found that:
- The figures of the results checked are correct.
  - The PEC made a mistake in verifying and calculating the results of the province/city, and the checking team of the NEC has corrected it. In this correction, the Chief of the team shall strike on the wrong number by making it visible then write the new figure next to it together with the signature of the Chief of the team as well.
- 8.36.1.6 Ensure that one (1) copy of the result-checking table (Form 1117 TP) is completed by indicating clearly the name and code number of the relevant province/city and signed by all members of the result checking team.
- 8.36.1.7 Ensure that the result-checking report and table mentioned in Point 8.36.1.5 and 8.36.1.6 above together with the documents of election results of the province/city mentioned in Point 8.36.1.2 above are submitted to the NEC through, the Secretary General, to examine and decide.
- 8.36.1.8 Ensure that the above Forms as stated in Point 8.36.1.3 must be packed into the original envelop, which is put back into Package “Special D”.
- 8.36.2 The result checking team shall check the election results of the provinces/cities that have no complaints lodged to the CEC and/or PEC and/or NEC by checking and verifying them one by one until all of them are checked and verified, and shall implement the procedures mentioned from Points 8.36.1.2 to 8.36.1.7 above.
- 8.36.3 The Secretary General of the NEC shall examine the report and table of result-checking of the checking team and the attached documents submitted as stated in Point 8.36.1.7 above. If it is examined that everything is correct, the Secretary General shall make a note of seeking agreement from the NEC and then sign and date on the handwritten report on the result checking and the result-checking table (Form 1117 TP) before submitting it to the NEC to examine and decide.
- 8.36.4 If the NEC decides to accept the election results of that province/city, the NEC shall make a note of agreement on submitted report and the result-checking table as stated in Point 8.36.3 above, sign and date and then hand over the report and table of result-checking as well as the attached documents to the seat allocation team, through the Secretary General, for functioning.
- 8.36.5 After the receipt of documents as stated in Point 8.36.4 above, the Chief of the seat allocation team of the NEC shall manage to perform his/her duties as stated under Point 8.32.5 above and Article 8.39 below.

Checking and Verifying the Election Results of the Provinces/Cities that have any Appeal and/or Objection Lodged to the CEC and/or PEC and/or NEC

- 8.37 In accordance with the instruction of the NEC as mentioned in Point 8.34.1 above, if the Commune/Sangkat, whose result will be rechecked and verified, falls in the cases as stated in Point 8.34.2.3 above, the Secretary General shall instruct each result-checking team to
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check the election results of the Commune/Sangkat of that province/city by following the procedures as follows:

- 8.37.1 Based on the NEC's decision to not open Safety Package "A", the result-checking team who is in charge shall examine in advance the PEC's decision related to the election results of that Commune/Sangkat and shall ensure that based on the relevant electoral materials stored in Package "Special D" as stated in Point 8.30.2 above and the procedures as stated from Points 8.36.1.1 to 8.36.1.7 above are implemented.
  - 8.37.2 After implementing Point 8.37.1 above, the result-checking team shall check the report and table of result-checking and the attached documents submitted by the result-checking team as mentioned in Point 8.36.1.7. If it is examined that everything is proper, the Secretary General shall make a note decide a note of seeking agreement from the NEC to accept the election results of that province/city and then sign and date on the report and table of result-checking of the result-checking team (Form 1117 TP) and submit it to the NEC to examine and decide.
  - 8.37.3 Based on the report and table of result-checking as well as the attached documents, if there is no complaint lodged to the NEC, the NEC shall examine and decide to agree with the comment given by the Secretary General as sated in Point 8.37.2 above. In case there are complaints lodged to the NEC, the NEC shall conduct a hearing to adopt decision on the relevant complaints. If the NEC decides to accept the election result of that/those Polling Stations and/or of the Commune/Sangkat in the relevant province/municipality, the NEC shall:
    - 8.37.3.1 Make an acceptance note on the PEC's decision (Form 1203) which agrees to accept the election results of that/those Polling Stations and/or of the Commune/Sangkat then sign and date.
    - 8.37.3.2 Make an acceptance note on the handwritten, result-checking report and the result checking table (Form 1117 TP) then sign and date.
    - 8.37.3.3 Ensure that the specialized official has completed the acceptance decision of the election results of that/those Polling Stations and/or of that Commune/Sangkat (Form 1203) which is to be signed, stamped and dated by the NEC Chairman.
    - 8.37.3.4 Ensure that there are sufficient copies of the above acceptance decision in order to hand over one (1) copy to the appellant (to lodge an appeal at the NEC), one (1) copy to the relevant PEC, one (1) copy to the relevant CEC and keep one (1) copy for files.
    - 8.37.3.5 Announce that the NEC's decision that accepts the election results of that/those Polling Stations and/or of that Commune/Sangkat is the final decision.
    - 8.37.3.6 Hand over each one (1) copy of the report and table of result-checking (Form 1117 TP) with the written note of acceptance from the NEC Chairman as stated in Point 8.37.2.3 above as well as the attached documents to the seat allocation team of the NEC, through the Secretary General, in order to continue implementing its duties as stated in under Point 8.32.5 above and Article 8.38 below.
  - 8.37.4 If, based on the documents submitted as mentioned in Point 8.33.3.5 above, if the NEC finds that there is any serious irregularity that leads to changes in the election results of any Commune/Sangkat of a province/city, the NEC shall decide to open Safety Packages "A" to recheck the electoral materials and recount the ballots. In this case, the Chief of the result checking team who is in charge shall check in advance the relevant complaints lodged to the CEC and the PEC's decision on the
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election results of that Commune/Sangkat and based on the documents in the relevant Packages “Special D” and Packages “D” as stated in Points 8.30.2 and 8.30.6 above, the team shall also properly implement in accordance with the procedures as stated from Points 8.35.3 to 8.35.5 and from Points 8.36.1.1 to 8.36.1.8 above.

- 8.37.5 After completing the implementation of the procedures as set forth in Point 8.37.4 above, the Secretary General shall examine and give comments on the report and table of result-checking as mentioned in Point 8.36.1.7 above and the report on the opening of Safety Package “A” and ballot-recounting as stated in Point 8.35.5 above which was submitted by the result-checking team, and then sign and submit it to the NEC to examine and decide. The Secretary General shall:
- 8.37.5.1 Make a rejection comment on the acceptance decision of the PEC which accepts the election results of any Polling Station or Commune/Sangkat and request for the agreement with the complaints lodged to the NEC which is against the PEC’s decision if it is examined that there is any serious irregularity which leads to any change of the election result of the relevant Commune/Sangkat.
  - 8.37.5.2 Make an acceptance comment on the acceptance decision of the PEC which accepts the election results of any Polling Station or Commune/Sangkat and request for the rejection with the complaints lodged to the NEC which is against the PEC’s decision if it is examined that the degree of irregularity may not lead to any change of the election result of that Commune/Sangkat.
- 8.37.6 Based on the documents as stated under Point 8.37.5 above, if there is no complaint lodged to the NEC although there is complaint lodged to the CEC and/or PEC, the NEC shall decide to not hold a hearing. In case there are complaints lodged to the NEC, the NEC shall conduct a hearing to adopt decision on the relevant complaints. If the NEC decides to reject the PEC’s acceptance decision which accepts the election result of that/those Polling Stations and/or of the Commune/Sangkat and agrees with the complaints which were lodged to the NEC against the PEC’s decision, the NEC Chairman shall:
- 8.37.6.1 Make a rejection note on the PEC’s decision (Form 1203) which agrees to accept the election results of that/those Polling Stations and/or of the Commune/Sangkat and then the NEC Chairman shall sign, stamp and date on that decision.
  - 8.37.6.2 Ensure that the specialized official has completed the acceptance decision by rejecting the election results of that/those Polling Stations and/or of that Commune/Sangkat (Form 1203) by clearly indicating the reasons of that acceptance, which shall be signed, stamped and dated by the NEC Chairman.
  - 8.37.6.3 Ensure that one (1) copy of the above acceptance decision is handed over to the appellant, sent one (1) copy to the relevant PEC, send one (1) copy to the relevant CEC and keep one (1) copy for files.
  - 8.37.6.4 Announce that the NEC’s decision that agrees with the complaints by rejecting the election results of that/those Polling Stations and/or of that Commune/Sangkat is the final decision and the NEC will organize reelection at that/those Polling Stations within eight (8) days after the day the decision was issued.
  - 8.37.6.5 Hand over each one (1) copy of the report giving comments, result-checking table and the PEC’s decision along with the written note of rejection from the NEC Chairman which agrees with the complaints but
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- rejects the election results of any Polling Station or Commune/Sangkat to the result checking team who is in charge which is to be put into Package “Special D” of the relevant province/municipality.
- 8.37.6.6 Ensure that the result checking team has packed Safety Packages “A” to put into Packages “B” and Packages “C” of that Commune/Sangkat and then pass on the materials receiving team who will keep it at its original place.
- 8.37.7 According to the NEC’s decision which agrees with the complaints by rejecting the election results of the Polling Station or the Commune/Sangkat as stated in Point 8.37.6.4 above, the NEC shall assign and instruct the electoral commissions at all levels to organize a reelection at that/those Polling Stations or at all Polling Stations of the Commune/Sangkat by following the procedures and requirements as laid out under Point 8.10 of the present regulations and procedures. The above reelection shall be implemented according to Point 8.35.8.
- 8.37.8 Based on the documents of the result checking as stated under Point 8.37.6 above, if the NEC decides to accept the PEC’s decision which accepts the election results of any Commune/Sangkat or Polling Station of the relevant Commune/Sangkat, the NEC Chairman shall ensure that regulations and regulations as stated under Point 8.37.3 above are implemented.
- 8.37.9 While implementing Point 8.38.8 above and upon receiving the documents of result checking along with the note of the NEC Chairman as stated in Point 8.37.3.7 above, the Chief of the seat allocation team shall manage to implement his/her responsibilities and duties as stated under Point 8.32.5 above and Article 8.37 above.
- 8.37.10 After the result checking team and seat allocation team have completed checking and verifying the election results of the Commune/Sangkat where there are appeals or objections submitted at the CEC, PEC and/or NEC and the results of the Election of Members of the National Assembly are accepted or rejected, the Secretary General shall ensure that the result checking team who is in charge of each province/city and the seat allocation team have prepared all the reports, Forms and relevant documents which have been checked and verified above in order to put into the envelop and Package “Special D” and/or Safety Package “A”, Package “B” and Package “D” as it was done originally and pass on them to the materials receiving team to keep at their original place.

### **Entering and verifying the data of election results in computers and the determination and allocation of seat for political parties for each provincial/municipal constituency**

- 8.38 When receiving the document on checking the election results of a province/ municipality approved by the NEC as stated in Points 8.35.9.6, 8.36.4 and 8.37.3.7 above, the seat allocation team of the NEC shall manage the implementation of its work as stated under Point 8.32.5 above in order to prepare a draft on the provisional results of the parliamentary election, a draft on result of seat allocation for political parties in each constituency and a draft announcement on elected candidates for the fourth parliamentary election which need to be submitted to the NEC for examination and approval.
- 8.38.1 The seat allocation team of the NEC shall perform its job in the computer room of the Operations Department where there are sufficient computers and electronic equipments which are equipped with the program of storing and consolidating the election result of the province/municipality, the program of allocating seats based
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on the formula and procedures as set out in the annex 3 on the electoral system and the allocation of seats of the regulations and procedures and which contains the stored data of the candidate lists of political parties running for the elections in all provincial/municipal constituencies in the Kingdom of Cambodia.

- 8.38.2 The Director of Legal Service and Dispute who is also the Deputy Chief of the seat allocation team of the NEC shall make sure that a copy of the candidate list of the political parties running for the elections in all provincial/municipal constituencies in Cambodia (official list) is available for use in verifying and singling out the names of candidates of the political parties elected as members of the parliament for the fourth legislative term.
- 8.38.3 The Chief of the seat allocation team of the NEC shall assign its members to enter the data of the election results of all provinces/municipalities in computers based on the table of the result checking (Form 1117 TP) of each province/municipality approved by the NEC, the record of the consolidation of election results of the province/ municipality (Form 1111) and the table of the consolidation of the election results of the province/ municipality (Form 1110) sent as official documents and through email by the PEC.
- 8.38.4 After entering and verifying the data of the election results from all provinces/municipalities, the Chief of the team shall ensure that the draft table on the provincial results of the fourth parliamentary election is verified in comparison with the figure recorded down on the table of the result checking and the record of the consolidation election results of all the 24 provinces/municipalities in order to make sure that they are reconcilable.
- 8.38.4.1 The Chief of the team shall ensure that the draft table on the provisional result of the fourth parliamentary election is printed and certified as being correct and signed by the Secretary, Deputy Chief and Chief of the team, which need to be submitted to the NEC through the Secretary General for examination and approval.
- 8.38.4.2 The Chief of the team shall print out the draft table on the provisional results of the fourth parliamentary election which is to be signed by the NEC Chairman in five (5) copies in order to be attached with the draft table on the provisional results as stated in Point 8.38.4.1.
- 8.38.5 When the seat allocation team of the NEC completes its work, the Chief of the team shall ensure that every report, record, result table and relevant document used in entering the data of the election results and calculating the allocation of seats as stated under this Point are put into the envelopes and in Safety Package “Special D” in accordance with the modalities as originally applied and then keep in the stock room.
- 8.38.6 Based on the draft table on provincial result of the fourth parliamentary election as stated under Point 8.38.4 above, if the NEC finds that these results are accurate, the NEC shall make a note of approval on the draft table as stated in Point 8.38.4.1 above and shall give the validity to the provisional result of the third parliamentary election on the five (5) copies as stated in Point 8.38.4.2 above.
- 8.38.7 The NEC shall have the table of the provisional result of the third parliamentary election posted at the NEC Headquarter and disseminated publicly by all means as stated in Point 8.38.6 above and shall send one (1) copy to the King and one (1) copy to the Constitutional Council.
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- 8.38.8 Political parties running for the election in provinces/ municipalities or their representatives may appeal against part or all of the provisional result of the fourth parliamentary election by lodging the complaint in writing with the NEC or the Constitutional Council within a period of seventy two (72) hours of the posting of the provisional election result as stated in Point 8.38.7 above. If during the period as mentioned above, the NEC and/or the Constitutional Council does not receive any appeal, this means that there is no appeal lodged against the provisional result of the fourth parliamentary election.
- 8.38.9 Any appeal lodged after the timeframe as stated in Point 8.38.8 above or any appeal that does not have document and sufficient evidence lodged with NEC will not be accepted for settlement.
- 8.38.9.1 Complaint receiving official of the NEC shall record down the time and date clearly and submit it to the Secretary General to make a note specifying that the complaint was submitted after the timeframe, then sign and stamp on that complaint and give one (1) copy to the complainant or his/her representative and keep one (1) copy for files and inform the complainant or his/her representative that his/her complaint which was submitted after the deadline cannot be accepted for settlement.
- 8.38.9.2 The NEC shall reject to settle all the complaints that do not have sufficient document and evidence by authorizing the Secretary General to make a note of rejection on those complaints by specifying the reason clearly, and then sign and stamp and give one (1) copy to the complainant or his/her representative and keep one (1) copy for files.
- 8.38.9.3 The complainant or his/her representative as stated in Point 8.38.9.1 and 8.38.9.2 above has the right to appeal in writing to the Constitutional Council within seventy-two (72) hours after receiving the notification of rejection.
- 8.38.10 For any appeal which has sufficient documents and evidences lodged within the timeframe as stated in Point 8.38.8 above, the NEC shall hold the hearing to rule on that appeal within forty-eight (48) hours of receipt of the appeal. The procedures for holding a hearing to rule on appeals lodged with the NEC are determined in accordance with the rights and power of the NEC.
- 8.38.11 The Constitutional Council shall rule on the appeals that have sufficient documents and evidences lodged within the timeframe as stated in Point 8.38.8 above within ten (10) to twenty (20) days after the receipt of the appeals. The procedures for receiving and ruling on complaints at the Constitutional Council are determined in accordance with the rights and power of the Constitutional Council.
- 8.38.12 After all the appeals lodged with the NEC and/or the Constitutional Council are finally ruled upon, the NEC shall have the figure of election results corrected and/or organize a reelection based on the decision of the NEC and/or the Constitutional Council and then the NEC shall validate the provisional results of the fourth parliamentary election as the official results of the fourth parliamentary election. The NEC shall have the tables of official results of the fourth parliamentary election above posted for publicity at the NEC Headquarter.
- 8.38.13 Based on the official results of the fourth parliamentary elections as stated in Point 8.38.12 above, the Chief of the seat allocation team of the NEC shall ensure that his/her team members have been assigned to enter the figure of votes cast for each
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contesting political party in the computerized program of seat allocation operation and/or to make a calculation manually based on the formula of seat-allocation set out by the law and as stated in the annex 3 on the electoral system and seat allocation of the regulations and procedures. The Chief of the team shall check and verify the result of the above calculation of seat allocation with that of the manual calculation and the calculation by using the computerized program of seat allocation operation in order to make sure that those results match with each other and are accurate. The Chief of the team shall ensure that the table of the result of seat allocation, in which it tells the number of seats each contesting political party has received in each constituency, is printed and certified as being correct and signed by the Secretary, Deputy Chief and Chief of the team, which is submitted to the NEC through the Secretary General for examination and approval.

- 8.38.14 Based on the official results of the fourth parliamentary election and the results of calculation of seat allocation that each political party has received as stated in Points 8.38.12 and 3.38.13 above, the Chief of the Seat Allocation Team of the NEC together with the Deputy Chief shall verify and single out the name of candidates of political parties elected as member of the National Assembly for the fourth legislative term according to the procedures stated under Point 7 of the Annex on Election System and Seat Allocation and prepare the draft announcement of candidates elected as members of the National Assembly for the fourth legislative term and submit it to the NEC through the Secretary General for examination and approval as well as to be officially signed and dated.
- 8.38.15 The NEC shall publish the announcement of elected members of the National Assembly for the fourth legislative term as stated in Point 8.38.14 above for publicity and send to the following:
- 8.38.15.1 One (1) copy to the King;
  - 8.38.15.2 One (1) copy to the Constitutional Council;
  - 8.38.15.3 One (1) copy to the General Secretariat of the Senate;
  - 8.38.15.4 One (1) copy to the General Secretariat of the National Assembly;
  - 8.38.15.5 One (1) copy to the Royal Government;
  - 8.38.15.6 One (1) copy to each political party running for the parliamentary election;
  - 8.38.15.7 One (1) copy to be kept for files at the national documentation center;
  - 8.38.15.8 One (1) copy to be kept for files at the NEC.
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## **Chapter 9**

### **The Case of Appointing a Substitute for a Member of the Parliament**

- Article 9.1** In pursuant to Article 120 (New) of the LEMNA, all political parties can propose to appoint a new member to replace any member of the parliament who deceased or lost professional habilitation as certified by the designated ministry or institution or resigned or his/her membership by providing a written statement or is imprisoned for any criminal or civil offense or lost the membership in the his/her political party.
- 9.1.1 The proposal for appointing the new member of the parliament can be achieved in case the loss of membership in the parliament as stipulated in Point 9.1 occurred at least 6 months before the end of the mandate of the parliament.
- 9.1.2 A political party can propose to appoint a new member replacing the member who has lost his/her membership in the parliament as stipulated in Point 9.1 among the candidates whose name exists in the list and order of candidates running for the election in the relevant member of the constituency of without having to vote again.
- 9.1.3 In case a member of parliament who is also a member of political party resigns from his/her party, his/her membership in the National Assembly will be canceled automatically.
- 9.1.3.1 If this resignation is done at least 6 months before the end of the mandate, the political party may propose to appoint a new member.
- 9.1.3.2 The appointment of the substitute shall be implemented according to Point 9.1.2.
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## **Chapter 10**

### **Budget and Finance**

10.1 The budget deposited in the Special Account at the Treasury for the election of members of the National Assembly, which is to be used by the NEC, shall be disbursed at the National Treasury.

10.1.1 According to the law on the Special Account of the NEC, the Royal Government shall deposit in this Special Account its contribution.

10.1.2 Electoral budget in this Special Account is obtained from the Trust Fund accredited to it by contributions from the royal government, assistance from foreign governments, international organizations and donations from charitable individuals, NGOs and other legal revenues.

10.2 The NEC shall open an account at one or more banks according to its actual need or at the Provincial/Municipal Treasury and shall transfer the money into this Account the amount of the budget needed for electoral expenses.

10.3 The NEC shall determine the checking system to pay its expenses as set out in Point 10.1 as follows:

10.3.1 The use of cheques to pay its expenses:

10.3.1.1 The cheques shall bear two signatures, one of which shall be the signature of the NEC Chairman.

10.3.1.2 The NEC Deputy Chairman can sign on behalf of the NEC Chairman if authorized to do so by the NEC Chairman in his/her absence.

10.3.1.3 The Director of Finance is authorized to sign the NEC cheques.

10.3.1.4 In the event that the Director of Finance cannot perform his/her duty, the Deputy Director can sign on behalf of the Director if he/she is authorized to do so by the NEC.

10.3.2 All expenses are to be approved by the Finance Department before being authorized to be paid.

10.3.2.1 All expenses have to be justified with proper documentation.

10.3.2.2 Proper documents are purchase order, quotation, delivery-receipt slip, quotation, and invoice.

10.3.2.3 The letter of travel authorization shall have a visa and be accompanied with invoices of transportation and accommodation expenses.

10.3.2.4 Salary determined by the NEC is cashed when there is the application form, employment contract, decision on determination of salary, payment slip and payroll list signed by the NEC and the person receiving the salary.

10.3.3 All direct expenses must be accompanied with:

- a request for payment;
  - a handing over /receipt record;
  - a bidding note or note on consultation of prices;
  - a goods/materials delivering and stocking card;
  - a contract;
  - a pattern tax certificate;
  - a justification paper;
  - a disbursement mandate;
  - a slip of expense checking and financial control;
  - a disbursement mandate.
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- 10.3.4 All other expenses which are inconsistent with Points 10.3.1, 10.3.2 and 10.3.3 shall be accompanied with other documents such as the payment authorization from the NEC, a copy of the cheque?, and some documents that are required for the purpose of disbursement under the financial procedures and sub-decree.
- 10.4 The NEC shall establish an appropriate bookkeeping system as a guide for the PECs and CECs to carry out the registration of accounting in a uniformity and easy manner for the purpose of financial settlement. The model papers, documents and instrument must be designed precisely and in uniformity format as determined by the NEC and at the advise of the Department of Finance in accordance with the financial procedures or sub-decree.
- 10.5 The NEC shall determine the procurement system for the purchase, supply and distribution of materials, goods and other services.
- 10.5.1 The control of the purchase, supply and distribution of materials, goods and other services must be done by two separate services.
- 10.5.2 For the purpose of Point 10.5.1, the goods and purchase inspecting commission includes:
1. Department of Finance;
  2. Department of Administration;
  3. Department concerned.
- The Department of Finance shall be responsible for organizing the bidding or consultation of prices under the financial procedures, whereas the Department of Administration and other Department concerned shall be responsible for checking the quantity and quality of the materials, equipments and other services and then take the inventory of them for the purpose of stocking in the warehouse and for distribution.
- 10.5.3 Some goods, materials and equipments which are movable and immovable properties both in and out of the warehouse must be registered in the inventory list, which falls under the responsibility of the Department of Finance, Department of Administration and Other Department Concerned.
- 10.6 The Department of Finance shall ensure that the monthly financial report is completed not later than the end of the third week of the next month.
- 10.7 The fiscal year of the NEC shall be January 1 to December 31.
- 10.8 At the end of the fiscal year, the Department of Finance shall ensure that the annual financial report is prepared and audited not later than three (03) months after the end of the fiscal year.
- 10.8.1 The NEC shall make and send a copy of its annual financial report to the Ministry of Economics and Finance.
- 10.8.2 The NEC shall deliver a copy of its report on the execution of the income and expense program to the National Assembly, a copy to the Senate and a copy to the Royal Government through the Ministry of Economy and Finance in a period of not later than three (3) months after the end of the electoral operations.
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## **Complaints, Appeals, Decision or Reconciliation and Hearing**

### **Complaints or Appeals**

- 11.1 According to LEMNA, any one or its representative has the right to file an appeal or/and objection complaints to the electoral commissions at all levels or NEC or Constitutional Council on various matters concerning election if evidences exist to prove any violation against LEMNA or/and regulations and procedures or/and internal regulations of the NEC.
- 11.1.1 The timelines for appeals or objection complaints concerning the voter list update and registration, political parties registration, candidates registration and announcement of temporary results at each level of electoral authority or NEC and Constitutional Council are precisely determined by the LEMNA. This excludes the timeline for election campaign, polling and ballot counting which are determined by the NEC as stipulated in this regulation and procedures.
- 11.1.2 Anonymous complaints shall not be deemed legal and thus not taken for settlement; however, they will be kept as documents for consideration.

### **Voter List Revision and Registration**

- 11.2 During the voter list revision and registration, an applicant whose registration is rejected by the Clerk or his/her representative has the right to appeal against the decision of rejection to the Commune/Sangkat Council by using form 1202 within the period of three (03) days of receipt of the notification of rejection (form 1009).
- 11.2.1 The Commune/Sangkat Council shall ensure that all appeals against the decision of rejection of the Clerk have been decided in the public meetings of the Commune/Sangkat Council within three (03) days of receipt of those appeals.
- 11.2.2 If the Commune/Sangkat Council rejects the appeal, the appellant or his/her representative has the right to appeal against the case in writing to the NEC within five (05) days after receiving the rejection decision (form 1203).
- 11.2.3 The NEC shall hold the public hearing to decide on rejection decision of the appeal no later five days after receiving the appeal.
- 11.2.4 In case that the NEC rejects on the appeal, the appellant or their representative has the right to further appeal against the case in writing to the Constitutional Council within five (05) days after receiving the rejection decision (form 1203).
- 11.2.5 According to the LEMNA, the Constitutional Council shall hold the public hearing to decide on rejection decision of the appeal no later 10 days after receiving the case.
- 11.2.6 The decision of the Constitutional Council is final.

### **Posting Preliminary Voter List**

- 11.3 During the posting of the preliminary voter lists, every citizen or his/her representative has the right to file an appeal and/or objection in writing related to the preliminary voter list to the Commune/Sangkat Council within five (05) days from the day on which the list is posted for publicity.
- 11.3.1 The appeals can be the cases of voters' names being disappeared from the voter lists or voters' names not being recorded properly as follows:
- The appellant already asked for registration and got registered by the commune clerks. However, his/her name does not appear in the preliminary voter list of the
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- polling station which s/he got their name registered or has the name on the voter list of other polling station.
- The appellant's name is already registered and the name appears on the preliminary voter list; however, his/her name and data were not properly recorded in conformity with their ID document which will be used on the polling day.
  - The appellant's name appears in the final voter list which he/she checked; however, the name was removed from the preliminary voter list.
- 11.3.2 Objection complaints can be lodged against any individual whose name is registered in the preliminary voter list under following circumstances:
- The person does not have rights to vote due to the following:
    - is not holding Cambodian nationality
    - will not be 18 years as of polling day
    - is not residing within the commune which the name is registered.
    - is in jail or state of insanity or under guardianship certified by the competent ministry or institution.
  - The person has his/her name in more than one place.
- 11.3.3 The commune council shall hold public meeting to decide on the appeal or objection complaint no later than three days upon receiving complaints.
- 11.3.4 In case of the object complainant is not satisfied with the decision of commune council, the complainant or representative has rights to appeal to the NEC within five days upon receiving notification.
- 11.3.5 If the Commune/Sangkat Council rejects the appeal, the appellant or his/her representative has the right to appeal against the case in writing to the NEC within five (05) days after receiving the rejection decision.
- 11.3.6 The NEC shall hold the public hearing to decide on rejection decision of the appeal no later five days after receiving the appeal.
- 11.3.7 In case the defendant is not satisfied with the NEC's decision, the defendant or his/her representative has the right to lodge an appeal to the Constitutional Council within five (05) days upon receiving the rejection decision.
- 11.3.8 In case that the NEC rejects on the appeal, the appellant or their representative has the right to further appeal against the case in writing to the Constitutional Council within five (05) days after receiving the rejection decision.
- 11.3.9 According to the LEMNA, the Constitutional Council shall hold the public hearing to decide on rejection decision of the appeal no later 10 days after receiving the case.
- 11.3.10 The decision of the Constitutional Council is final.

### **Registration of Political Parties and Candidate Lists**

- 11.4 Political parties which wish to contest in the 2008 election shall submit application to register their candidate list according to the form determined by the NEC. The legal service department of the NEC is the office receiving the application.
- 11.4.1 The NEC shall review the application form to register political parties no later than seven (07) days upon receiving the application.
- 11.4.2 In case that the NEC decides to register the respective political party, NEC shall issue a party registration certificate to that political party.
- 11.4.3 In case that the NEC decides to reject the application, the NEC shall notify the political party or its representative that they can file complaint to the constitutional within five (05) days upon receiving rejection notification.
- 11.5 Political parties which already applied to register their candidate list and are rejected by the NEC, they or their representatives have rights to file complaint to the constitutional within five (05) days upon receiving rejection notification.
- 11.5.1 According to the LEMNA, the Constitutional Council shall examine and decide on rejection decision no later 10 days upon receiving complaints.
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11.5.2 Decision of the Constitutional Council is final.

## **Election Campaign**

11.6 During the election campaign, complaints involve people rather than electoral officials shall be lodged to CEC, PEC, NEC and the Constitutional Council in its hierarchy no later than three (03) days after the incident after reconciliation at CEC or after receiving decision on complaint at PECs or NEC unless otherwise timelines determined by the LEMNA. The complaint shall contain a number of necessary information as follows:

1. Name and address of the complainant;
2. Subject of the complaint
3. Type of offenses;
4. Time and place of committing the offense
5. If possible, specify the Articles of the Election Law which were violated.
6. Identity of the violator concerned;
7. Name and address of witnesses, if any;
8. Other evidences, if available.

### **A.1 Procedures for lodging and receiving complaints and complaint settlement at Commune Election Commission (CEC)**

#### **A.1.1 Submission and receiving complaints:**

- 11.6.1 The submission of complaints as provided for in Point 11.6 above shall be made with a competent CEC within three days after the violation occurs. The complainant or his/her representative shall fill in form 1202. In case the complainant lodges the complaint either verbally or in writing with various documents apart from form 1202, the CEC shall guide the complaint in filling form 1202 in three copies. The complainant or his/her representative can make copies of the filled form to sign or thumbprint.
- 11.6.2 Upon receipt of a complaint related to election campaign violation, the CEC shall immediately examine the formality of the complaint such as the identity of the complainant, its legal basis and the compliance with the timeframe as determined in Point 11.6 above of this Procedure. The CEC's chief shall get one CEC's member to make a record asking for additional information from the complainant or his/her representative and get the complainant to thumbprint on the record.
- 11.6.3 Complaints which do not have a proper legal basis or sufficient information or is not made during the period determined in Point 11.6 above, the CEC shall write down the reasons used to reject the complaint. After that, the CEC shall return one copy of complaint to the complainant, keep one copy as archive and send one copy to the PEC.

#### **A.1.2 Complaint Settlement**

- 11.6.4 In the event the CEC found that the complaint has met the requirements as determined in point 11.6 above, a monitoring and researching team is to be established with the following compositions
- CEC's Chief or his/her representative as a leader;
  - One CEC's member as an Assistant;
  - One CEC's member as a Secretary;
- 11.6.5 The team shall begin an investigation immediately by closely cooperating with the security and other relevant authorities to undertake a field visit to the place of incident for examination and records-taking, collection of evidences, inquiry of witnesses or any person engaged in the complaint. The leader of this team
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may request and authorize the complainant to accompany the team if he/she agrees to do so.

- 11.6.6 After the team has completed its investigation and the results show that an accused person has actually committed the offenses stipulated in the LEMNA and this regulation and procedures, the CEC shall invite all parties in conflict for reconciliation on a date and at a time as duly determined by the CEC. The reconciliation can be done only if the offense is a minor one and can be reconciled.
- 11.6.7 The CEC shall make a record of this conciliation by asking the parties in conflict to thumbprint on the record.
  - 11.6.7.1 If the conciliation leads to an agreement between the parties in conflict, the CEC shall make a record on this conciliation that all parties in conflict agree with the reconciliation by getting all parties to thumbprint on the record and then send this final conciliation record to the to the PEC immediately
  - 11.6.7.2 If the conciliation does not reach an agreement between the parties in conflict, the CEC shall make a record on this conciliation that all parties in conflict do not agree with the reconciliation and then send this final conciliation record to the PEC immediately even though any party refuses to thumbprint. The CEC shall then advise all parties concerned that anyone of them who is not satisfied with the outcome of the conciliation can file a complaint to the PEC within a period of three (03) days starting from the day that the reconciliation finishes.
- 11.6.8 The reconciliation report can be copied for relevant parties.
- 11.6.9 If the CEC found that subject and basis of the complaint is of a criminal offense, not related to the election campaign offenses as referred to in Chapter 07 of the LEMNA, the CEC shall write on the complaint and advise the complainant this or these complaints are not within the NEC's jurisdiction
- 11.6.10 The CEC is not required to start an investigation, if the perpetrator is found to have committed a flagrant delicto as determined in Chapter 07 of the LEMNA and this procedures. In this case, the CEC shall preliminarily conduct the reconciliation. At the same time, it shall immediately make a record and a brief report to the PEC for PEC is able to take a legal action.
- 11.6.11 The CEC has jurisdiction to resolve off-hearing complaints as stipulated in Chapter 07 of the LEMNA and this procedure only through the reconciliatory process. The CEC does not have the authority to hold hearings.
- 11.6.12 Members, functioning and power of the reconciliation panel at the CEC shall follow point 11.10.4 of this procedure.

**A.2 Procedures for complaints submission/reception and complaint settlement at the Provincial/Municipal Election Commissions (PECs).**

- 11.6.13 Parties in conflict who are not satisfied with the CEC's reconciliation outcome and wish to appeal to the PEC can further appeal to PEC within three days after the conciliation agreement is not reached.
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- 11.6.14 A complainant or his/her representative shall fill in, thumbprint and date form 1202 attached with record of the CEC's conciliation and the complaint.
- 11.6.15 Any complaint which is not made during the period determined in Point 11.6.13 above and does not have the proper legal basis or sufficient information as determined in article 11.6 above or the conflict was already conciliated at the CEC shall be rejected by writing the reasons for which it cannot be accepted.
- 11.6.11.1 In the event the PEC found that the complaint has met the requirements as determined in point 11.6 above, the PEC's chair shall get a PEC's member to make record in writing asking for additional information from the complainant or representative and then get the complainant or his/her representative to thumbprint.

#### **A.2.2 Complaint Settlement:**

- 11.6.17 After that the PEC shall primarily invite the parties involved in the complaint for primary reconciliation before resort to holding a hearing.
- 11.6.18 If the conciliation fails to reach an agreement between the parties in conflict, the PEC shall prepare itself to hold a hearing no later one day after the conciliation day and shall immediately at the conciliation place to relevant parties about the date and place of the hearing.
- 11.6.19 If the PEC found that subject and basis of the complaint is of a criminal offense, not related to the election campaign offenses as referred to in Chapter 07 of the LEMNA and this procedure, the PEC shall write on the complaint and provide the complainant the reasons that this or these complaints can not be solved.
- 11.6.20 In the event that the PEC found out that If the PEC found that subject and basis of the complaint is of a criminal offense, not related to the election campaign offenses as referred to in Chapter 07 of the LEMNA, the PEC shall closely cooperate with the security and relevant authority to facilitate the investigation immediately. PEC shall make a brief report on result of the investigation, fact, laws, and the conclusion to be attached with the reconciliation record and sent to NEC immediately. During the period of report delivery to the NEC, PEC shall hold a public hearing to make a decision.
- 11.6.21 In case that the perpetrator is found to have committed an offense in flagrant delicto as determined in Chapter 07 of the LEMNA and this procedures, the PEC shall determine the date and place of the public hearing no later than 1 day upon receiving the complaint and shall notify the parties in conflict about the date and place of hearing.
- 11.6.22 Members, functioning and power of the trial panel at the PEC shall be conformed with point 11.10.3 of this procedure.

### **A.3 Procedures for submission/receiving complaints and complaint settlement at the National Election Committee (NEC)**

#### **A.3.1 Complaints submission/reception:**

- 11.6.23 Parties in conflict or their representatives who are not satisfied with PEC's decision can file appeal to the NEC no later three days after the date of receiving decision from the PEC.
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11.6.24 Officials in charge of receiving and examining complaints at NEC shall complaint contains necessary information as determined in article 11.6 above and the investigation officials or specialized officials of the legal service and complaint settlement department shall make a record by asking additional information from the complainant or his/her representative and get them to thumbprint on the record.

### **A.3.2 Complaint settlement:**

11.6.25 NEC shall begin investigation immediately, except an offense in flagrant delicto as stipulated in LEMNA or this procedure.

11.6.26 After the NEC finishes its investigation, it shall immediately hold public hearing to resolve the complaint at a suitable time and shall inform the relevant parties about the date and place of the hearing.

11.6.27 Complaints which are not lodged during the period specified in point 11.6.23 above and without proper legal basis or sufficient information determined in point 11.6 above, the NEC shall in writing notify the reasons for rejecting to settle the complaint.

11.6.28 After receiving the complaint, inspection's and investigation's result, the NEC has rights not to hold hearing to resolve complaint if NEC thinks that the complaint is contradictory to the law and/or does not have relevant claims and subject of complaint which can not be resolved and/or the claim is vague and/or the NEC's investigation's result is found contradictory to the claims of the complaint. When the NEC rejects to resolve complaints, it shall be done through proper administrative procedure by issuing reply letter to the complainant that his/her complaint is not accepted.

11.6.29 Members, functioning and power of the trial panel at the NEC shall be conformed to point 11.10.2 of this procedure.

11.6.30 Parties in conflict or their representatives who are not satisfied with NEC's decision can file appeal to the Constitutional Council no later seventy two (72) hours upon being notified by the NEC.

11.6.31 Complaint submission/reception and complaint settlement period at the Constitutional Council shall be determined by the Constitutional Council's Procedure.

### **B. Complaints Involved Electoral Officials**

11.7 Every complaint related to offenses as referred to in Chapter 07 of the LEMNA and this procedure which is made against officials or members of the election authorities at all levels at NEC's headquarter, the NEC shall be made before an election authority of one level higher within a period of three (03) days of the occurrence of the incident, unless otherwise the date is determined in the LEMNA and this procedure.

The complaint shall contain a number of necessary information as follows:

1. name and address of the complainant;
  2. Subject of the complaint
  3. time and place of the commission of the violation;
  4. Type of the violation;
  5. If possible, specify any Article of the Electoral Law which has been violated;
  6. Identity of those involved in the offense;
  7. Name and address of witnesses, if any;
  8. Other evidences if available.
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- 11.7.1 Complaints involved with officials of PSC and BCC shall be made with the CEC according to the conditions set in Point 11.7
- 11.7.2 Complaints involved with officials of CEC shall be made with the PEC according to the conditions set in Point 11.7
- 11.7.3 Complaints involved with officials of PEC shall be made with the NEC according to the conditions set in Point 11.7
- 11.7.4 Complaints involved with officials at the NEC's headquarter shall be made NEC's chair according to the conditions set in Point 11.7
- 11.7.5 Complaints involved with the National Election Committee (NEC) shall be filed to the National Assembly in accordance with the LEMNA.

### **Polling and Ballot Counting Operation**

- 11.8 Procedure set thereafter in this article is concerned about the procedure of complaint submission, reception and settlement which may occur during the polling and ballot counting operation. This includes the procedure of appeal and/or objection complaints and settlement at the PSC/BCC, CEC, PEC and NEC.

#### **A. Appeal and/or objection complaints and settlement at PSC/BCC**

##### **A.1 Appeal and/or objection complaints**

- 11.8.1 Political parties' representatives have rights to verbally lodge appeal or objection complaint to the chair of the PSC/BCC against any person who causes irregularities during the polling and ballot counting within the polling station or count the ballot papers in which he/she is observing or performing own task. Appellant and/or objection complainants shall specify the reasons and/or proof of irregularities and violation against the LEMNA and/or this procedure during the polling or ballot counting within polling and ballot counting station.

##### **A.2 Settlement of appeals and/or objection complaints**

- 11.8.2 Chairman of the PSC/BCC shall immediately settle the appeal or objection complaint of the political parties' representatives.
  - 11.8.3 If the chairman found the appeal and/or complaints reasonable, he/she shall temporarily postpone the polling or ballot counting process to listen to the complaints and discuss with other members of the PSC/BCC for immediate solution of the irregularity.
  - 11.8.4 If the chairman found the appeal and/or complaint unreasonable, he/she shall reject the complaint or appeal by giving relevant justification.
    - 11.8.4.1 In case that the appellant or complainant agrees to thumbprint, the PSC/BCC chair shall record the appeal or complaint into the polling or ballot counting minutes.
    - 11.8.4.2 If the appellant or complainant agrees to thumbprint, the PSC/BCC chair does not need to record the appeal or complaint into the polling or ballot counting minutes.
  - 11.8.5 Upon request, the PSC/BCC chair shall issue three copies of form 1202 to the appellant or complainant to further complaint to the CEC and inform him/her that the complaint submission shall be done at the same time of delivery of polling and ballot counting minutes and relevant election materials to the CEC no later than 11.30 am on the next day after polling day.
  - 11.8.6 Decision of the PSC/BCC is only within its own jurisdiction.
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- 11.8.7 Decision of the PSC/BCC shall be effective and the chair of PSC/BCC has rights to announce to continue the polling or ballot counting process.

## **B. Complaints submission/reception and settlement at CEC**

### **B.1 complaints submission/reception**

- 11.8.8 Submission of complaint to the CEC shall be done simultaneously with the delivery of polling and ballot counting records and relevant polling materials to the CEC no later than 11.30 am of the next day after polling day.
- 11.8.9 Complaints which are not under the time frame as mentioned in point 11.8.5 above shall be deemed no complaints lodged.

### **B.2 Complaint settlement**

- 11.8.10 CEC shall review and consolidate the polling and ballot counting results in ballot counting station in which the complaints are lodged in compliance with the procedure stated in point 8.21 of this procedure.
- 11.8.11 Concerning the review and consolidation of the polling and ballot counting results in ballot counting station which does not have complaints or appeals on election result, the CEC shall open the safety package “A” to re-count the ballot papers.
- 11.8.12 Representatives of political parties and observers shall be allowed to participate in examination and consolidation of the polling and ballot counting results received from all polling stations within each commune.
- 11.8.13 Appellant or complainant who is not satisfied with the CEC’s decision can file complaint in writing to the PEC within two (2) days after receiving CEC’s rejection decision.

## **C. Complaints submission/reception and settlement at PEC**

### **C.1 complaints submission / reception**

- 11.8.14 Appellant or complainant who is not satisfied with the CEC’s decision can file complaint in writing to the PEC within two (2) days after receiving CEC’s rejection decision.

### **C.2 Complaint settlement**

- 11.8.15 PEC shall hold public hearing to decide on those complaints within three (03) after receiving the complaints.
- 11.8.15.1 In settling complaints, the PEC shall review the result from each commune in which the complaints were lodged in compliance with point 8.28 of this procedure.
- 11.8.15.2 In reviewing the results of each station within the commune, the PEC shall not open the safety package “A” of any polling station(s) in the commune with no complaint or appeal on the results.
- 11.8.15.3 In the event that PEC rejects the complaint, the complainant or his/her representative can further appeal to the NEC no later than two (2) days after receiving the rejection decision.

## **D. Complaints submission/reception and settlement at NEC**

### **D. 1 complaints submission/reception**

- 11.8.16 Appellant or complainant who is not satisfied with the PEC’s decision can file complaint in writing to the NEC within two (2) days after receiving PEC’s rejection decision.
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## **D.2 Complaint settlement**

- 11.8.17 NEC shall hold a public hearing to decide on those complaints within three (03) days upon receiving the complaint.
- 11.8.18 In complaints settlement, NEC shall review and verify the polling and ballot counting results of polling station(s) in the commune with the complaint which is in compliance with the procedure stipulated in point 8.37 of the this procedure.

## **E. Complaints submission/reception and settlement related to temporary polling results at the NEC or Constitutional Council**

### **E.1 Complaints submission/reception**

- 11.8.19 In accordance with article 114 of the LEMNA, political parties who contest in the election or their representatives have rights to file complaint against the temporary result of the Election of Members of the National Assembly in the forth mandate or part of the results by filing the complaints in writing with the NEC or Constitutional within seventy two hours after the announcement of the temporary election result.
- 11.8.20 If within the determined period, the NEC or Constitutional Council has not received any complaints, this will be deemed no complaints against the temporary result of the Election of Members of the National Assembly in the forth mandate.
- 11.8.21 Complaints lodged with the NEC after the determined period specified in point 11.8.19 above and the complaint does not have sufficient materials and evidence will not be taken for settlement.
- 11.8.21.1 Officials in charge of receiving complaints at the NEC shall write the time and date precisely to be submitted to the secretary general for his certification of overdue complaint, signature, and stamp on the complaint. One copy of this shall be given to the complainant or his/her representative, one for archive, and the officials shall inform the complainant or his/her representative that his/her complaint submitted after the due date can not be accepted to be settled.
- 11.8.21.2 NEC shall reject to solve any complaints without sufficient documents and evidences by giving secretary general rights to certify the rejection in writing according to the procedure stated in point 11.8.21.1 above.
- 11.8.21.3 The complainant or his/her representative as stated in point 11.8.21.1 and 11.8.21.2 above has rights to complaint in writing to the Constitutional Council within seventy two (72) after being notified of the rejection.
- 11.8.21.4 NEC shall hold public hearing to decide on the complaint within forty eight (48) hours upon receiving complaints. The complainant or his/her representative who is not satisfied with the NEC's decision can further appeal in writing to the Constitutional Council within seventy two (72) hours upon being notified of the rejection.

### **E.2 Complaint Settlement**

- 11.8.22 Complaints with sufficient documents and proof duly filed as determined in point 11.8.19 above, the NEC shall hold public hearing to decide on the complaint within forty eight (48) hours upon receiving the complaint.
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- 11.8.23 Complaints with sufficient documentation and proof duly filed as determined in point 11.8.19, 11.8.21.3 and 11.8.21.4 above, the Constitutional Council shall hold hearing to settle the complaint no later than ten (10) to twenty (20) days after the day receiving the complaint.
- 11.8.24 Decision of the Constitutional Council is final.

### **Procedures of the Submission/Receipt of Complaint and Complaint Settlement Related to Penalty As Stipulated in Chapter 11 of the LEMNA**

11.9 The content under this Point determines the submission/receipt of complaint/complaint settlement to all the offenses as stipulated in Chapter 11 of the LEMNA committed by the non-electoral officials and electoral officials.

#### **A- Procedures of Submission/Receipt of Complaint and Complaint Settlement at the Commune Council**

11.9.1 During voter list revision and voter registration and posting of the preliminary voter list, every person or representative or political party representative may file a complaint to the Commune Council at least three (3) days after the occurrence of the violation unless it is otherwise determined in the LEMNA.

The complaint shall contain a number of necessary information as follows:

- 1- Name and address of the complainant;
- 2- Subject of the complaint;
- 3- Time and place of the violation;
- 4- Type of the violation;
- 5- If possible, specify any Article of the Electoral Law which has been violated;
- 6- Identity of the violator concerned;
- 7- Name and address of witnesses, if any;
- 8- Other evidences, if available.

The complainant or representative shall fill out Form 1202 and thumbprint and issue date on his/her complaint form.

11.9.2 Upon receipt of a complaint related to an offense as set forth in Chapter 11 of the LEMNA, the Commune Council shall immediately examine the formality of the complaint such as the identity of the complainant, legal basis of the complaint and the compliance with the timeframe as determined in Point 11.9.1 above of this Regulation and Procedure.

11.9.3 The delegated chief of the Commune Council shall make a note of rejection on all the complaints which do not have a proper legal basis or sufficient necessary information or are not made during the period determined in Point 11.9.1 above by specifying the reasons for which they can not be accepted.

11.9.4 In the event the Commune Council found that the complaint has met the requirements as determined above, it shall establish a monitoring team with the following compositions:

- Commune Council Chief, as a Leader;
  - First Assistant or First Deputy, as an Assistant;
  - 1 Commune Council Member appointed by the Commune Council, as a Secretary.
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- 11.9.5 The team shall open an investigation immediately such as undertaking a field visit to the place of incident for examination and records-taking, collection of evidences, inquiry of witnesses or any person engaged in the complaint. The leader of this team may request and authorize the complainant to accompany the team if he/she agrees to do so.
- 11.9.6 After the team has completed its investigation and found that an accused person have actually violated the LEMNA, the Commune Council shall invite all parties in conflict for conciliation on an appropriate date and time as determined by the Commune Council. This conciliation can be done only if the offense is of a petty one which can be compromised.
- 11.9.7 The Commune Council shall make a record of this conciliation by asking the parties in conflict and witnesses to place their thumbprint on the record.
- 11.9.7.1 If the conciliation comes to agreement between the parties in conflict, the Commune Council shall make a record on this agreed conciliation and ask all parties to thumbprint on the record and then send this final conciliation record to the NEC through the PEC secretariat immediately.
- 11.9.7.2 If the conciliation fails to reach an agreement between the parties in conflict, the Commune Council shall make a record on this failed conciliation and ask all parties to thumbprint on the record and then send this final conciliation record to the NEC through the PEC secretariat immediately even though any party refuses to thumbprint. The Commune Council shall then advise all parties concerned that anyone of them who is not satisfied with the outcome of the conciliation can file a complaint to the NEC within a period of three (03) days after the day conciliation takes place.
- 11.9.7.3 A copy of this record may be given to the concerned parties.
- 11.9.7.4 If the Commune Council found that a complaint is of a purely criminal offense, not related to the offenses as referred to in Chapter 11 of the LEMNA, the Commune Council shall notify on the complaint form and inform the complainant that his/her complaint can not be settled because it is not the jurisdiction of the NEC.
- 11.9.7.5 The Commune Council is not required to open an investigation, if the perpetrator is found to have committed a flagrant delicto as determined in Chapter 11 of the LEMNA. In this case, the Commune Council shall immediately make a record and a brief report to the NEC through the PEC secretariat so that the NEC is able to take a legal action.
- 11.9.7.6 The Commune Council has the jurisdiction to resolve complaints related to offenses as referred to in Chapter 11 of the LEMNA out of the hearing system only through the conciliatory process. The Commune Council does not have the authority to hold hearings.

#### **B- Procedures for lodging/receiving complaints and settling complaints at the NEC**

- 11.9.8 Parties in conflict or representatives who are not satisfied with the conciliation by the Commune Council and wish to lodge complaint with the NEC may file
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a complaint to the NEC within the period of three (03) days after the day the conciliation by the Commune Council takes place.

11.9.9 After the receipt of complaint, the NEC shall apply Point 11.6.24, 11.6.25, 11.6.26, 11.6.27 and 11.6.29 of the LEMNA.

11.9.10 During the registration of political party running for election and candidate running for election, polling and counting, posting of temporary electoral result, the procedures for lodging/receiving complaints and settling complaints related to the offenses as determined in Chapter 11 of the LEMNA shall follow Point 11.6 and 11.7 of the LEMNA.

11.9.11 During voter list revision and voter registration, complaints involved with electoral officials shall be filed with the Commune Council based on the procedures as stipulated in Point 11.7 above within the period of three (03) days after the incident takes place.

11.9.12 Complaints involved with the Member of the Commune Council during voter registration shall be filed with the NEC. Point 11.7, the procedures for lodging complaint, shall be applied.

11.9.13 During the polling, complaint involved with the chief or member of the PSC/CSC shall be made with the CEC. The procedures for filing a complaint shall follow Point 11.7 above.

### **Conciliation Meeting or Meeting to Adopt Decision and Hearings**

11.10 In accordance with the LEMNA, the NEC, PEC, CEC and Commune Council have the authority and duties to conduct hearings or hold meeting to adopt decision or conciliation meeting in order to solve all the complaints related to the process of the Election of Members of National Assembly. Hearing procedures for complaint settlement as stated below shall be applied in all phases of the Election of Members of National Assembly including phases of voter list revision, voter registration, posting of the preliminary list, political party and candidate registrations, electoral campaign, polling, counting and posting of temporary electoral result and the complaints related to the violations of the provisions as stipulated in Chapter 11 of the LEMNA.

### **A- Composition of Trial Jury**

11.10.1 Chairman, deputy chairman or members of the NEC or chairman, deputy chairman or members of the PEC, who have been appointed to the hearing to rule on the complaint, are hereafter called the trial jury. Chairman, deputy chairman or members of the CEC, who have been appointed to the hearing to rule on the complaint, are hereafter called conciliators or decision makers.

11.10.2 Compositions, functioning and power of the Trial Jury at the NEC level:

- NEC Chairman or Representative, as the Chairman;
- NEC Deputy Chairman and all NEC Members, as Members;
- Hearing Official appointed, as a Secretary.

11.10.2.1 Quorum and condition for a legally constituted decision of the trial jury at the NEC level shall comply with the provision of Article 17 (new) of the

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Electoral Law and NEC bylaws and is similar to the required quorum and conditions for a legally constituted decision of the NEC.

11.10.2.2 The decision adopted by the trial jury shall not be refrained (abstention).

11.10.2.3 The trial jury at the NEC level has the right and power to summon parties and witnesses concerned to the hearing for clarification.

11.10.2.4 The NEC has the right to conduct investigation on the existence of the complaint in order to ensure that the LEMNA and Regulations and Procedures are complied with and that election is conducted in a free, fair and appropriate manner.

11.10.3 Compositions, functioning and power of the Trail Jury at the PEC level:

- PEC Chairman or Representative, as the Chairman;
- PEC Deputy Chairman and all PEC Members, as Members;
- 1 PEC Official, as a General Staff.

11.10.3.1 Quorum and condition for a legally constituted decision of the trial jury at the NEC level shall comply with the majority rule.

11.10.3.2 The decision adopted by the trial jury shall not be refrained (abstention).

11.10.3.3 The trial jury at the PEC level has the right and power to summon parties in conflict and witnesses concerned to the hearing for clarification.

11.10.4 Compositions, functioning and power of the Trail Jury at the CEC level:

- CEC Chairman or Representative, as the Chairman;
- All CEC Members, as Members;
- 1 CEC Member, as a Secretary.

11.10.4.1 The trial jury at the CEC level has the right and power to summon parties in conflict and witnesses concerned to the hearing for clarification.

11.10.4.2 The trial jury at the CEC level shall make a conciliation record and shall ask the parties in conflict to place thumbprint immediately after the conciliation takes place.

11.10.4.3 A copy of this record may be given to the concerned parties.

11.10.4.4 The trail jury shall issue a decision to the complainant.

11.10.5 Compositions, functioning and power of the Trial Jury at the Commune Council level:

- Commune Chief or Representative, as the Chief;
- All Members of the Commune Council, as Members;
- 1 Member of the Commune Council or 1 Official appointed by the Commune Council, as a Secretary.

11.10.5.1 Quorum and condition for a legally constituted decision of the trial jury at the Commune Council level shall comply with the Law on Commune Management and the bylaws of the Commune Council.

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11.10.5.2 The trial jury at the Commune Council level has the right and power to summon parties in conflict and witnesses concerned to the hearing for clarification.

11.10.6 The number and composition of the trial jury of any one level can be rotated if necessary but shall be approved by the NEC, PEC, CEC or Commune Council. The Chairman or Representative appointed by the NEC or the PEC or the CEC or the Commune Council is the Chairman of the trial jury or the meeting at his/her level. The number and composition of the trial jury of any one level except at the Commune Council level shall be based on an odd number such as: three (03) or five (05) or seven (07) or nine (09) or eleven (11).

11.10.7 The trial jury shall announce its decision under the Form 1203 which shall be managed by the NEC when the hearing is ended.

11.10.8 In the hearing, the trial jury has the right to dismiss any person who does not comply with the hearing bylaws as stipulated in the Annexes of the hearing bylaws for complaints settlement.

### **B- Types of Hearing**

11.10.9 The trial jury can hold hearings by means of the summary judgment, adversary system or inquisitorial system. The brief elaboration of each hearing is presented as follows:

11.10.9.1 Summary judgment is a hearing where it does not involve more procedures. The trial jury just makes a decision when it considers dealing only with the issue of law and none of the genuine issue of fact.

11.10.9.2 Adversary system is a hearing, which is open to the parties in conflict to argue back and forth about the dispute. The parties in conflict determine the facts and shall collect the evidences to be presented to the hearing.

11.10.9.3 Inquisitorial system is a hearing in which the trial jury plays an important role in inquiring the reasons in the case. During the hearing of this kind, both the trial jury and litigants are the ones responsible for collecting facts to be presented to the hearing but the trial jury has more important role than the questioner to the witnesses while the litigants have only subsidiary role.

### **C- Timetable for resolving the complaints and/or the conduct of hearings**

11.10.10 The NEC and PEC may conduct a hearing or the CEC or Commune Council may hold hearings on daily basis from 08:00 am to 11:30 pm except on national and international holidays which are determined in the sub-decree on the calendar for annual holidays for civil servants, employees and workers. In case of necessity, the hearing can continue further based on the practical situation or is held at the time other than the one determined above.

11.10.10.1 The NEC shall determine a calendar for the settlement of complaints and/or the conduct of hearings at the NEC level based on the nature of the complaint of each stage of election work and the timeframe as mentioned in the LEMNA and the present Regulations and Procedures and shall ensure that the

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notification on the settlement of complaints and/or the conduct of hearings is timely delivered to the complainant and/or defendant at least twenty-four (24) hours before the settlement of complaints and the conduct of hearings take place.

11.10.10.2 Within its jurisdiction, the PEC shall have a discussion to determine a calendar for the settlement of complaints and/pr the conduct of hearings at its level based on the nature of the complaints of each stage of electoral work and the timeframe as mentioned in the LEMNA and the present Regulations and Procedures and shall ensure that the notification on the settlement of complaints and/or the conduct of hearing and its date and place is timely delivered to the complainant and/or defendant at least twenty-four (24) hours before the settlement of complaints and the conduct of hearings take place.

11.10.10.3 Within its jurisdiction, the commune councilors or the CEC shall have a discussion to determine a calendar for the settlement of complaints and/pr the conduct of hearings at its level based on the nature of the complaints of each stage of electoral work and the timeframe as mentioned in the LEMNA and the present Regulations and Procedures and shall ensure that the notification on the settlement of complaints and/or the conduct of hearing and its date and place is timely delivered to the complainant and/or defendant at least twenty-four (24) hours before the settlement of complaints and the conduct of hearings take place.

11.10.10.4 In the program of one hearing session or one meeting, it can determine to adjudicate or rule on many complaints.

11.10.10.5 The Department of Legal Service and Dispute and officials in charge of legal service and dispute has the duties to investigate and prepare the case-files thoroughly for the hearings or the settlement of complaints at their respective levels including the facts, legality and other documents related to appeal of objections and give legal advice to the trial jury at their level.

11.10.10.6 The Department of Legal Service and Dispute of the NEC shall have a training program for its all level of electoral officials in charge of legal service so that they will perform this duty well as the general staff at their levels.

#### **D- Rights and obligations of the complainant, defendant, his/her representative or lawyer**

11.10.11 The complainant or defendant has the right to invite his/her representative or lawyer or those who are involved with the complaint to the hearing for clarification but shall ask for permission from the chief of hearing first before it takes place.

11.10.12 The complainant shall make a delegation letter to his/her lawyer or representative with his/her signature or thumbprint and with the agreement and stamp from the lawyer or thumbprint from that representative (representative shall be an eligible person). This letter of delegation shall be sent to the trial jury at least two (2) hours before the hearing takes place.

11.10.13 The complainant may report the occurrences in writing. The defendant may also prepare the complaint-related report by him/herself or through his/her representative or authorized lawyer.

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- 11.10.14 The complainant is permitted to present documents, evidences or witnesses in order to prove his/her case.
- 11.10.15 The defendant shall present his/her case-file and may present documents or evidences to defend his/her case.
- 11.10.16 According to the hearing procedures, the defendant may raise questions to the complainant or his/her witnesses about the evidence while the complainant may also argue against the questions raised by the defendant or his/her witnesses regarding the presented evidence.
- 11.10.17 The defendant may present evidences as the final ground by him/herself or through his/her representative or lawyer in order to respond to the grounds provided by the complainant.
- 11.10.18 Methods used in presenting evidences in the trial of the Kingdom of Cambodia can also be used in the hearing process. Evidences can be presented by all means and shall comply with the LEMNA and the present Regulations and Procedures.
- 11.101.19 The complainant and defendant are not to take an oath.
- 11.101.20 Complainant or defendant or lawyer or the representative of the complainant or the defendant may request the NEC, PEC, CEC or the commune councils to photocopy his/her related case-file by paying the production fee only. The NEC, PEC, CEC officials or the member of the Commune Council must make photocopy (as requested).
- 11.10.21 All those who are involved with the case have the right to file a complaint against the decision adopted by the trial jury as determined in the LEMNA and the present Regulations and Procedures.
- 11.10.22 Before the trial jury has the discussion, both parties are permitted to draw final conclusion or hand over documents deemed necessary to the trial jury.

#### **E- Presence at the hearing**

- 11.10.23 If the complainant has already been informed but fails to attend the hearing, the trial jury shall adopt decision in complainant's absence (but considered to be present) by stating the reasons in Form 1203.
- 11.10.24 If the defendant is dead before the hearing takes place, the trial jury shall remove the case from the list.
- 11.10.25 In the events of death of the plaintiff, the Trial Panel or the Reconciliation Panel or the Decision-making Panel still continues their procedures.
- 11.10.26 In the case that the defendant received the invitation and did not present on the hearing day or on the decision-making day or on the reconciliation day, the Trial Panel or the Decision-making Panel or the Reconciliation Panel still continues their procedures.
- 11.10.27 In the case that the defendant did not attain the hearing day or the final decision-making day, the Trial Panel or the Decision-making Panel shall assign the hearing officials or the secretary to the Decision-making Panel to deliver the final decision letter to the defendant either
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at his/her own address or at the party's address. Then if the defendant refuses this, the officials or the secretary shall give reason by writing on the letter and document it.

### **E. The Rights and Duties of the Witness**

- 11.10.28 Witness shall take an oath and then clarify the Trial Panel or the decision-making Panel and shall make a vow to be legible. (The meanings of the oath are attached in the Annex on the Procedure and Meanings of the oath.)
- 11.10.28.1 The witnesses to both the plaintiff and defendant have rights to clarify freely. That is they are under nobody's domain.
- 11.10.28.2 The witnesses to both the plaintiff and defendant shall be in different room while waiting for the calling from the reconciliation Panel and decision-making Panel to make the clarification.
- 11.10.28.3 Under no circumstances, on the hearing day or on the final decision-making day, the witnesses to both the plaintiff and defendant are not allowed to get contact.
- 11.10.28.4 The witnesses, in addition, are not allowed to see or hear the court's conversation on the hearing day unless they get permission from the head of the Trial Panel or from the head of the reconciliation Panel.

### **Using the 1203 Form and other Reconciliation and Hearing related Forms**

- Article 11.11 Filling out the 1203 Form (The decision-making Form) at NEC, PEC, and CEC level shall be done in response to the following numbers and the objectives of the complaints:
- 11.11.1 Filling out the NEC Form shall be in five (5) copies for the appeal or six (6) copies for the objection complaints.
- 11.11.1.1 Voter List Revision and Registration Phases:
- Send out one (1) copy to the complained person
  - Send out one (1) copy to the accused or his/her representative
  - Send out one (1) copy to Commune Council
  - Send out one (1) copy to Constitutional Council in the events that it is legal to lodge the complaint to the Constitution.
  - Retain one (1) copy for file
- 11.11.1.2. Polling Phase:
- Urgently send out one (1) copy to the complained person or its representative.
  - Urgently send out one (1) copy to the accused or his/her representative.
  - Send out one (1) copy to the Provincial Electoral Commissions (PEC)
  - Send one (1) copy out to the Constitutional Council in the events that it is legal to lodge the complaint to the Constitution.
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- Retain one (1) copy for file

11.11.2. Filling out the PEC Form shall be done in four (4) copies which is applicable for objection complaint and five (5) for appeal. This is to:

- Urgently send out one (1) copy to the objection complainant
- Urgently send one (1) copy out to the accused or his/her representative
- Send out one (1) copy to NEC
- Send out one (1) copy to CEC
- Retain one (1) copy for file

11.11.3. Filling out the CEC Form shall be done in three (3) copies for complaint objection or four (4) copies for appeal. This is to:

- Urgently send out one (1) copy to the objection complainant
- Urgently send out one (1) copy to the accused or his/her representative
- Send out PEC one (1) copy
- Retain one (1) copy for file.

11.11.4. Filling out the CC Form shall be done in three (3) copies for objection complaint or four (4) copies for the appeal. This is to:

- Immediately send out one (1) copy to the objection complainant
- Urgently send out one (1) copy to the accused or his/her representative
- Send out one (1) copy to NEC
- Retain one (1) copy for file

Article 11.12 Other than the above mentioned forms, the form that are used in holding a hearing or handling any complaints and filled out by NEC, PEC, CEC, and CC are: Invitation to attain the hearing session or to attain the final decision-making meeting or to have a reconciliation Panel meeting and Minutes of these meetings.

11.12.1. Invitation to attain the hearing session or to attain the final decision-making meeting or to have a reconciliation Panel meeting shall be done in accordance with a specific number of the participants and then shall be handed one (1) copy to each and per relevant officials and retain one (1) copy for file.

11.12.2. Report on the Trial Panel or final decision-making Panel or reconciliation Panel shall be made one (1) copy for each level and then procedurally hand it to the Chief of the Trial Panel or final decision-making Panel or reconciliation Panel to do primarily consideration before making any decisions.

11.12.2.1 The report on the Trial Panel or Final Decision-making Panel or Reconciliation Panel is simply a brief on the complaint, the fact, the legality, and the primary consideration. It is basically not compulsory to make a decision. The official decision shall be made hereafter based on the specific fact and legality in the trial session or decision-making session or reconciliation session.

11.12.2.2 Never allow any complaint relevant parties make a copy or read the above report.

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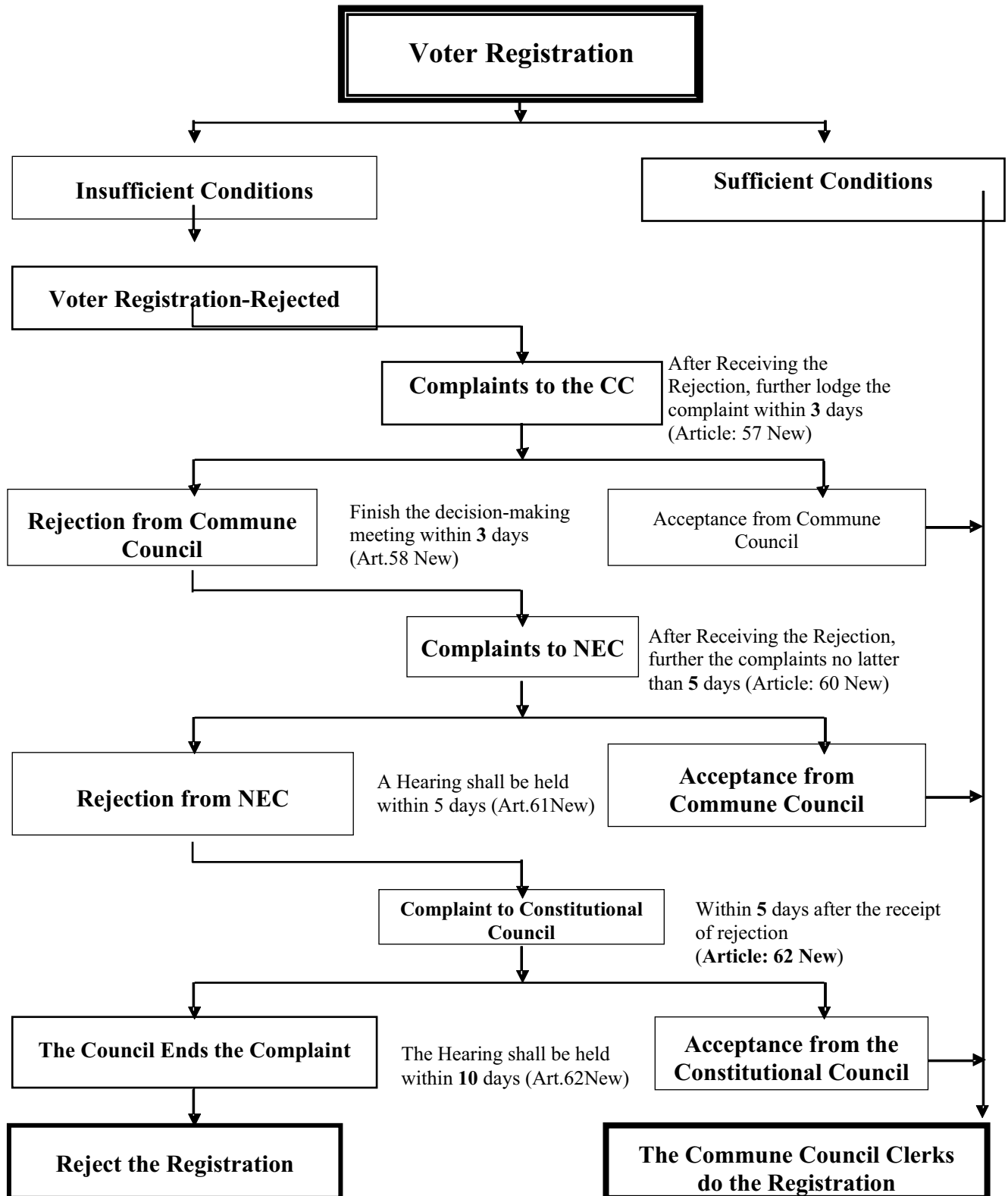
11.12.3. A copy of the Minute on Trial Panel or Decision-making Panel or Reconciliation Panel shall be taken by the Secretary to the Audience/Hearing or the Secretary to the Decision-making Panel or the Secretary to the Reconciliation Panel. The Minute shall be written down both the accusation and the defense of the complaint relevant parties. In addition, the Secretary shall write down the opinion of the Trial Panel or Decision-making Panel or Reconciliation Panel.

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**Annex: The Timeline of the Complaint Objection or Appeal, Decision-making meeting, and the Hearing assigned by LEMNA**

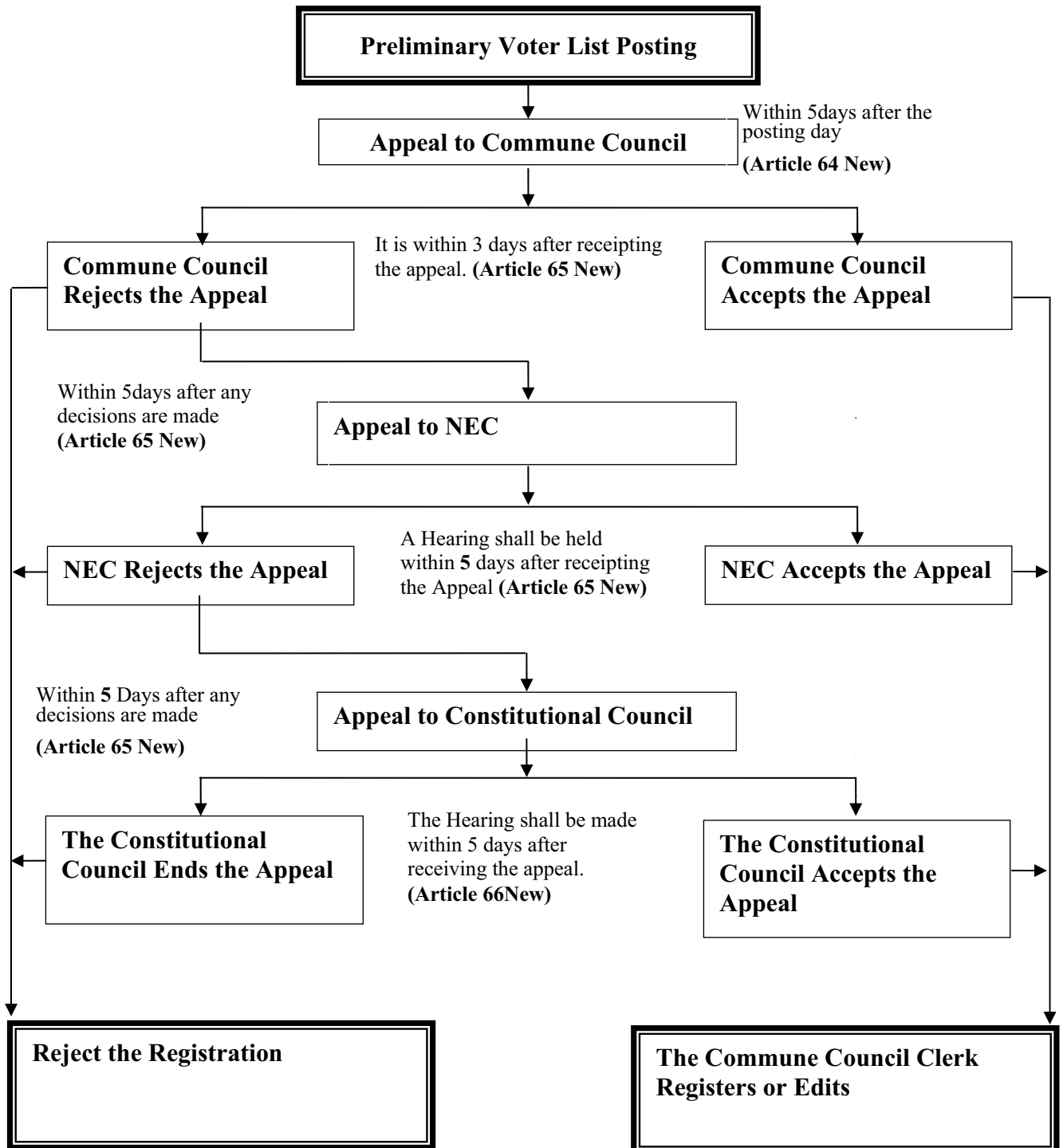
**1. Phase of Voter List Revision and Registration**

**A. Phase of Voter Registration (Implementation following the LEMNA)**

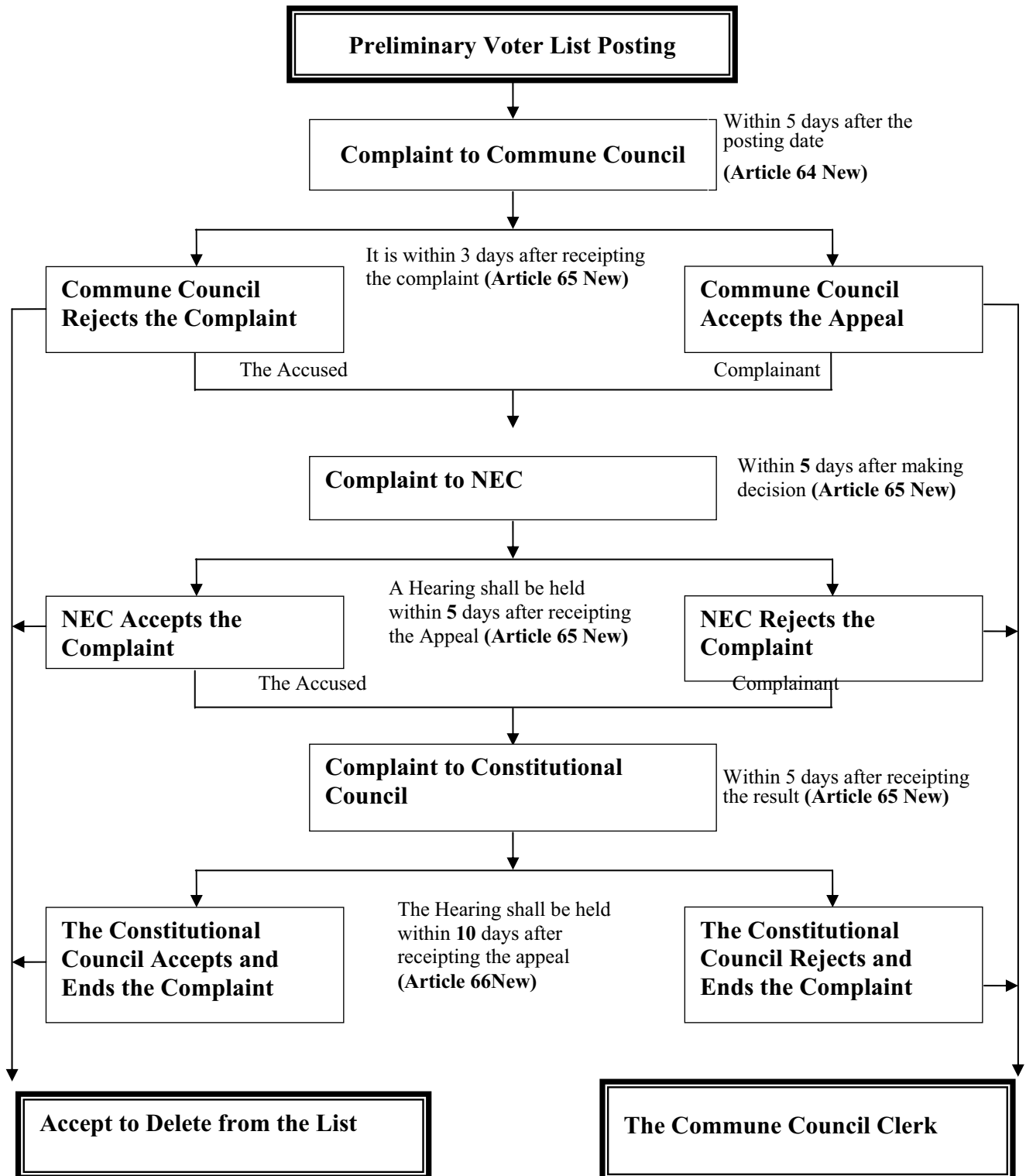


**B. Preliminary Voter List Posting Phase (Implemented as LEMNA)**

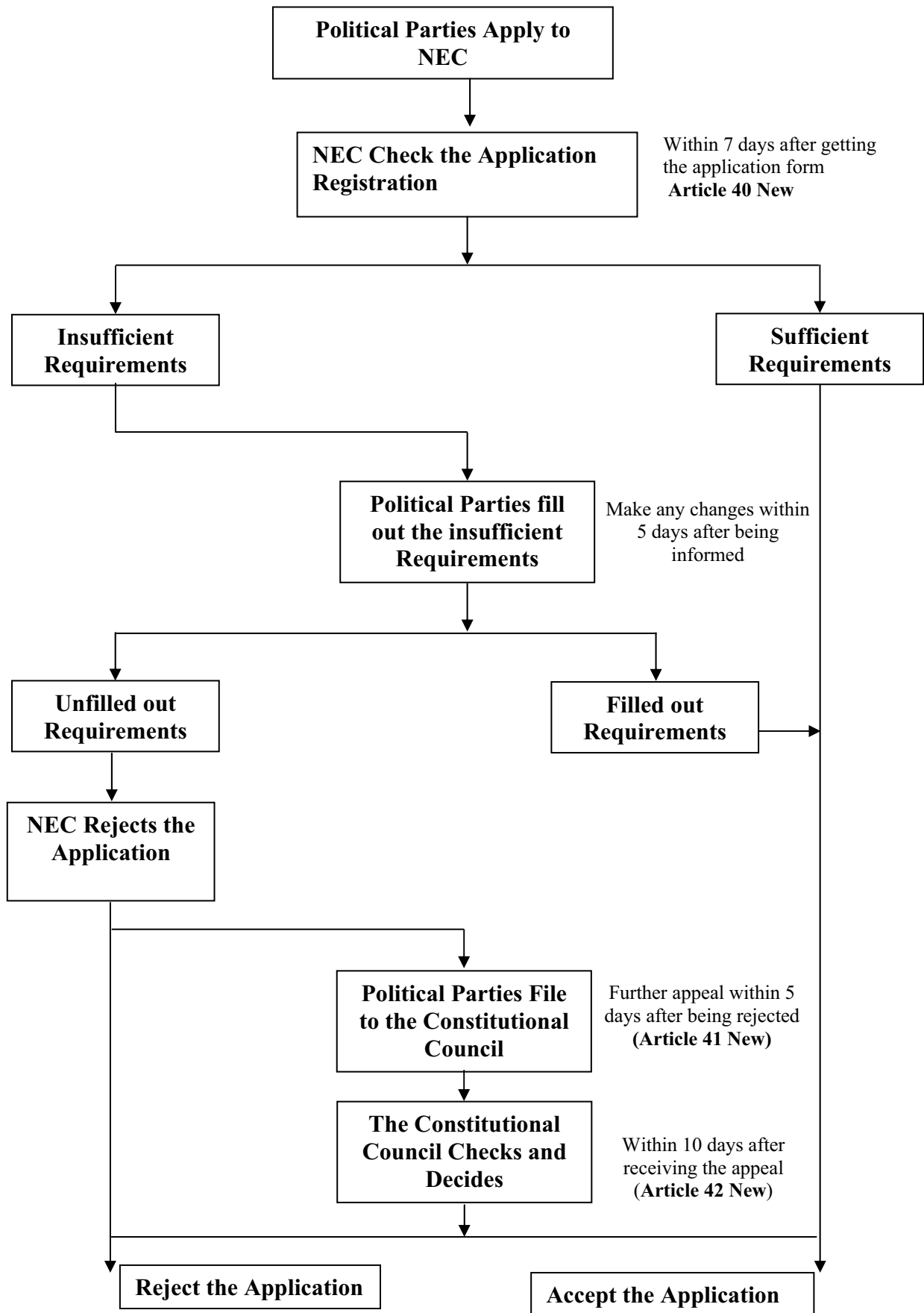
**B.1. Appeal**



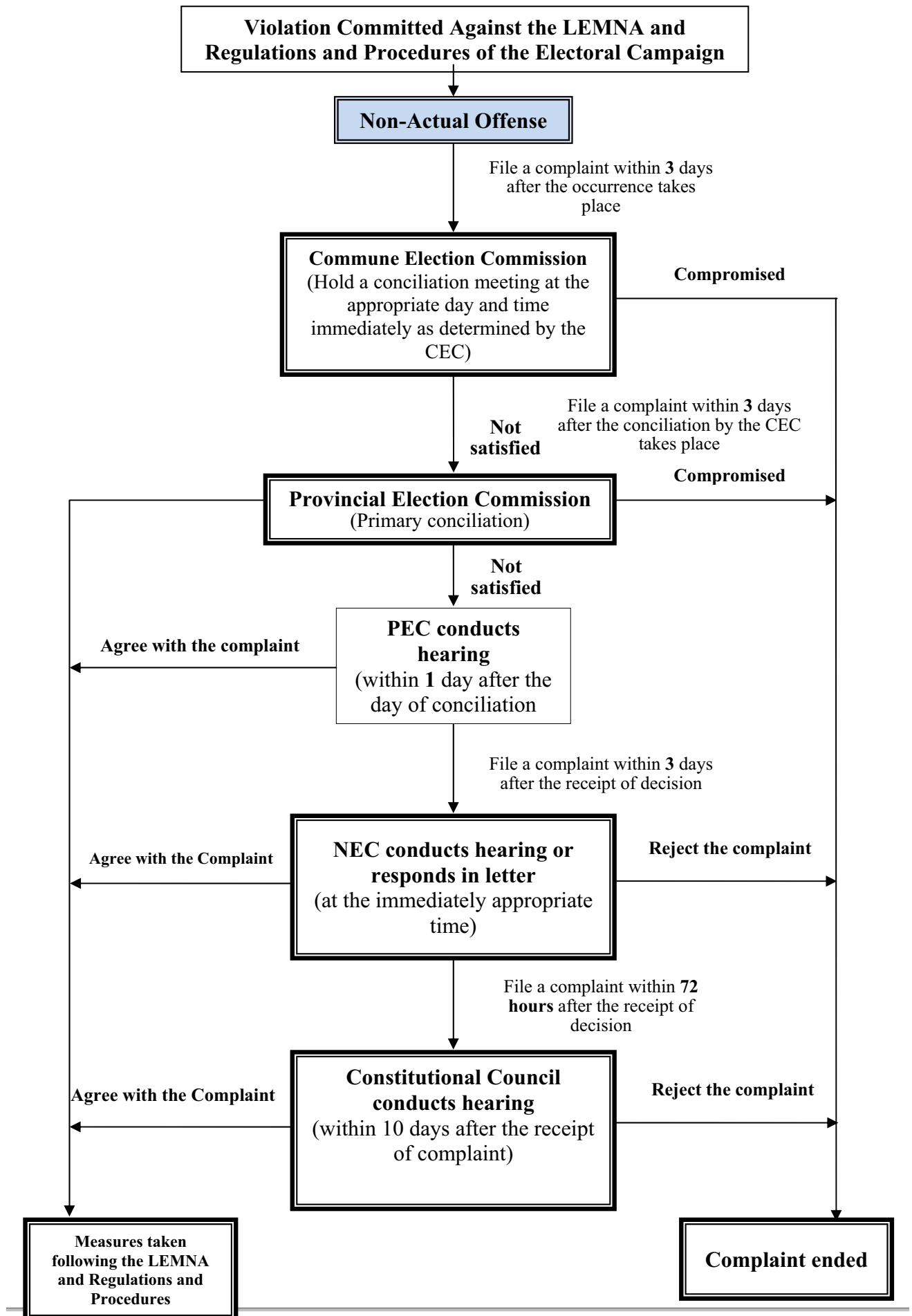
## B.2. Objection Complaint



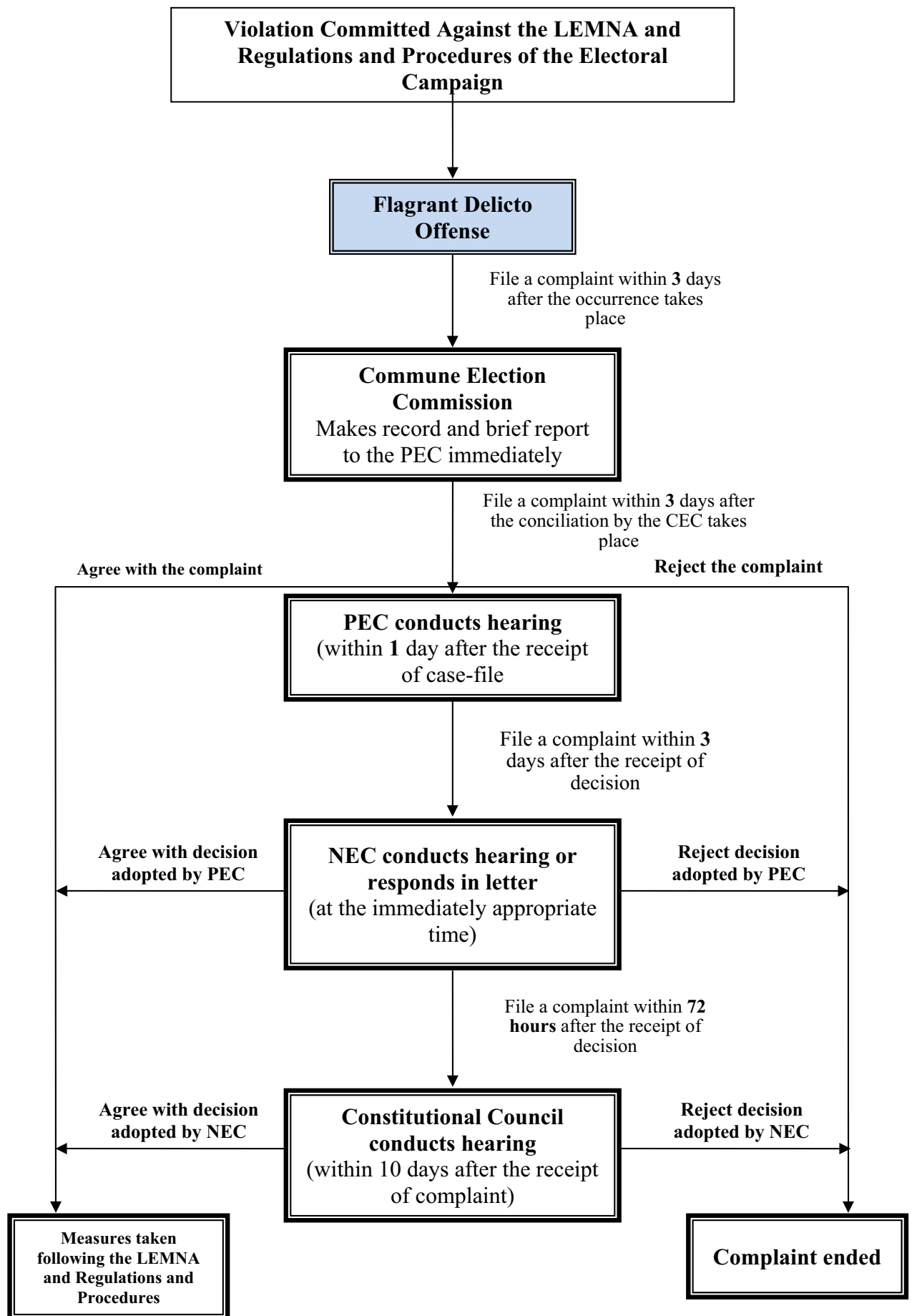
## 2. Candidate Registration and Political Parties Registration Phase



**3. Electoral Campaign  
A- Non-Actual Offense**

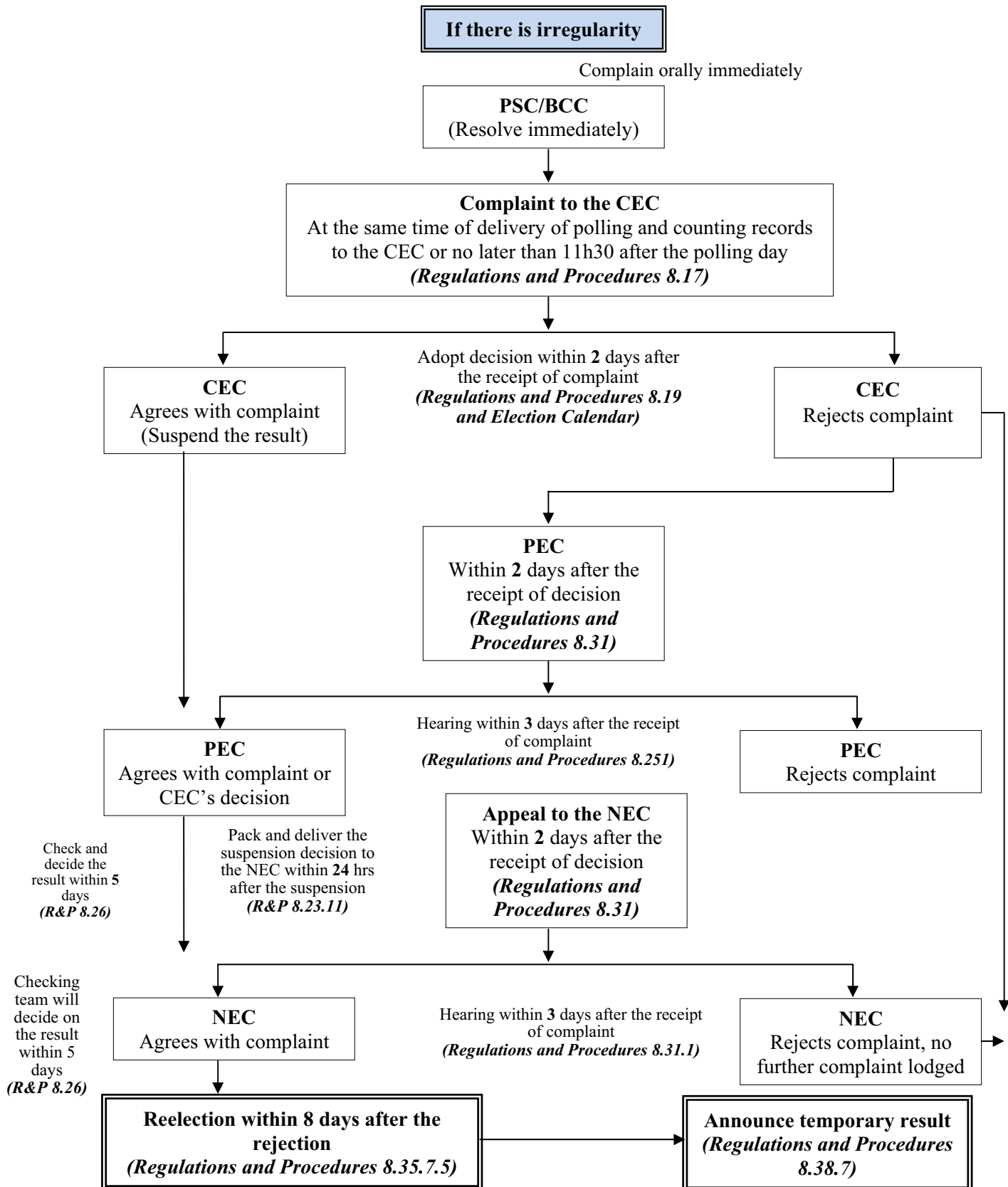


## B- Flagrant Delicto Offense

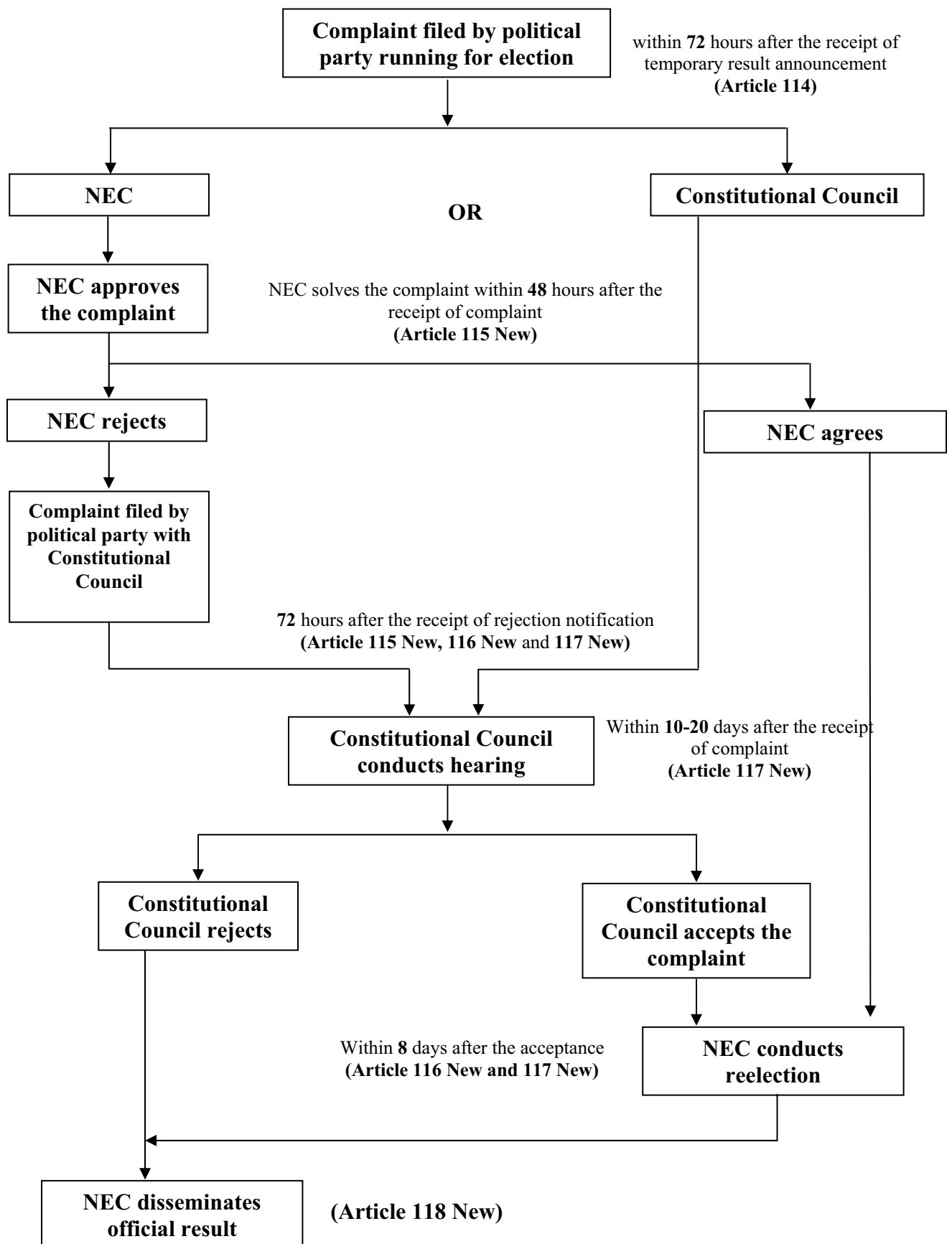




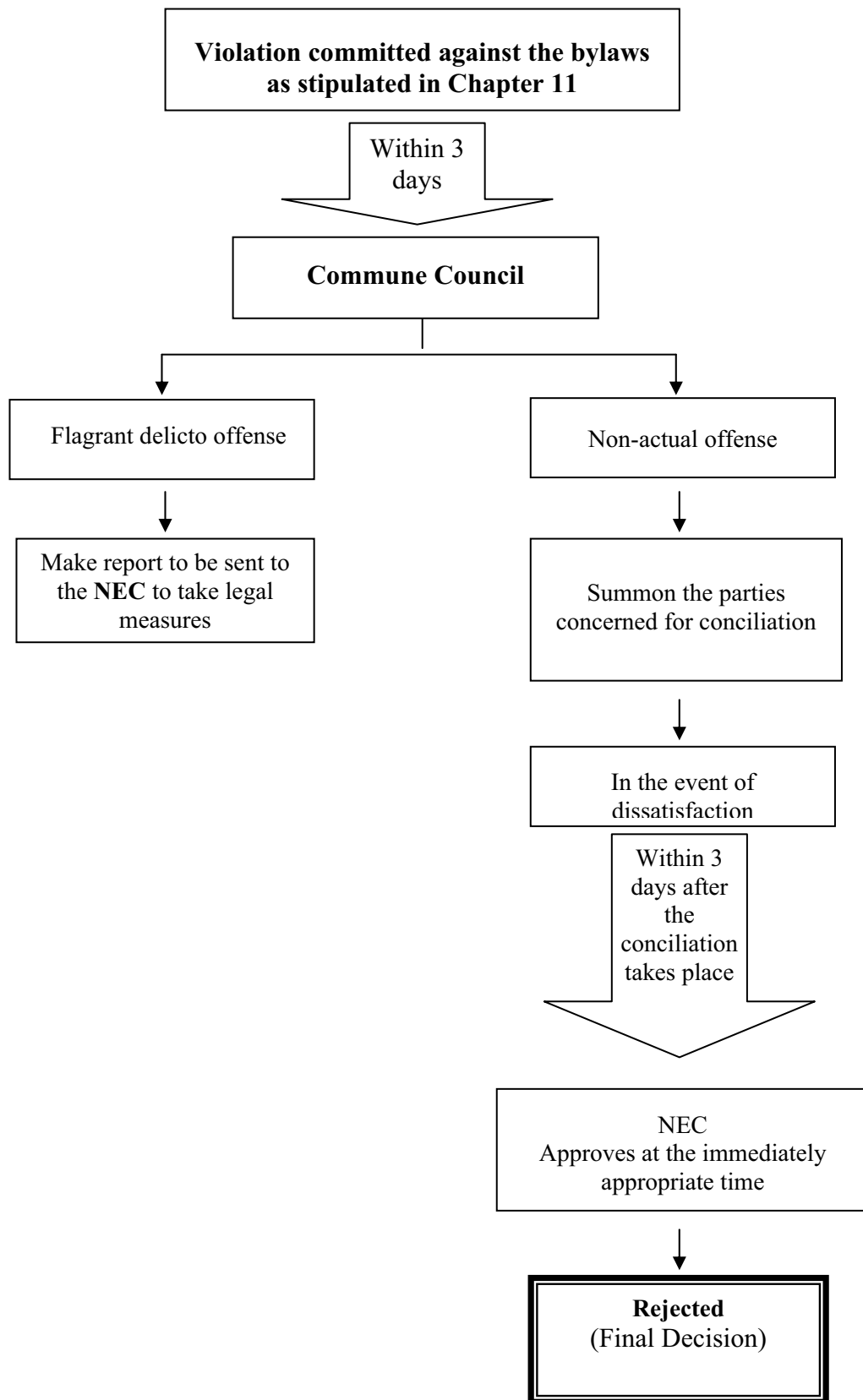
## 4. Voting and Counting



## 5. Announcement of Temporary Result

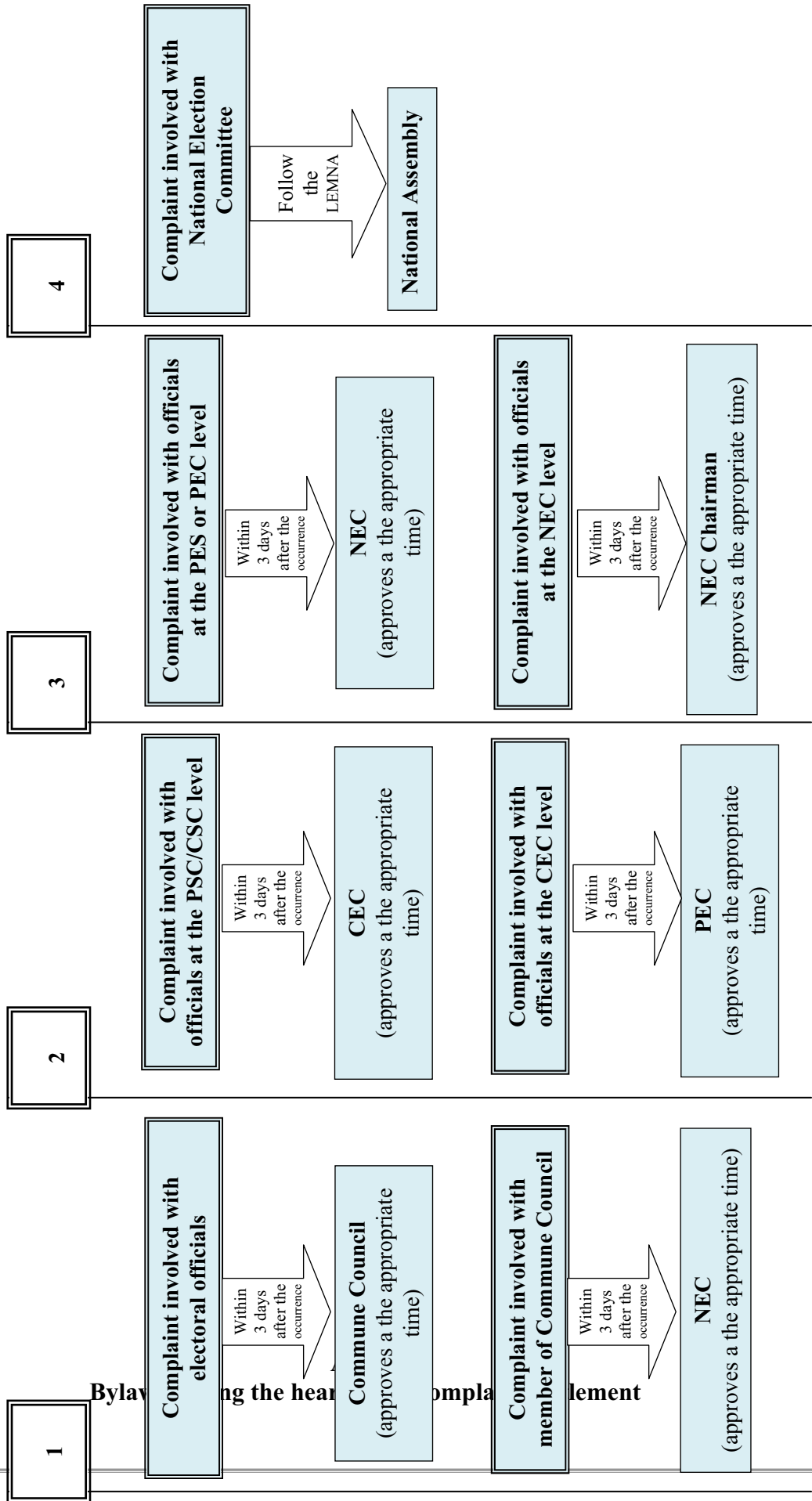


**6. Diagram on the Procedures for Lodging the Complaint**  
**A- Voter list revision and voter registration**



**B- Procedures for lodging the complaints during the electoral campaign are the same as the procedures from registration of political party and candidate running for election until the announcement of official result**

**7. Procedures and duration for complaint settlement involved with electoral officials or election commissions/committee**



In order to maintain public order, security and safety in the hearing, every person who is present in the hearing shall comply with the following regulations:

1. Smoking in the hearing is prohibited;
2. Anarchic activities prohibited in the hearing include:
  - Walking back and forth without permission in the hearing
  - Shouting loudly or act of disturbance
3. Those who are below 18 years are prohibited to enter the hearing unless otherwise permitted by the trial jury;
4. Entry with weapon, explosive and poisonous substances as well as other dangerous items in the hearing is prohibited;
5. Taking picture and voice-recording are prohibited unless otherwise permitted by the trial jury;
6. In the event that any person or persons commits the acts which are deemed by the trial jury to affect the public order of the hearing, the trial jury may dismiss those persons out of the hearing.

Any person who does not comply with this regulation or pose disturbance in the hearing shall be sanctioned by law in force.

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## **Annex Procedures and Meanings of Oath**

The swearing shall be led and proceeded by a hearing official or secretary in front of sacred entities in the conduct of each hearing.

Before swearing takes place, the swearers shall lit the incenses and candles in front of the sacred entities to which they will be swearing. Then the hearing official or secretary shall read the summon loudly and clearly in order for the swearers to follow.

After swearing takes place, the hearing official or secretary shall make the record of that swearing by certifying that the swearing is conducted properly. The exact swear words shall be recorded as well.

### **Summon**

All holy gods, goddesses and sacred entities are invited to preside over this swearing because the two parties have been in conflict and have their respective witnesses who have personally known, seen heard and remembered the occurrences and the law requires these persons to be witnesses to provide the truthful answers.

If their answers provided are contradicted to what they have known, seen, heard and remembered, may all gods, goddesses and sacred entities destroy those persons to the extent which they are killed miserably by the bullets, thunder, tiger and cobra. Also, in the next life, they will experience breakup within their parents and relatives and they will lead the poorest living for the next 800 lives.

If their answers provided are truthful and unbiased in spite of the fact that they belong to the parties in conflict in blood for which their answers are *not* of conspiracy, feeling of intimidation and hatred, gaining benefits or bribe, may all gods, goddesses and sacred entities bless these persons with good health, abundant wealth and respect gained from their relatives. They will also be blessed with goodness and prosperity.

### **Swear words**

I will provide the answers from what I have seen, heard, known and remembered.

If any of my answers is untruthful, may I be sanctioned by all gods, goddesses and sacred entities with devastation of property and miserable death. However, if my answers are truthful, may gods and goddesses bless me with abundant wealth, happy life and living up with relatives ever after.

## Chapter 12

### Political Party Representatives, Observers and Journalists

#### Political Party Representatives

- 12.1 The Department of Legal Service and Dispute is the general staff of the National Election Committee to be in charge of work related to the political party representatives.
- 12.1.1 In accordance with the LEMNA, the political party representatives shall be assigned by their political parties and allowed by the Commune Council or CEC to observe the election process. The political party representatives are the observers who have the right to file a complaint or appeal.
- 12.1.2 Cards to be given to the political party representatives for the Election of the Members of National Assembly are provided in two stages.
- 12.1.2.1 First stage, the revision of the voter list and registration of voters;
- 12.1.2.2 Second stage, the polling and counting of ballot papers.
- 12.1.3 Political party representatives shall provide training to their representatives about the LEMNA and the Law on Political Parties as well as the Regulations and Procedures and code conduct of political party during polling.

#### **First stage: Revision of voter list and registration of voters**

- 12.1.4 For the first stage, every political party duly registered in accordance with the Law on Political Parties have the right to assign one (01) full right representative and one (01) reserve representative to observe the revision of the voter lists and registration of voters at Commune/Sangkat offices and at the registration stations in Communes/Sangkats as determined by the NEC.
- 12.1.4.1 Only one representative of one political party is allowed to enter any one polling station. A reserve representative is allowed to wait at the outside perimeter in order to replace the full-right-representative in case of rotation.
- 12.1.4.2 A political party that has the wish as stated in Point 12.1.4 shall apply to register its representative to the Commune/Sangkat office concerned starting from seven (07) days before the date set for the commencement of the revision of voter lists and registration of voters.
- 12.1.4.3 The Department of Legal Service and Dispute shall provide the model application Form 1007 for registration of political party representatives free of charge. A political party may duplicate the Form 1007 to be used as applications for registering its representatives.
- 12.1.4.4 This Form shall be made in three (03) copies with the attachment of:
- a copy of the certificate of registration of the political party with the Ministry of Interior;
  - the list of the full-right representative and reserve representative, who are in majority age, by indicating the

family name, first name, gender, date of birth and current address of the concerned representatives;

- the statement of promise to comply with the LEMNA, Law on Political Parties, Regulations and Procedures and the Code of Conduct for Political Parties.

12.1.4.5 A political party representative shall:

- be an eligible voter;
- be capable to perform his/her work;
- be a trained political party agent by his/her political party.

12.1.4.6 A political party representative shall sign in the line of his/her name in the list of political party representative in order to prove the statement of promise that:

- 1- He/She volunteers and agrees with the appointment to be the party representative to observe the operation of revision of voter list and registration of voters;
- 2- He/She complies with the LEMNA, Regulations and Procedures and Code of Conduct for Political Parties, Candidates and Political Party Representatives.
- 3- He/She is responsible before the law for violation committed against the statement of promise as stated in Point 2 above.

12.1.4.7 The application for registering the political party representatives shall be signed by the political party's head or representative who has been given the permission to do so in writing by the head of that political party.

12.1.4.8 The Commune Councils, that have been delegated the power, shall examine the applications to register as political party representatives and issue the decision of acceptance or rejection to the name of the political party representatives in the requested list within three (03) days of receipt of the applications. After the examination and approval of the list of political party representatives, the Commune Council shall sign and stamp every page of the three copies in order to:

- send one copy to the concerned political party;
- send one copy to the PEC secretariat;
- keep one copy for files.

12.1.4.9 If it is found in an application that any political party representative does not sufficiently meet the criteria as determined in Point 12.1.4.5, the Commune Council shall reject that political party representative in writing by bringing this notification to the party concerned within three (03) days after the receipt of the requested application. Political party has the right to reapply for being the full right and reserve representatives instead of the name of the applicants already rejected to the Commune Council, not later than three (3) days after the receipt of refusal letter. Within this period



of time, if the party representative fails to make the correction within the above stated period, the Commune Council shall decide to accept and recognize only the name of any political party representatives who meet the established criteria.

12.1.4.10 Following the approval of the applications for registering the political party representatives, the Commune Council shall provide the political party representatives with political party representative ID cards for them to complete and to affix their photos. The Commune Council shall sign, date and stamp on the right corner of the photos affixed on the cards and give them back for use in the conduct of their work.

12.1.4.11 Party representative ID cards for the first stage is valid for use only during the revision of voter lists and registration of voters.

12.1.4.12 The Commune clerk shall report to the Commune Council the presence of activities of the political party representatives during the revision of voter list and registration of voters.

### **Second Stage: Polling and ballot counting**

12.1.5 For the second stage, a political party that has the list of candidates running for election of members of the National Assembly have the right to send one (01) full right representative and one (01) reserve representative to observe the polling process at each polling and ballot counting station in a provincial/municipal constituency where it has its candidates running for the election.

12.1.5.1 Candidate running for the Election of the Members of National Assembly, village-chief and his/her assistant are not allowed to be political party representatives to observe the conduct of polling and ballot counting.

12.1.5.2 Only one representative of one political party is allowed to enter any one polling station. A reserve representative is allowed to wait at the outside perimeter in order to replace the full-right-representative in case of rotation.

12.1.5.3 During the second stage, a political party that does not have the list of candidates running for the election has the right to send its representative to take part as national observers in the Polling Station in all the Communes as determined under Point 9.5 of the LEMNA. The observers of the said political party have the same rights as those national observers of NGOs.

12.1.5.4 The said political parties as stated in Point 12.1.5 shall apply to register their representatives to the CEC within a period of thirty (30) days until one (01) day before the polling day.

12.1.5.5 The application (Form 1007) for registering political party representatives shall be made in three (03) copies with the attachment of:

- a copy of the certificate of registration of the political party with the Ministry of Interior;

- the list of full-right and reserve representatives of the political party by indicating the family name, first name, sex, date of birth and address of the concerned representatives.
  - a letter certifying registration and having name in the voter list of the Polling Station of any Commune/Sangkat.
- 12.1.5.6 Application forms for registering the political party representatives shall be signed by the political party's head or representative who has been given the permission to do so in writing by that political party's head.
- 12.1.5.7 The CEC shall examine the application for registering the political party representatives and shall issue a decision of approval of the name of political party representatives in the requested list within three (03) days of receipt of the application.
- 12.1.5.8 The CEC shall issue a decision of approval or rejection by applying procedures as stated in the first stage Points 12.1.4.8, 12.1.4.9, 12.1.4.10 and 12.1.4.11 above.
- 12.1.5.9 Each political party has the right to change its representatives during this second stage until at 5:30 p.m. of Saturday, one day before the polling day
- 12.1.6 The Department of Legal Service and Dispute shall design the form and content of the application forms for registering political party representatives for both stages. The identification cards for the full right and reserve representatives for the first and second stages shall be made by using different color. The CEC shall provide the cards to the political party representatives on a free of charge basis for them to complete and to affix their photo.
- 12.1.7 The identification cards for political party representatives for the second stage are valid to be used to observe the polling and counting of ballot papers.
- 12.1.8 The political party representatives have the rights and duties as set out in the Code of Conduct for Political Parties, Candidates and their Representatives.
- 12.1.9 A political party representative who violates the Regulations and Procedures and Code of Conducts for Political Parties shall be subject to penalties and fines in accordance with the Law on the Election of Members of the National Assembly.
- 12.1.10 The Department of Legal Service and Dispute shall prepare the Code of Conducts for Political Parties, Candidates and their Representatives and electoral observers.

- 12.1.11 The PSC/BCC, CEC and PEC shall report to their superior of one level higher about the presence and activities of political party representatives and observers.

## **Electoral Observers**

- 12.2 Electoral observers include national and international observers:
- National observers are Cambodian nationals or foreigners who are the members of local associations and NGOs or foreigners who are invited by the local associations or NGOs that are accredited and permitted by the NEC;
  - International observers are observers of international NGOs and organizations as well as countries that are invited and accredited by the Royal Government of Cambodia and permitted by the NEC.
  - The concerned organization shall bear the burden of all expenses allocated to the electoral observers.

### **National Observers:**

- 12.3 The NEC shall make a prior notification on the calendar for the election of members of the National Assembly. Applications to be registered as national observers shall be filed with the NEC. Receipt of applications shall commence on the day the notification on the calendar for the election of members of the National Assembly is made until one week before polling day.
- 12.3.1 Any association or NGO that wishes to take part in the observation of election of members of the National Assembly shall have the following:
1. a letter certifying the official registration with the Ministry of Interior of the Kingdom of Cambodia at least seven (07) months before the date of election of members of the National Assembly;
  2. a statute or a similar document which specifies the purposes or goals in the promotion and protection of good governance, democracy or election or human rights or law or social justice;
  3. a voter education program for their member observers;
  4. a statement of its action plan and financial situation.
- 12.3.2 To take part in the election observation, national observers, associations or NGOs that meet the qualifications as referred to in Point 12.3.1 shall apply to register their observers to the NEC.
- 12.3.3 The Department of Legal Service and Dispute of the NEC shall provide the sample application form for registration of election observers free of charge. An application to register election observers shall be made in three (03) copies with the attachment of:
1. criteria as provided for in Point 12.3.1;
  2. lists of observers in provinces/municipalities where observation should take place;
  3. the statement of promise to comply with the LEMNA, Regulations and Procedures and Code of Conduct for Observers.
- 12.3.4 Electoral observers:

- shall be eligible voters;
  - have been trained about the LEMNA and Regulations and Procedures and the code of conduct for observers.
- 12.3.5 The NEC shall examine and approve an application for the registration of observers of associations and NGOs within a period of five (05) days of receipt of the application.
- 12.3.5.1 If it is found that the submitted list of names do not have sufficient qualification, the NEC shall reject those names by:
- keeping the names of observers who have sufficient qualifications;
  - striking out the names of observers who do not have sufficient qualifications with a note written on a space in a different column next to the name concerned as “rejected”.
- 12.3.5.2 Associations and NGOs have the right to reapply for being observers instead of the name of the applicants already rejected, not later than three (03) days after the receipt of refusal letter.
- 12.3.5.3 Within this period of time, if the associations or NGOs fail to make the correction of those who do not have sufficient qualifications, the NEC shall issue a decision of approval in writing for the observers who have sufficient qualifications and a decision of rejection for the observers who do not have sufficient qualifications.
- 12.3.5.4 The decision of approval for national observers shall be made in three (03) copies, of which:
- one copy is kept at the NEC;
  - one copy is sent to the PECs;
  - one copy is for the concerned association or NGO.
- 12.3.5.5 The approved lists of observers shall be stamped on every page and then shall be sent to a Provincial/Municipal Election Secretariat official or the PEC.
- 12.3.6 The Provincial/Municipal Election Secretariat official or the PEC shall provide the observer cards to national observers for them to perform their election observation in their province or municipality. The Provincial/Municipal Election Secretariat official or the PEC shall verify the list of observers presented to them by the representative of the concerned association or NGO with the list of observers officially sent by the NEC.
- 12.3.6.1 After verifying that the list is correct, the Provincial Election Secretariat official or the PEC shall:
- provide the number of the observer cards based on the number of observers listed in the list of observers in order for the association or NGO representative to fill in and affix the photos;
  - inform the association or NGO representative who has received the required number of observer cards to quickly fill in and affix photos on them so as to be officially validated.
- 12.3.6.2 An observer card may be legally constituted for observation only if:

- it is issued by the NEC through a Provincial /Municipal Election Secretariat or a PEC;
  - it contains a photo of the observer affixed on it and is duly filled in; and
  - it is stamped by the Provincial/Municipal Election Secretariat official or PEC on the right corner of the lower part of the photo affixed on it.
- 12.3.7 The Director or a representative of the concerned association or NGO shall sign a guarantee statement and be responsible for their list of observers especially be responsible before the law for the identity of each observer under their control.
- 12.3.8 The association or NGO can request for national mobile observer cards for the most five (05) leaderships to conduct an observation across the country if the concerned association or NGO has applied for observation in more than five (05) provinces/manipulates. The mobile observer card is of a different format and color from the card of national observers. The Procedures for submitting application forms to be national mobile observers to perform an observation across the country are the same as submitting application forms to be national observers. National mobile observers have the rights and duties as stipulated in this code of conduct.
- 12.3.9 Organizations established by the Royal Government are not allowed to observe the election.
- 12.3.10 The Provincial/Municipal Election Secretariat or the PEC shall make a report of the total number of national observers in each phase and send it to the NEC.

### **International Observers**

- 12.4 The international observers, upon arriving in Cambodia, shall present themselves at the Ministry of Foreign Affairs and International Cooperation in order to get updated information.
- 12.4.1 International observers as stated in Point 12.2 shall apply to register as international observers to the National Election Committee from the day the election calendar is announced until the polling day. The Department of Legal Service and Dispute shall provide the sample application form to be registered as international observers and international observer cards to international observers or NGOs on a free of charge basis for them to fill in and affix photos.
- 12.4.2 The NEC will examine the completed application forms and identification cards and issue a decision of approval for international observers within three (03) days of receipt of the application forms.
- 12.4.3 After it is found that an application form is not correct, the NEC shall advise the concerned international observers or organization to correct it immediately to allow for the issuance of the decision of approval by the NEC.
- 12.4.4 In case it is found that an application form is correct, the NEC shall give observer cards to international observers for them or their representative to fill

in and affix their photo, and to be signed by the observers concerned and then to be returned to the NEC.

- 12.4.5 After receiving the duly completed cards, the NEC shall issue the decision of approval, sign and stamp the observer cards on the right corner of the lower part of the photo and then give them to the concerned observers for them to conduct their duty.
- 12.4.6 International observers who are allowed by the NEC have the right to observe any part of or the entire election process and at anywhere in the Kingdom of Cambodia.
- 12.4.7 Interpreters of international observers shall submit their name together with the international observers' application form by specifying their position. The interpreters have the right only to be interpreters.

### **Political Party Not Having Registration of Candidates and Wishing to Observe the Election**

- 12.5 Political Party duly registered in accordance with the law of political party and not having registration of candidates in the Election of Member of the National Assembly and wishing to observe electoral process and ballot counting at Commune/Sangkat, that party has the right to apply to register their membership as eligible citizens voter for the Election of Members of the National Assembly and as National Observer to NEC. Receipt of applications shall commence on the day the notification on the calendar for the election of members of the National Assembly is made until one (01) week before polling day.
  - 12.5.1 The NEC shall provide a sample of application for registration of electoral observer as stated in Point 12.5.
  - 12.5.2 Application to register of political party shall be made as stated in 12.5 in three (3) sets with the attachment of:
    - a letter certifying the official registration of political party;
    - list of observer shall be made at province/municipality commune/Sangkat with surname, family name, address and the eligibility of each observer and polling station and ballot counting station where the observer shall perform work.
    - the announcement complying with the LEMNA, Regulations and Procedures and code of conduct of electoral observer.
  - 12.5.3 Political observer shall be the member of the party and has the qualifications, rights and duties as National Observer.
  - 12.5.4 The NEC shall examine and approve an application for registration of political observer as stated in 12.5, not later than three (3) days after the receipt of application.
    - 12.5.4.1 If it is found that the submitted list of names do not have sufficient qualification, the NEC shall reject those names by:
      - keeping the names of observers who have sufficient qualifications;
      - striking out the names of observers who do not have sufficient qualifications with a note written on a space in a different column next to the name concerned as "rejected".

- 12.5.4.2 The said political parties or representatives have the right to reapply for being observers instead of the name of the applicants already rejected, not later than three (03) days after the receipt of refusal letter.
- 12.5.4.3 Within this period of time, if the political parties fail to make the correction of those who do not have sufficient qualifications, the NEC shall issue a decision of approval in writing for the observers who have sufficient qualifications and a decision of rejection for the observers who do not have sufficient qualifications.
- 12.5.4.4 The decision of approval for national observers shall be made in three (03) copies, of which:
  - one copy is kept at the NEC;
  - one copy is sent to the PECs;
  - one copy is for the concerned party.
- 12.5.4.5 The approved lists of observers shall be stamped on every page and then shall be sent to a Provincial/Municipal Election Secretariat official or the PEC.
- 12.5.4.6 The provision of ID card of political observer which is applied to register as stated in 12.5 shall follow the same procedures as of the observer of associations and NGOs.

### **National and International Journalists**

- 12.6 Journalism association or journalistic unit or independent journalist who wishes to obtain information in the fourth mandate of Members of the National Assembly Electoral process shall apply to register directly at NEC.
  - 12.6.1 Public media of the Department of Training and public media is the general staff of the NEC in monitoring media system, national journalist, international journalist and independent journalist who take part in the fourth mandate Members of the National Assembly Electoral process.
  - 12.6.2 The NEC shall provide the application to register as journalist to the journalism association or journalistic unit or independent journalist as requested free or charge.
    - The commencement of application to register as national journalist is from the announcement date of polling day until seven (7) days prior to polling day.
    - The commencement of application to register as international journalist is from the announcement date of polling day till polling day.
  - 12.6.3 The application to register as national and international journalists shall be filled with the attachments as follows:
    - 12.6.3.1 For the national journalist, with the attachments of:
      - a permission letter from Ministry of Information;
      - a letter certifying or requesting NEC information notice from concerned unit;

- a statement in duplicate of information notice issued by Ministry of Information or journalism association or ID card as the journalist from the unit concerned;
  - curriculum vitae.
- 12.6.3.2 For the international journalist, with the attachments of:
- a permission letter from Ministry of Information;
  - a letter certifying or requesting NEC information notice from concerned unit;
  - a statement in duplicate of information notice issued by Ministry of Information or journalism association or ID card as the journalist from the unit concerned;
  - curriculum vitae;
  - passport in duplicate (for foreigner).
- 12.6.3.3 For the journalist who does not have permanent office in the Kingdom of Cambodia, with the attachments of:
- passport in duplicate;
  - ID card as the journalist of the unit concerned;
  - curriculum vitae.
- 12.6.3.4 For the independent journalist, with the attachments of:
- a statement in duplicate of information notice issued by Ministry of Information or journalism association or ID card as the journalist from the unit concerned;
  - curriculum vitae;
  - latest statements issued legally at the latest year for three (03) statements.
- 12.6.4 The NEC shall examine and approve the application for registration of journalist, not later than seven (7) days, for national journalist. In case NEC rejects the registration of the national journalist who does not have adequate qualification, the unit concerned or the person concerned shall fill additional documents and apply to register again, not later than three (3) days after the receipt of refusal.
- 12.6.5 The NEC shall examine and approve the application for registration of international journalist, not later than two (2) days. In case NEC rejects the registration of the international journalist who does not have adequate qualification, the unit concerned or the person concerned shall fill additional documents and apply to register again, not later than two (2) days after the receipt of refusal.
- 12.6.6 The NEC shall publish ID card for national and international journalists, permitted by NEC, to obtain information in their conduct of work, free of charge.
- 12.6.7 The journalist shall comply with the Journalistic Principles, LEMNA, Regulations and Procedures, code of conduct and journalism.



- 12.6.8 National and international journalists who are allowed by the NEC can get access to information in any part of or the entire election process or in stages of election with compliance to the LEMNA, Regulations and Procedures and the code of conduct of journalist.
- 12.6.8.1 National and international journalist have the right to take photo and obtain information from:
- activities of the people who participate in checking the voter list and registering as voters and polling;
  - the conduct and activities of the electoral officials during voter list revision and voter registration, polling and ballot counting.
- 12.6.8.2 National and international journalists shall not:
- interfere or disturb the conduct of voter list revision and voter registration and/or polling and ballot counting;
  - interview in polling station or ballot counting station;
  - interview voter who is in the queue at polling station;
  - disturb the conduct in the station which influences the confidentiality of election and rights of the individual.
- 12.6.8.3 Information obtained in picture in polling station or ballot counting office shall be permitted by the chief of that station. The picture-taking shall not influence the confidentiality of election.
- 12.6.8.4 Journalists shall not apply his/her duties (either in private or state manner) to oppress the commune council members, commune clerks or the members of the CEC or the members of PSC/BCC or observers or candidates or political representatives or eligible voters.

**Annex 1**  
**Materials/Documents to be handed over to the CEC**  
**For use in the whole electoral operation**

1. Six (6) copies of PSC/BCC composition ID Cards multiplied by the numbers of Polling Stations in the Commune/Sangkat (first delivery).
2. Twenty (20) copies of political party representatives ID cards multiplied by the numbers of Polling Stations in the Commune/Sangkat (first delivery).
3. Twenty (12) sheets of Contract Form 1002 to be filled by the PSC/BCC compositions multiplied by the numbers of Polling Stations in the Commune/Sangkat (first delivery).
4. Three (3) copies of Form 1004 to fill out the attendance list and wage of the PSC/BCC compositions (first delivery).
5. One (1) CEC stamp (first delivery).
6. One (1) box of red-ink pad and one (1) bottle of red-ink (first delivery).
7. Three (3) copies of Polling Locations List in the Commune/Sangkat (first delivery).
8. Two (2) copies of Voter List of all the Polling Stations in the Commune/Sangkat, one (1) copy for posting and one (1) copy for handing over to the Commune/Sangkat Council.
9. Five (5) copies of Form 1103 to fill out the Report of the Consolidated Temporary Result of Election in the Commune/Sangkat.
10. Three (3) copies of Form 1106 to record the distribution and delivery of ballots.
11. Six (6) copies of Form 1107 to fill out the delivery and receipt form of electoral materials multiplied by the numbers of Polling Stations in the Commune/Sangkat.
12. Five (5) copies of Form 1109 to fill out the Consolidated Temporary Result of Election in the Commune/Sangkat.
13. Twelve (12) copies of Form 1113 to fill out the assessment of the PSC/ BCC composition multiplied by the numbers of Polling Stations in the Commune/Sangkat.
14. Three (3) sets, twenty (20) copies in each set, of Form 1202 to fill out the complaint/appeal.
15. Five (5) sets, twenty (20) copies in each set of Form 1203 to fill out the decision on complaint/appeal.
16. One (1) large envelop, 5 medium, and the additional medium based on the proportion and Package “C” to be used at the CEC.
17. One (1) calculator.
18. Two (2) big permanent markers.
19. Two (2) big blue whiteboard markers.
20. Five (5) blue pens.
21. Fifty (50) sheets of papers.
22. One (1) Bag or Safety Package “Special C”.
23. Number of Bag or Package “C” based on the proportion of the Polling Stations in the Commune/Sangkat.
24. Numbers of big seals for sealing the Bag or Package “C” are equal to the numbers of Bag or Package “C”.

## **Annex 2**

### **Voting and Counting Materials, Packages and Documents to be handed over to each PSC/BCC by the CEC**

1. Two (2) copies of voters' list in the relevant polling station.
2. One (1) package of ballots packed separately and attached with one (1) confidential seal stamped on the back of the ballots to be put in a closed envelop.
3. One ballot box uninstalled and packed separately.
4. Two zinc-made and three-folded confidential booths for marking the ballots, uninstalled and packed separately in a nylon-made sack attached with one (1) piece of transparent tape.
5. Two (2) bottles of indelible ink.
6. One (1) "Polling station" sign printed on a piece of plastic.
7. Two (2) notifications forbidding the use of mobile phones and cameras.
8. One (1) stamp per polling station.
9. One (1) box of red-ink pad and one (1) bottle of red-ink.
10. Eight (8) pens including stringed pens for casting the ballot and normal pens for the PSC.
11. One (1) piece of big permanent marker.
12. One (1) piece of big marker.
13. One (1) bottle of glue.
14. One (1) plastic ruler.
15. A number of elastic bands tying the votes by party.
16. One (1) large envelop, nine (9) medium, and two (2) small.
17. Six (6) thin papers stuck over the slit where ballots are inserted.
18. Twenty (20) paper sheets written for Polling Station's notification, posted on the ballot box and used for other purposes.
19. Two (2) pieces of large paper sheets laid underneath the ballots when cast.
20. One (1) large paper sheet to record the votes.
21. Six (6) copies of Form 1101 to fill out the vote report.
22. Six (6) copies of Form 1102 to fill out the vote-count report.
23. Twenty (20) copies of Form 1104 to copy the temporary result of the election in each Polling Station.
24. Six (6) copies of Form 1107 to fill the delivery/receipt note of electoral materials and documents.
25. Four (4) copies of Form 1108 to record the votes.
26. Four (4) copies of Form 1112 to fill out the table checking the electoral materials and documents received by the PSC.
27. Form 1115 to record the attendance of representatives of political party and observers during ballot-counting.
28. Two (2) sets, 20 copies in each set, of Form 1202 to fill out the complaint/appeal.
29. One (1) plastic bag containing unused ballots and the stubs of used ballots.
30. One (1) plastic bag containing valid and invalid votes.
31. One (1) bag or Safety Package "A" containing vote and vote-count reports and other electoral materials and documents.
32. One (1) bag or Package "B" containing Safety Package "A" and other electoral materials and documents.
33. Three (3) numbered plastic seals to seal the inner and outer covers of the ballot box.
34. One (1) plastic seal to seal the pocket of Package "B".
35. Ballot piercer.

**Annex 3**  
**Election System and Seat Allocation**

1. According to Article 5 and 118 (new) of the Law on Election of Members of the National Assembly, the Election of Members of the National Assembly shall be proportional representation, with provincial/municipal constituencies and the allocation of seats shall be made in accordance with the highest average formula.
2. Declaration of elected members for the National Assembly shall be made in line with the list of candidates standing for the election in the provincial/municipal constituencies and the implementation shall be made in descending order.
3. In accordance with the Law on Election of Members of the National Assembly Article 118 (new), the seats in the provincial/municipal constituencies shall be allocated depending on the number of seats in the province/municipality and the election results in the provincial/municipal constituencies. The NEC shall allocate the seats and determine the number of seats for each elected political party through each provincial/municipal constituency.
4. In order to allocate the seats in each provincial/municipal constituency, the NEC shall apply the following cases:
  - 4.1 In the provincial/municipal constituency where there is only one seat, the seat in that provincial/municipal constituency shall be allocated to any political party which received the highest number of votes.
  - 4.2 In the provincial/municipal constituency where there is more than one (01) seat, the seat shall be allocated based on the number and election results of that province/municipality through the following steps:

**Quota calculation:**

4.2.1 **Step 1: Determination on quota**

Quota is the number of valid votes in each provincial/municipal constituency which is determined for one (1) seat to be allocated to political party running for election in that constituency.

4.2.2 For determination on quota, the total number of valid votes in the provincial/municipal constituency is divided with the total number of seats of that provincial/municipal constituency.

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

Where:

Q = Represents the quota; ignoring any remaining fraction;

V = Represents the total number of valid votes;

S = Represents the total number of seats.

### Example 1: Quota determination

In provincial/municipal constituency A, there are:

- 533.378 total number of valid votes (V)
- 11 total number of seats (S)

Determination on quota:

$$\frac{V}{S} = \frac{533.378}{11} = 48.488,90$$

Quota is 48.448 (Q = 48.488)

### **Determination of the preliminary numbers of seat**

#### 4.2.3 **Step 2: Determination of the number of preliminary seats or first allocation of seats.**

To determine the preliminary numbers of seat which will be allocated to political party, the total number of valid votes each party received is divided with the quota according to the following formula:

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

Where:

N<sub>s</sub> = Proportion; ignoring any remaining fraction, represents the number of seats to which each political party is entitled prior to necessary calculation as in Step 3;

V = Represents the number of valid votes cast for each political party;

S = Represents quota.

### Example 2: First allocation of seats

In the same provincial/municipal constituency A, there are 12 political parties running for election.

|         |              |         |                  |
|---------|--------------|---------|------------------|
| Party A | has received | 49.682  | Valid Votes (Vv) |
| Party B | has received | 48.754  | Valid Votes (Vv) |
| Party C | has received | 112.978 | Valid Votes (Vv) |
| Party D | has received | 108.334 | Valid Votes (Vv) |
| Party E | has received | 15.162  | Valid Votes (Vv) |
| Party F | has received | 25.286  | Valid Votes (Vv) |
| Party G | has received | 28.245  | Valid Votes (Vv) |
| Party H | has received | 50.523  | Valid Votes (Vv) |
| Party I | has received | 11.576  | Valid Votes (Vv) |
| Party J | has received | 48.751  | Valid Votes (Vv) |
| Party K | has received | 18.694  | Valid Votes (Vv) |
| Party L | has received | 15.393  | Valid Votes (Vv) |

Applying the formula  $Ns = \frac{Vv}{Q}$  disregarding the remaining fraction, we got:

$$\text{Party A: } NsA = \frac{49.682}{48.488} = 1,02 \text{ which is 1 seat}$$

$$\text{Party B: } NsB = \frac{48.754}{48.488} = 1,00 \text{ which is 1 seat}$$

$$\text{Party C: } NsC = \frac{112.978}{48.488} = 2,33 \text{ which is 2 seat}$$

$$\text{Party D: } NsD = \frac{108.334}{48.488} = 2,23 \text{ which is 2 seat}$$

$$\text{Party E: } NsE = \frac{15.162}{48.488} = 0,31 \text{ which is 0 seat}$$

$$\text{Party F: } NsF = \frac{25.286}{48.488} = 0,52 \text{ which is 0 seat}$$

$$\text{Party G: } N_{sG} = \frac{28.245}{48.488} = 0,58 \text{ which is 0 seat}$$

$$\text{Party H: } N_{sH} = \frac{50.523}{48.488} = 1,04 \text{ which is 1 seat}$$

$$\text{Party I: } N_{sI} = \frac{11.576}{48.488} = 0,23 \text{ which is 0 seat}$$

$$\text{Party J: } N_{sJ} = \frac{48.751}{48.488} = 1,00 \text{ which is 1 seat}$$

$$\text{Party K: } N_{sK} = \frac{18.694}{48.488} = 0,38 \text{ which is 0 seat}$$

$$\text{Party L: } N_{sL} = \frac{15.353}{48.488} = 0,31 \text{ which is 0 seat}$$

4.2.4 Once the seats are allocated and found no remaining, and, after all political parties are calculated in Step 2, therefore, the number of seats is considered as final.

### **Determination of the highest average**

4.2.5 **Step 3: In case there are remainder of seats**

In the case of remainders, seats shall be allocated by determining the highest average as calculated below.

4.2.6 Determine firstly the average of each political party by taking the valid votes each political party is received to divide with the preliminary number of seats each political party is received by adding one (1) represented value (+1) according to the following formula:

$$Ha = \frac{Vv}{Ns + 1} \text{ (1 is a represented value)}$$

Where:

Ha = Represents the highest average of each political party;

Vv = Represents the number of valid votes cast for a political party;

Ns = Represents the preliminary number of seats received by a political party.

4.2.6.1 As for the calculation of average for each political party, if the value is odd, further dividing up to the percentage shall be carried out, meaning the two (2) digits after the decimal, in order to determine which party has attained the highest average.

4.2.7 Comparison shall take place after the determination of average for each political party. Any political party who attained the highest average shall be entitled to one (1) seat.

**Example 3: Second allocation of seats**

In the same provincial/municipal constituency A  
According to the first allocation of seats:

|         |              |         |
|---------|--------------|---------|
| Party A | has received | 1 seat  |
| Party B | has received | 1 seat  |
| Party C | has received | 2 seats |
| Party D | has received | 2 seats |
| Party E | has received | 0 seat  |
| Party F | has received | 0 seat  |
| Party G | has received | 0 seat  |
| Party H | has received | 1 seat  |
| Party I | has received | 0 seat  |
| Party J | has received | 1 seat  |
| Party K | has received | 0 seat  |
| Party L | has received | 0 seat  |

- The number of first allocation of seats is 8
- The total number of seats in a provincial/municipal A is 11
- The number of remaining seats for allocation is 3

Application of the highest average formula in Step 3:

$$\text{Party A: } HaA = \frac{49.682}{1 + 1} = 24.841,00$$



$$\text{Party B: } \text{HaB} = \frac{48.754}{1 + 1} = 74.377,00$$

$$\text{Party C: } \text{HaC} = \frac{112.978}{2 + 1} = \mathbf{37.659,33}$$

$$\text{Party D: } \text{HaD} = \frac{108.334}{2 + 1} = 36.111,33$$

$$\text{Party E: } \text{HaE} = \frac{15.162}{0 + 1} = 15.162,00$$

$$\text{Party F: } \text{HaF} = \frac{25.286}{0 + 1} = 25.286,00$$

$$\text{Party G: } \text{HaG} = \frac{28.245}{0 + 1} = 28.245,00$$

$$\text{Party H: } \text{HaH} = \frac{50.523}{1 + 1} = 25.261,50$$

$$\text{Party I: } \text{HaI} = \frac{11.576}{0 + 1} = 11.576,00$$

$$\text{Party J: } \text{HaJ} = \frac{48.751}{1 + 1} = 24.375,50$$

$$1 + 1$$

$$18.694$$

$$\text{Party K: } HaK = \frac{18.694}{0 + 1} = 18.694,00$$

$$15.353$$

$$\text{Party L: } HaL = \frac{15.353}{0 + 1} = 15.353,00$$

As for the comparison of average for the 12 political parties above, party C attained the highest average of **37.659,33**. Therefore, party C is entitled to one (1) additional seat.

4.2.8 If there remains only one (1) seat for allocation after making the calculation in accordance with the formula in Step 3, this seat shall be allocated to any political party that attained the highest average.

4.2.9 If, after a division made at the first application, more than one (1) seat remained to be allocated in accordance with the formula in Step 3 and after the application of Step 3, one (1) seat is allocated to a political party that attained the highest average for a second time, this remaining seat shall be allocated in accordance with formula in Step 3 by increasing the value of Ns by one (Ns + 1) to a political party which attained the highest average and has just received one (1) seat.

#### Example 4: Third allocation of seats

In the same provincial/municipal constituency A

According to the second allocation of seats:

|         |              |             |               |
|---------|--------------|-------------|---------------|
| Party A | has received | 1 + 0 seat  | the same      |
| Party B | has received | 1 + 0 seat  | the same      |
| Party C | has received | 2 + 1 seats | increase by 1 |
| Party D | has received | 2 + 0 seats | the same      |
| Party E | has received | 0 + 0 seat  | the same      |
| Party F | has received | 0 + 0 seat  | the same      |
| Party G | has received | 0 + 0 seat  | the same      |
| Party H | has received | 1 + 0 seat  | the same      |
| Party I | has received | 0 + 0 seat  | the same      |
| Party J | has received | 1 + 0 seat  | the same      |
| Party K | has received | 0 + 0 seat  | the same      |
| Party L | has received | 0 + 0 seat  | the same      |

- The numbers of first and second allocations of seats are 9
- The total numbers of seat in a provincial/municipal A are 11

Therefore, there remain two (2) more seats for allocation.

Applying the highest average formula in Step 3 by increasing the value of Ns by one (1) of party C that has just received one (1) seat, we got:

$$\text{Party A: } \text{HaA} = \frac{49.682}{1 + 1} = 24.841,00$$

$$\text{Party B: } \text{HaB} = \frac{48.754}{1 + 1} = 24.377,00$$

$$\text{Party C: } \text{HaC} = \frac{112.978}{3 + 1} = 28.244,50$$

$$\text{Party D: } \text{HaD} = \frac{108.334}{2 + 1} = \mathbf{36.111,33}$$

$$\text{Party E: } \text{HaE} = \frac{15.162}{0 + 1} = 15.162,00$$

$$\text{Party F: } \text{HaF} = \frac{25.286}{0 + 1} = 25.286,00$$

$$\text{Party G: } \text{HaG} = \frac{28.245}{0 + 1} = 28.245,00$$

$$\text{Party H: } \text{HaH} = \frac{50.523}{1 + 1} = 25.261,50$$

$$\text{Party I: } \text{HaI} = \frac{11.576}{0 + 1} = 11.576,00$$

$$\text{Party J: } \text{HaJ} = \frac{48.751}{1 + 1} = 24.375,50$$

$$\text{Party K: } \text{HaK} = \frac{18.694}{0 + 1} = 18.694,00$$

$$\text{Party L: } \text{HaL} = \frac{15.353}{0 + 1} = 15.353,00$$

As for the comparison of average for the 12 political parties above, party **D** attained the highest average of **36.111,33**. Therefore, party **D** is entitled to one (1) additional seat where:

|         |              |             |               |
|---------|--------------|-------------|---------------|
| Party A | has received | 1 seat      | the same      |
| Party B | has received | 1 seat      | the same      |
| Party C | has received | 3 seats     | the same      |
| Party D | has received | 2 + 1 seats | increase by 1 |
| Party E | has received | 0 seat      | the same      |
| Party F | has received | 0 seat      | the same      |
| Party G | has received | 0 seat      | the same      |
| Party H | has received | 1 seat      | the same      |
| Party I | has received | 0 seat      | the same      |
| Party J | has received | 1 seat      | the same      |
| Party K | has received | 0 seat      | the same      |
| Party L | has received | 0 seat      | the same      |

Total = Ten (10) Seats

4.2.10 In the case that further seats are still remaining for allocation, the calculation shall be applied with the same procedure by increasing the value of Ns by one to a political party that attained the highest average and has just received one (1) seat until all the remainders have been taken up.

#### Example 5: Further allocation of seats

In the same provincial/municipal constituency **A**

After the third allocation of seats (example 4), there remains one (1) seat to be allocated:

Applying the highest average formula in Step 3 by increasing the value of Ns by one (1) to party **D** that has just received one (1) seat, we got:

$$\text{Party A: } HaA = \frac{49.682}{1 + 1} = 24.841,00$$

$$\text{Party B: } HaB = \frac{48.754}{1 + 1} = 74.377,00$$

$$\text{Party C: } HaC = \frac{112.978}{3 + 1} = 28.244,50$$

$$\text{Party D: } HaD = \frac{108.334}{2 + 1} = 36.111,33$$

$$\text{Party E: } HaE = \frac{15.162}{0 + 1} = 15.162,00$$

$$\text{Party F: } HaF = \frac{25.286}{0 + 1} = 25.286,00$$

$$\text{Party G: } HaG = \frac{28.245}{0 + 1} = \mathbf{28.245,00}$$

$$\text{Party H: } HaH = \frac{50.523}{1 + 1} = 25.261,50$$

$$\text{Party I: } HaI = \frac{11.576}{0 + 1} = 11.576,00$$

$$\text{Party J: } \text{HaJ} = \frac{48.751}{1 + 1} = 24.375,50$$

$$\text{Party K: } \text{HaK} = \frac{18.694}{0 + 1} = 18.694,00$$

$$\text{Party L: } \text{HaL} = \frac{15.353}{0 + 1} = 15.353,00$$

As for the comparison of average for the 12 political parties above, party **G** attained the highest average of **28.245,00**. Therefore, party **G** is entitled to the one (1) remaining seat.

As a result in a provincial/municipal **A**:

|   |              |         |
|---|--------------|---------|
| Party A                                       | has received | 1 seat  |
| Party B                                       | has received | 1 seat  |
| Party C                                       | has received | 3 seats |
| Party D                                       | has received | 3 seats |
| Party G                                       | has received | 1 seat  |
| Party H                                       | has received | 1 seat  |
| Party J                                       | has received | 1 seat  |
| Parties E, F, I, K and L do not receive seat. |              |         |

Total = Eleven (11) Seats

4.3 In case of the first allocation of seats (in accordance with Step 1 and Step 2) where none of the political parties has not received the seat, the NEC shall continue applying Step 3 following the highest average formula and continue the calculation in accordance with the formula in Step 3 until all the seats have been taken up as stipulated in Point 4.2.

#### 4.3.1 **Step 1: Determination on quota**

**Example 6: In case of the first allocation of seats where none of the political party has received the seats**

- Numbers of political party = 14
- Total numbers of valid votes:  $V_v = 369.207$
- Quota:  $Q = 49.525$

| Political Parties | Vv    | 1 <sup>st</sup> Ns | Ha1                 | 2 <sup>nd</sup> Ns | Ha2                 | 3 <sup>rd</sup> Ns | Ha3                 | 4 <sup>th</sup> Ns | Ha4                 | 5 <sup>th</sup> Ns | Ha5                 | 6 <sup>th</sup> Ns | Ha6                 | 7 <sup>th</sup> Ns | Ha7                 | 8 <sup>th</sup> Ns | Ha8                 | 9 <sup>th</sup> Ns |
|-------------------|-------|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|--------------------|
| A                 | 20231 | 0                  | <u>20231</u><br>0+1 | 0                  | <u>20231</u><br>0+1 | 0                  | <u>20231</u><br>0+1 | 0                  | <u>20231</u><br>0+1 | 0                  | <u>20231</u><br>0+1 | 0                  | <u>20231</u><br>0+1 | 0                  | <u>20231</u><br>0+1 | 0                  | <u>20231</u><br>0+1 | 0                  |
| B                 | 31135 | 0                  | <u>31135</u><br>0+1 | 0                  | <u>31135</u><br>0+1 | 0                  | <u>31135</u><br>0+1 | 0                  | <u>31135</u><br>0+1 | 0                  | <u>31135</u><br>0+1 | 0                  | <u>31135</u><br>0+1 | 1                  | <u>31135</u><br>1+1 | 0                  | <u>31135</u><br>1+1 | 0                  |
| C                 | 22604 | 0                  | <u>22604</u><br>0+1 | 0                  | <u>22604</u><br>0+1 | 0                  | <u>22604</u><br>0+1 | 0                  | <u>22604</u><br>0+1 | 0                  | <u>22604</u><br>0+1 | 0                  | <u>22604</u><br>0+1 | 0                  | <u>22604</u><br>0+1 | 0                  | <u>22604</u><br>0+1 | 0                  |
| D                 | 32910 | 0                  | <u>32910</u><br>0+1 | 0                  | <u>32910</u><br>0+1 | 0                  | <u>32910</u><br>0+1 | 0                  | <u>32910</u><br>0+1 | 1                  | <u>32910</u><br>1+1 | 0                  | <u>32910</u><br>1+1 | 0                  | <u>32910</u><br>1+1 | 0                  | <u>32910</u><br>1+1 | 0                  |
| E                 | 19720 | 0                  | <u>19720</u><br>0+1 | 0                  | <u>19720</u><br>0+1 | 0                  | <u>19720</u><br>0+1 | 0                  | <u>19720</u><br>0+1 | 0                  | <u>19720</u><br>0+1 | 0                  | <u>19720</u><br>0+1 | 0                  | <u>19720</u><br>0+1 | 0                  | <u>19720</u><br>0+1 | 0                  |
| F                 | 25762 | 0                  | <u>25762</u><br>0+1 | 0                  | <u>25762</u><br>0+1 | 0                  | <u>25762</u><br>0+1 | 0                  | <u>25762</u><br>0+1 | 0                  | <u>25762</u><br>0+1 | 0                  | <u>25762</u><br>0+1 | 0                  | <u>25762</u><br>0+1 | 0                  | <u>25762</u><br>0+1 | 0                  |
| G                 | 20815 | 0                  | <u>20815</u><br>0+1 | 0                  | <u>20815</u><br>0+1 | 0                  | <u>20815</u><br>0+1 | 0                  | <u>20815</u><br>0+1 | 0                  | <u>20815</u><br>0+1 | 0                  | <u>20815</u><br>0+1 | 0                  | <u>20815</u><br>0+1 | 0                  | <u>20815</u><br>0+1 | 0                  |
| H                 | 37681 | 0                  | <u>37681</u><br>0+1 | 0                  | <u>37681</u><br>0+1 | 0                  | <u>37681</u><br>0+1 | 1                  | <u>37681</u><br>1+1 | 0                  | <u>37681</u><br>1+1 | 0                  | <u>37681</u><br>1+1 | 0                  | <u>37681</u><br>1+1 | 0                  | <u>37681</u><br>1+1 | 0                  |
| I                 | 17526 | 0                  | <u>17526</u><br>0+1 | 0                  | <u>17526</u><br>0+1 | 0                  | <u>17526</u><br>0+1 | 0                  | <u>17526</u><br>0+1 | 0                  | <u>17526</u><br>0+1 | 0                  | <u>17526</u><br>0+1 | 0                  | <u>17526</u><br>0+1 | 0                  | <u>17526</u><br>0+1 | 0                  |
| J                 | 28071 | 0                  | <u>28071</u><br>0+1 | 0                  | <u>28071</u><br>0+1 | 0                  | <u>28071</u><br>0+1 | 0                  | <u>28071</u><br>0+1 | 0                  | <u>28071</u><br>0+1 | 0                  | <u>28071</u><br>0+1 | 0                  | <u>28071</u><br>0+1 | 1                  | <u>28071</u><br>1+1 | 0                  |
| K                 | 39139 | 0                  | <u>39139</u><br>0+1 | 0                  | <u>39139</u><br>0+1 | 1                  | <u>39139</u><br>1+1 | 0                  | <u>39139</u><br>1+1 | 0                  | <u>39139</u><br>1+1 | 0                  | <u>39139</u><br>1+1 | 0                  | <u>39139</u><br>1+1 | 0                  | <u>39139</u><br>1+1 | 0                  |
| L                 | 31265 | 0                  | <u>31265</u><br>0+1 | 0                  | <u>31265</u><br>0+1 | 0                  | <u>31265</u><br>0+1 | 0                  | <u>31265</u><br>0+1 | 0                  | <u>31265</u><br>0+1 | 1                  | <u>31265</u><br>1+1 | 0                  | <u>31265</u><br>1+1 | 0                  | <u>31265</u><br>1+1 | 0                  |
| M                 | 27970 | 0                  | <u>27970</u><br>0+1 | 0                  | <u>27970</u><br>0+1 | 0                  | <u>27970</u><br>0+1 | 0                  | <u>27970</u><br>0+1 | 0                  | <u>27970</u><br>0+1 | 0                  | <u>27970</u><br>1   | 0                  | <u>27970</u><br>0+1 | 0                  | <u>27970</u><br>0+1 | 1                  |
| N                 | 41378 | 0                  | <u>41378</u><br>0+1 | 1                  | <u>41378</u><br>1+1 | 0                  | <u>41378</u><br>1+1 | 0                  | <u>41378</u><br>1+1 | 0                  | <u>41378</u><br>1+1 | 0                  | <u>41378</u><br>1+1 | 0                  | <u>41378</u><br>1+1 | 0                  | <u>41378</u><br>1+1 | 0                  |

This is the case that may occur in any provincial/municipal constituency containing many political parties standing for election and there is a similar number of valid votes cast for each political party.

- $V_v =$  Represents the number of valid votes cast for each political party;
- $N_s =$  (firstly) represents the number of valid votes cast for each political party in the first allocation where the seat was not allocated to any political party. Therefore, there is a need to continue the calculation by applying the highest average formula in order to determine a party who is entitled to receive the seat;
- $Ha_1 =$  Represents the first calculation of average for each political party which shows that party **N** attained the highest average;
- $N_s =$  (secondly) therefore, party **N** is entitled to one (1) seat.

There remain seven (7) more seats calculation and allocation where these seats are allocated one (1) by one until all the seats have been taken up using the highest average formula by increasing the value of  $N_s$  by one (1) to any political party that attained the highest average and has just received one (1) seat for each allocation of seats.

- $Ha_2:$  Party **K** attained the highest average.
- $N_s:$  (thirdly) Party **K** is entitled to one (1) seat.
- $Ha_3:$  Party **H** attained the highest average.
- $N_s:$  (fourthly) Party **H** is entitled to one (1) seat.
- $Ha_4:$  Party **D** attained the highest average.
- $N_s:$  (fifthly) Party **D** is entitled to one (1) seat.
- $Ha_5:$  Party **L** attained the highest average.
- $N_s:$  (sixthly) Party **L** is entitled to one (1) seat.
- $Ha_6:$  Party **B** attained the highest average.
- $N_s:$  (seventhly) Party **B** is entitled to one (1) seat.
- $Ha_7:$  Party **J** attained the highest average.
- $N_s:$  (eighthly) Party **J** is entitled to one (1) seat.
- $Ha_8:$  Party **M** attained the highest average.
- $N_s:$  (ninthly) Party **M** is entitled to one (1) seat.

The final result is:

- Party **N** has received one (1) seat
- Party **K** has received one (1) seat
- Party **H** has received one (1) seat
- Party **D** has received one (1) seat
- Party **L** has received one (1) seat
- Party **B** has received one (1) seat
- Party **J** has received one (1) seat
- Party **M** has received one (1) seat

Total = Eight (8) Seats



**In case any elected political party has abandoned the seat(s) or vacant seat(s)**

5. In the case a political party had received one seat or more in the National Assembly but this party declared abandoning their seats or deleting the name of a candidate from the list of the party in accordance with the law on the political parties, the National Election Committee shall allocate this/these vacant seat(s) within given time of seven (7) days to other political parties that ran on the election in the same province/municipality, regardless of the one abandoned their seats, through the following step:

**5.1 Step 1: determination on the quota of the abandoned or vacant seat**

In order to determine on the quota that requires for a political party to receive one (1) seat, the total numbers of valid votes cast for a political party that receives the seat in a provincial/municipal constituency is subtracted with the total numbers of valid votes cast for a political party that abandoned the seats to be divided with the vacant seats using the formula:

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

Where:

$Q'$  = Quotient; ignoring any remaining fraction represents the quota of the abandoned or vacant seats;

$V'$  = Represents the total number of valid votes cast for all political parties that receive the seats by subtracting valid votes cast for a political party which has abandoned their seats or has been removed from the list;

$S'$  = Represents the abandoned or vacant seat(s).

**Example 7: Determination on quota of the abandoned or vacant seat(s)**

In the same provincial/municipal A:

|   |              |         |
|---|--------------|---------|
| Party A                                       | has received | 1 seat  |
| Party B                                       | has received | 1 seat  |
| Party C                                       | has received | 3 seats |
| Party D                                       | has received | 3 seats |
| Party G                                       | has received | 1 seat  |
| Party H                                       | has received | 1 seat  |
| Party J                                       | has received | 1 seat  |
| Parties E, F, I, K and L do not receive seat. |              |         |

- Party D has abandoned the three (3) seats.
- 7 political parties receive seats in provincial/municipal A and they are parties A, B, C, D, G, H and J.

When party D has abandoned its seats, those abandoned seats shall be allocated among parties A, B, C, D, G, H and J which have the seat(s) in that provincial/municipal constituency while parties E, F, I, K and L which do not receive the seat in that provincial/municipal constituency are not included in the allocation of the seats abandoned by party D.

Applying the formula in Point 5.1, the determination upon the quota of the abandoned or vacant seat(s).

$$V' = (49.682 + 48.754 + 112.978 + 108.334 + 28.245 + 50.523 + 48.751) - 108.334 = 338.933$$

$$S' = 3 \text{ Seats}$$

We got:

$$\frac{V'}{S'} = \frac{338.933}{3} = 112.977,66$$

Quota is 112.977 (Q' = 112.977)

**5.2 Step 2: Determination on the number of preliminary seats or first allocation of seats**

To determine the numbers of seat (abandoned or vacant) which parties A, B, C, D, G, H and J receive at the first time, the total number of valid votes each party received is divided with the quota of the abandoned or vacant seat(s) using the following formula:

$$Ns' = \frac{Vv'}{Q'}$$

Where:

Ns' = Represents the number of abandoned or vacant seat(s) to which each political party is entitled prior to necessary calculation as in Step 3;

Vv' = Represents the number of valid votes cast for each political party;

S' = Represents quota of abandoned or vacant seat(s) determined in Step 1.

**Example 8: First allocation of abandoned seats**

In the same provincial/municipal constituency A

The three (3) seats abandoned by party D shall be allocated in accordance with Step 1 and Step 2 by applying the formula in Point 5.2.

We got:

$$\text{Party A: } Ns'A = \frac{49.682}{112.977} = 0,43$$

$$\text{Party B: } Ns'B = \frac{48.754}{112.977} = 0,43$$

$$\text{Party C: } Ns'C = \frac{112.978}{112.977} = 1,00$$

$$\text{Party G: } Ns'G = \frac{28.245}{112.977} = 0,25$$

$$\text{Party H: } Ns'H = \frac{50.523}{112.977} = 0,44$$

$$\text{Party J: } Ns'J = \frac{48.751}{112.977} = 0,43$$

According to the above calculation, party C is entitled to one (1) seat while parties A, B, G, H and J do not receive the abandoned seat.

5.3 Once the abandoned seat(s) are allocated and found no remaining, and, after all political parties that have seats in the provincial/municipal constituency are calculated in Step 2, therefore, the number of seats is considered as final.

5.4 In case in the calculation in Step 2 or after the first allocation of the abandoned seat(s), there remains seats to be allocated, those remaining seats shall be allocated in accordance with the formula Step 3.

5.5 **Step 3: Determination of the highest average**

5.5.1 Determine firstly the average of each political party according to the following formula:

$$Ha' = \frac{Vv'}{Ns' + 1}$$

Where:

Ha' = Represents the highest average of each political party;

Vv' = Represents the number of valid votes cast for a political party;

Ns' = Represents number of seats abandoned and allocated to each political party.

5.5.2 Comparison shall take place after the determination of average for each political party. Any political party who has attained the highest average is entitled to one (1) seat.

**Example 9: Second allocation of abandoned seat(s)**

After the first allocation where one (1) seat was allocated to party D, there remain two (2) more seats to be allocated.

Applying the formula in Step 3 by increasing the represented value of Ns' by one (1) for all political parties, we got:

$$\text{Party A: } Ha'A = \frac{49.682}{0 + 1} = 49.682,00$$

$$\text{Party B: } Ha'B = \frac{48.754}{0 + 1} = 48.754,00$$

$$\text{Party C: } Ha'C = \frac{112.978}{1 + 1} = \mathbf{56.489,00}$$

$$\text{Party G: } Ha'G = \frac{28.245}{0 + 1} = 28.245,00$$

$$\text{Party H: } Ha'H = \frac{50.523}{0 + 1} = 50.523,00$$

$$\text{Party J: } Ha'J = \frac{48.751}{0 + 1} = 48.751,00$$

As for the comparison of average for the 6 political parties above, party C attained the highest average of **56.489,00**. Therefore, party C is entitled to one (1) additional seat.

**Example 10: Third allocation of abandoned seat(s)**

After the second allocation (example 9), there remains two (2) more seat to be allocated.

Applying the formula in Step 3 by increasing the represented value of Ns by one (1) to party C which has just received one (1) seat, we got:

$$\text{Party A: } Ha'A = \frac{49.682}{0 + 1} = 49.682,00$$

$$\text{Party B: } Ha'B = \frac{48.754}{0 + 1} = 48.754,00$$

$$\text{Party C: } Ha'C = \frac{112.978}{2 + 1} = 37.659,33$$

$$\text{Party G: } Ha'G = \frac{28.245}{0 + 1} = 28.245,00$$

$$\text{Party H: } Ha'H = \frac{50.523}{0 + 1} = \mathbf{50.523,00}$$

$$\text{Party J: } Ha'J = \frac{48.751}{0 + 1} = 48.751,00$$

As for the comparison of average for the 6 political parties above, party **H** attained the highest average of **50.523,00**. Therefore, party **H** is entitled to one (1) additional seat.

As a result, in provincial/municipal constituency **A**:

|         |              |         |
|---------|--------------|---------|
| Party A | has received | 1 seat  |
| Party B | has received | 1 seat  |
| Party C | has received | 5 seats |
| Party G | has received | 1 seat  |
| Party H | has received | 2 seats |
| Party J | has received | 1 seat  |

Total = Eleven (11) Seats

5.5.3 In the case that further seats are still remaining for allocation, the calculation shall be repeated with the calculation methodologies as stated in Step 3 Point 5.5.

**In case the calculation for the highest average between many political parties had received equaled result**

6. In case the calculation is implemented in accordance with the formula as stated in Point 4.2 and Article 5 of this annex, many political parties had received equaled result, the allocation of seats shall be determined as follows:

6.1 In case many political parties had attained equaled highest average, that remaining seat shall be allocated to a political party which received the highest number of valid votes.

**Example 11: In case many political parties attained equaled highest average (calculation is made up to percentage), that remaining seat shall be allocated to a political party which received the highest number of votes.**

In the provincial/municipal constituency **C**, there are:

- 15 Political Parties
- 559.642 total number of Valid Votes (Vv)
- 12 total number of seats (S)
- 46.636 Quota (Q)

| Political Parties | Vv     | 1 <sup>st</sup><br>Ns | Ha1                              | 2 <sup>nd</sup><br>Ns | Ha2                              | 3 <sup>rd</sup><br>Ns |
|-------------------|--------|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| <b>A</b>          | 52.648 | 1                     | $\frac{52.942}{1+1} = 26.321,00$ | 0                     | $\frac{52.942}{1+1} = 26.321,00$ | 0                     |
| <b>B</b>          | 12.935 | 0                     | $\frac{12.935}{0+1} = 12.935,00$ | 0                     | $\frac{12.935}{0+1} = 12.935,00$ | 0                     |

|          |         |   |                                   |   |                                   |   |
|----------|---------|---|-----------------------------------|---|-----------------------------------|---|
| <b>C</b> | 187.984 | 4 | $\frac{187.894}{4+1} = 37.578,80$ | 1 | $\frac{187.894}{5+1} = 31.315,66$ | 1 |
| <b>D</b> | 50.774  | 1 | $\frac{50.774}{1+1} = 25.387,00$  | 0 | $\frac{50.774}{1+1} = 25.387,00$  | 0 |
| <b>E</b> | 8.657   | 0 | $\frac{8.657}{0+1} = 8.657,00$    | 0 | $\frac{8.657}{0+1} = 8.657,00$    | 0 |
| <b>F</b> | 12.150  | 0 | $\frac{12.150}{0+1} = 12.150,00$  | 0 | $\frac{12.150}{0+1} = 12.150,00$  | 0 |
| <b>G</b> | 6.759   | 0 | $\frac{6.759}{0+1} = 6.759,00$    | 0 | $\frac{6.759}{0+1} = 6.759,00$    | 0 |
| <b>H</b> | 93.947  | 2 | $\frac{93.947}{2+1} = 31.315,66$  | 0 | $\frac{93.947}{2+1} = 31.315,66$  | 0 |
| <b>I</b> | 9.053   | 0 | $\frac{9.053}{0+1} = 9.053,00$    | 0 | $\frac{9.053}{0+1} = 9.053,00$    | 0 |
| <b>J</b> | 4.711   | 0 | $\frac{4.711}{0+1} = 4.711,00$    | 0 | $\frac{4.711}{0+1} = 4.711,00$    | 0 |
| <b>K</b> | 48.163  | 1 | $\frac{48.163}{1+1} = 24.081,50$  | 0 | $\frac{48.163}{1+1} = 24.081,50$  | 0 |
| <b>L</b> | 7.461   | 0 | $\frac{7.461}{0+1} = 7.461,00$    | 0 | $\frac{7.461}{0+1} = 7.461,00$    | 0 |
| <b>M</b> | 5.247   | 0 | $\frac{5.247}{0+1} = 5.247,00$    | 0 | $\frac{5.247}{0+1} = 5.247,00$    | 0 |
| <b>N</b> | 55.130  | 1 | $\frac{55.130}{1+1} = 27.565,00$  | 0 | $\frac{55.130}{1+1} = 27.565,00$  | 0 |
| <b>O</b> | 4.119   | 0 | $\frac{4.119}{0+1} = 4.119,00$    | 0 | $\frac{4.119}{0+1} = 4.119,00$    | 0 |

Vv = Represents the number valid votes cast for each political party;

Ns = (firstly) represents the number of seats received by each political party in the first allocation;

Ha1 = Represents the first calculation of average for each political party. Party C attained the highest average of **37.578,00**.

Ns = (secondly) therefore, party C is entitled to one (1) additional seat.

There remains one (1) more seat for allocation.

Ha2 = Party C and party H attained the equaled highest average (division is made up to percentage) of **31.315,66**. However, due to the higher number of valid votes of 187.894 party C has received compared with those of 93.947 of party H, the remaining seat shall be allocated to party C.

The final result is:

- Party A has received one (1) seat
- Party C has received six (6) seats
- Party D has received one (1) seat
- Party H has received two (2) seats
- Party K has received one (1) seat
- Party N has received one (1) seat
- Parties B, E, F, G, I, J, L, M and O have not received seat.

Total = Twelve (12) Seats

6.2 In the event of a political party attained one or more additional seats, whereas the list of candidates had less candidates than the seats attained, the NEC shall allocate the remaining seat(s) to political parties that attained the equaled highest average where each political party received one (1) seat each. If there are still remainders, the seats shall be allocated according to the same highest average formula.

**Example 12: In the event that the number of seats remained for allocation is equal compared with the number of political party that has equaled highest average.**

In the provincial/municipal constituency **D**, there are:

- 13 Political Parties
- 331.672 total number of Valid Votes (Vv)
- 7 total number of seats (S)
- 47.371 Quotas (Q)



| Political Parties | Vv      | 1 <sup>st</sup> Ns | Ha1                               | 2 <sup>nd</sup> Ns | Ha2                               | 3 <sup>rd</sup> Ns |
|-------------------|---------|--------------------|-----------------------------------|--------------------|-----------------------------------|--------------------|
| <b>A</b>          | 5.866   | 0                  | $\frac{5.866}{0+1} = 5.866,00$    | 0                  | $\frac{5.8.66}{0+1} = 5.866,00$   | 0                  |
| <b>B</b>          | 13.865  | 0                  | $\frac{13.865}{0+1} = 13.865,00$  | 0                  | $\frac{13.865}{0+1} = 13.865,00$  | 0                  |
| <b>C</b>          | 107.928 | 2                  | $\frac{107.928}{2+1} = 35.976,00$ | 0                  | $\frac{107.928}{2+1} = 35.976,00$ | 1                  |
| <b>D</b>          | 6.874   | 0                  | $\frac{6.874}{0+1} = 6.874,00$    | 0                  | $\frac{6.874}{0+1} = 6.874,00$    | 0                  |
| <b>E</b>          | 58.153  | 0                  | $\frac{8.657}{0+1} = 8.657,00$    | 0                  | $\frac{8.657}{0+1} = 8.657,00$    | 0                  |
| <b>F</b>          | 4.168   | 0                  | $\frac{4.168}{0+1} = 4.168,00$    | 0                  | $\frac{4.168}{0+1} = 4.168,00$    | 0                  |
| <b>G</b>          | 5.437   | 0                  | $\frac{5.437}{0+1} = 5.437,00$    | 0                  | $\frac{5.437}{0+1} = 5.437,00$    | 0                  |
| <b>H</b>          | 37.454  | 0                  | $\frac{37.454}{0+1} = 37.454,00$  | 1                  | $\frac{37.454}{1+1} = 18.727,00$  | 0                  |
| <b>I</b>          | 7.167   | 0                  | $\frac{7.167}{0+1} = 7.167,00$    | 0                  | $\frac{7.167}{0+1} = 7.167,00$    | 0                  |
| <b>J</b>          | 7.485   | 0                  | $\frac{7.485}{0+1} = 7.485,00$    | 0                  | $\frac{7.485}{0+1} = 7.485,00$    | 0                  |
| <b>K</b>          | 71.952  | 1                  | $\frac{71.952}{1+1} = 35.976,00$  | 0                  | $\frac{71.952}{1+1} = 35.976,00$  | 0                  |
| <b>L</b>          | 2.813   | 0                  | $\frac{2.813}{0+1} = 2.813,00$    | 0                  | $\frac{2.813}{0+1} = 2.813,00$    | 0                  |

|          |       |   |                                |   |                                |   |
|----------|-------|---|--------------------------------|---|--------------------------------|---|
| <b>M</b> | 2.510 | 0 | $\frac{2.510}{0+1} = 2.510,00$ | 0 | $\frac{2.510}{0+1} = 2.510,00$ | 0 |
|----------|-------|---|--------------------------------|---|--------------------------------|---|

Vv = Represents the number valid votes cast for each political party;

Ns = (firstly) represents the number of seats received by each political party in the first allocation;

Ha1 = Represents the first calculation of average for each political party. Party C attained the highest average of 37.454,00.

Ns = (secondly) therefore, party C is entitled to one (1) additional seat.

There remain two (2) more seats for allocation.

Ha2 = Party C and party K attained the equaled highest average (division is made up to percentage) of 35.976,00. Therefore, applying Point 6.2, the NEC shall allocate one (1) seat to party C and one (1) seat to party K.

The final result is:

- Party C has received three (3) seat
- Party E has received one (1) seats
- Party H has received one (1) seat
- Party K has received two (2) seats
- Parties A, B, D, F, I, J, L and M have not received seat.

Total = Seven (7) Seats

**Example 13: In the event that the number of seats remained for allocation is more than the number of political party that has equaled highest average.**

In the provincial/municipal constituency **E**, there are:

- 10 Political Parties
- 278.361 total number of Valid Votes (Vv)
- 6 total number of seats (S)
- 46.393 Quotas (Q)

| Political Parties | Vv     | 1 <sup>st</sup> Ns | Ha1                              | 2 <sup>nd</sup> Ns | Ha2                              | 3 <sup>rd</sup> Ns |
|-------------------|--------|--------------------|----------------------------------|--------------------|----------------------------------|--------------------|
| <b>A</b>          | 31.392 | 0                  | $\frac{31.392}{0+1} = 31.932,00$ | 1                  | $\frac{31.392}{0+1} = 31.392,00$ | 0                  |

|          |        |          |                                  |          |                                  |          |
|----------|--------|----------|----------------------------------|----------|----------------------------------|----------|
| <b>B</b> | 17.453 | 0        | $\frac{17.453}{0+1} = 17.453,00$ | 0        | $\frac{17.453}{0+1} = 17.453,00$ | 0        |
| <b>C</b> | 94.176 | <b>2</b> | $\frac{94.176}{2+1} = 31.392,00$ | <b>1</b> | $\frac{94.176}{3+1} = 23.544,00$ | 0        |
| <b>D</b> | 8.165  | 0        | $\frac{8.165}{0+1} = 8.165,00$   | 0        | $\frac{8.165}{0+1} = 8.165,00$   | 0        |
| <b>E</b> | 18.157 | 0        | $\frac{18.157}{0+1} = 18.157,00$ | 0        | $\frac{18.157}{0+1} = 18.157,00$ | 0        |
| <b>F</b> | 47.089 | <b>1</b> | $\frac{47.089}{1+1} = 4.168,00$  | 0        | $\frac{47.089}{1+1} = 23.544,50$ | <b>1</b> |
| <b>G</b> | 14.539 | 0        | $\frac{14.539}{0+1} = 14.539,00$ | 0        | $\frac{14.539}{0+1} = 14.539,00$ | 0        |
| <b>H</b> | 14.415 | 0        | $\frac{14.415}{0+1} = 14.415,00$ | 0        | $\frac{14.415}{0+1} = 14.415,00$ | 0        |
| <b>I</b> | 12.931 | 0        | $\frac{12.931}{0+1} = 12.931,00$ | 0        | $\frac{12.931}{0+1} = 12.931,00$ | 0        |
| <b>J</b> | 20.044 | 0        | $\frac{20.044}{0+1} = 20.044,00$ | 0        | $\frac{20.044}{0+1} = 20.044,00$ | 0        |

Vv = Represents the number valid votes cast for each political party;

Ns = (firstly) represents the number of seats received by each political party in the first allocation;

Ha1 = Represents the first calculation of average for each political party. Party A and Party C attained the equaled highest average of 31.392,00.

Ns = (secondly) applying Point 6.2, the NEC shall allocate one (1) seat to party A and one (1) seat to party C.

There remains one seat for allocation.

Ha2 = Party F attained the highest average of 23.544,50.

Ns = (thirdly) therefore, the one (1) remaining seat shall be allocated to party F.

The final result is:

- Party A has received one (1) seat
- Party C has received three (3) seats
- Party F has received two (2) seats
- Parties B, D, E, G, H, I, and J have not received seat.

Total = Six (6) Seats

**In the event that many political parties have received equalled results of the highest average and valid votes, lucky draw shall be conducted for publicity**

- 6.3 In the event that many political parties have received equalled results of the highest average and valid votes which cannot determine to which political party the seat shall be allocated, the NEC shall conduct a lucky draw programme for publicity in order to determine to which political party the seat is entitled.
- 6.4 In this case, the NEC shall delegate its Operation Department to organize the lucky draw programme for publicity.
- 6.5 The lucky draw programme shall be conducted at the NEC after the NEC completes the calculation of the allocation of seats for provincial/municipal constituencies throughout the countries. The NEC shall determine the place, time and program to conduct the lucky drawn for publicity and shall invite:
  - Official representatives of political party participating in election in the constituency;
  - National and international observersto participate in this lucky draw.
- 6.6 The lucky draw programme shall be conducted according to the following steps:
  - On the same size and the same white colour of paper sheet, the Operation Department shall write or print the names of political parties who have received the equalled results of the highest average and valid votes. Only one political party's name shall be written or printed on a sheet of lucky draw. The characters of political parties shall be of the same size and colour. The sheets on which the names of political party were written or printed shall be folded in the same manner and put into the envelope of the same colour and size and then close off the envelop.
  - The Official who is in charge of picking up the lucky draw shall display the empty box before putting the envelop storing lucky draws into the box and then close its cover.
  - The Official in charge shall shake the box and place it onto a high table.

- A monk, a retired official, or an elderly shall be invited to pick up a lucky draw from the box and then hand it over to the Chairman or representative of the NEC.
- The Chairman or the assigned official of the NEC shall open the envelop storing lucky draws for publicity then announce the name of a political party that wins the lucky draw and shows to all political party representatives and observers participating in the lucky draw to see clearly that the name of the announced political party corresponds exactly with the name written or printed on the lucky draw.

6.7 The Operation Department shall make a minute on the lucky draw by specifying the date, place, represented participants (the NEC, political party representatives, national and international observers...) and the process and the result of the lucky draw.

6.7.1 The minute shall be signed by:

- Minute taker;
- Chairman or representative of the NEC;
- Political party representatives that have received equalled results of the highest average and valid votes.

6.7.2 Minute shall be made in many copies as required below:

- Send to political parties participating in the election in the constituency;
- Keep for files.

Example 14: In the event that two political parties have received equalled results of the highest average valid votes which requires a lucky draw to be conducted in order to contest for the one (1) remaining seat.

In a provincial/municipal constituency **F**, there are:

- 9 Political Parties

|                                   |              |         |                  |
|-----------------------------------|--------------|---------|------------------|
| - Party A                         | has received | 48.152  | Valid Votes (Vv) |
| - Party B                         | has received | 7.387   | Valid Votes (Vv) |
| - Party C                         | has received | 92.529  | Valid Votes (Vv) |
| - Party D                         | has received | 13.980  | Valid Votes (Vv) |
| - Party E                         | has received | 55.544  | Valid Votes (Vv) |
| - Party F                         | has received | 35.671  | Valid Votes (Vv) |
| - Party G                         | has received | 92.529  | Valid Votes (Vv) |
| - Party H                         | has received | 8.865   | Valid Votes (Vv) |
| - Party I                         | has received | 12.300  | Valid Votes (Vv) |
| - Total number of Valid Votes: Vv | =            | 366.957 |                  |
| - Quota: Q                        | =            | 45.869  |                  |
| - Total number of seat: Ns        | =            | 8       |                  |

| Political Parties | Vv     | 1 <sup>st</sup> Ns | Ha1                              | 2 <sup>nd</sup> Ns | Ha2                              | 3 <sup>rd</sup> Ns |
|-------------------|--------|--------------------|----------------------------------|--------------------|----------------------------------|--------------------|
| <b>A</b>          | 48.152 | 1                  | $\frac{48.152}{1+1} = 24.076.00$ | 0                  | $\frac{48.152}{1+1} = 24.076.00$ | 0                  |
| <b>B</b>          | 7.387  | 0                  | $\frac{7.387}{0+1} = 7.387.00$   | 0                  | $\frac{7.387}{0+1} = 7.387.00$   | 0                  |
| <b>C</b>          | 92.529 | 2                  | $\frac{92.529}{2+1} = 30.843.00$ | 0                  | $\frac{92.529}{2+1} = 30.843.00$ | ?                  |
| <b>D</b>          | 13.980 | 0                  | $\frac{13.980}{0+1} = 13.980.00$ | 0                  | $\frac{13.980}{0+1} = 13.980.00$ | 0                  |
| <b>E</b>          | 55.544 | 1                  | $\frac{55.544}{1+1} = 27.772.00$ | 0                  | $\frac{55.544}{1+1} = 27.772.00$ | 0                  |
| <b>F</b>          | 35.671 | 0                  | $\frac{35.671}{0+1} = 35.671.00$ | 1                  | $\frac{35.671}{0+1} = 17.835.50$ | 0                  |
| <b>G</b>          | 92.529 | 2                  | $\frac{92.529}{2+1} = 30.843.00$ | 0                  | $\frac{92.529}{2+1} = 30.843.00$ | ?                  |
| <b>H</b>          | 8.865  | 0                  | $\frac{8.865}{0+1} = 8.865.00$   | 0                  | $\frac{8.865}{0+1} = 8.865.00$   | 0                  |
| <b>I</b>          | 12.300 | 0                  | $\frac{12.300}{0+1} = 12.300.00$ | 0                  | $\frac{12.300}{0+1} = 12.300.00$ | 0                  |

Vv = Represents the number of valid votes cast for each political party;

Ns = (firstly) represents the number of seats received by each political party in the first allocation;

Ha1= Represents the first calculation of average for each political party. Party F attained the highest average of **35.671**.

Ns = (secondly) therefore, Party F is entitled to one (1) seat.

There remains one (1) seat for allocation.

Ha2 = Party C and party G attained the equalled highest average of **30.843**.  
Therefore, lucky draw shall be carried out.

## **Listing of the elected candidates as the parliamentarians**

7. After calculating the number of seats each party has received, the NEC shall list the elected candidate as the parliamentarians in each provincial/municipal constituency according to the following conditions:
  - 7.1 All the names of the elected candidates shall be taken from the list of candidate of the elected political party in accordance with the number of seats each elected political party has received.
  - 7.2 The names of the elected candidates shall be listed in a descending order according to the list of candidate of the elected political party.
  - 7.3 In the case of a particular provincial/municipal constituency, there is only one political party approved to be registered as stipulated in Point 4.1 or there is only one elected political party, the name of the elected candidate of that only one political party shall be listed in a descending order until all the seats have been taken up in that provincial/municipal constituency.
  - 7.4 If on the list of candidate standing for election of a political party, an elected candidate deceased or resigned or gets lost of candidacy of parliamentarian, the next candidate whose name laid down on the same list of candidate standing for election shall be declared elected as the parliamentarian for the said political party concerned.
  - 7.5 In the case that any political party does not have enough candidate(s) due to a certain reasons as mentioned in Point 7.4, the NEC shall make a request in writing to the concerned political party to add more names of candidate within fourteen (14) days after the reception of the request.
    - 7.5.1 The review and approval on the list of the added candidates shall be based on the provisions stipulated in Articles 33 (new), 34 (new), 35(new), 36 (new), 38 (new), 41 (new), 42 (new), and 43 (new) of the Law on Election of Members of the National Assembly.
    - 7.5.2 In case any political party fails to respect the timeframe mentioned above or fails to fulfil the requirement as requested by the NEC that the political party shall complete the vancancy(ies), the NEC shall consider the vacant seat abandoning by the political party concerned.
      - 7.5.2.1 In this case, the NEC shall allocate this/these vacant seat(s) within given time of seven (7) days after the day the seat(s) were officially abandoned by applying the calculation as stated in Article 5.
  - 7.6 Based on the election results as pointed out in Articles 4, 5, and 6, the NEC may announce consecutively the election result for each constituency.
  - 7.7 Prior to the announcement of the official result of the election, the NEC shall report to all parties' representatives participated in the election the total number of printed ballot papers, used ballot papers, and the remainders.

## **Annex 4**

### **Offense and Penalties which are subjected to punishment in accordance with the procedures of Chapter 11 (of the LEMNA)**

#### **Article 122 (new)**

Regardless of other possible criminal penalty, a Commune/Sangkat clerk or official(s) or member(s) of the Commune/Sangkat Council who commits any of the following violations shall be subject to dismissal in accordance with the Law on the Administration of the Commune/Sangkat Council and the Law on the Co-Statute of Civil Servants of the Kingdom of Cambodia:

- Had issued a registration receipt but had voluntarily refused to record that person's name in the list of voters and voter register.
- Had voluntarily registered the underage or those who do not meet sufficient requirements to vote.
- Had voluntarily registered and issued a registration receipt to person(s) who are disfranchised.
- deters citizens aged 18 or over from registration.

#### **Article 123 (new)**

The application for standing as a candidate of any person who violates Articles 33 (new) or 34 (new) of this Law shall be rejected.

#### **Article 124 (New)**

Regardless of any possible penalty, any person or political party that commits any of the following acts shall have his/her name deleted from the list of voters, his/her candidacy removed, or the candidacy of the political party running for election 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:

- uses force or violence or intimidation preventing any eligible voter from registering to vote or deterring him/her from being registered in the list of voters and voter register.
- incites his/her (its) supporters or voters to commit offenses, threat, or violence against another candidate or political party.
- uses duress or threats, or coercion to secure a promise from someone to vote for his/her party or any political party he/she is in favor.
- uses force or violence to prevent eligible voters from voting or standing as a candidate.
- prevents a candidate and supporters of a political party from conducting campaign activities as scheduled.
- uses force or violence or intimidation or insults so as to create fears, confusion undermining the credibility of secrecy of voting.
- causes disruption to the polling process.
- causes disruption to the ballot counting process.
- causes disorders during the polling.



- offer materials or monetary incentives to buy votes.

#### **Article 125 (new)**

Regardless of any possible criminal penalty, any member of the National Election Committee, the Provincial/Municipal, Commune/Sangkat Election Commissions and that of the Polling Station Election Commissions who are falsifies the electoral documents, ballot papers or uses any other tricks to falsify the election results shall be fined from ten millions (10,000,000) to twenty-five million (25,000,000) riels and/or have his/her name deleted from the list of voters for a period of five (05) years.

#### **Article 126 (new)**

Any agent, member or staff members of the National Election Committee or agent, or staff, or staff member of any Election Commissions who violates the Paragraph 2 of Article 12 of the Law on the Election of Members of the National Assembly shall be fined from ten million (10,000,000) to twenty-five million (25,000,000) riels and shall be dismissed from the electoral job forever.

#### **Article 127 (new)**

Any person who violates Article 55 (new) or Article 100 of the Law on the Election of Members of the National Assembly shall face a warning. In a case he/she fails to comply with the warning, he/she shall be apprehended and have his/her weapon confiscated for forty-eight (48) hours by the competent agent and shall be fined from ten millions (10,000,000) to fifty million (50,000,000) riels. If the violator is a civil servant or member of the armed forces or national police, the National Election Committee shall:

- request to the head of the violator's institution to impose the disciplinary sanctions ranging from suspension without pay or dismissal depending on the seriousness of the violation.
- delete his/her name from the list of voters.

If the violator is an agent or member or staff member of the National Election Committee or the Provincial/Municipal, Commune/Sangkat Election Commissions, he/she shall be dismissed from employment immediately and be bared from further employment with the National Election Committee or the Election Commissions at all level for ten (10) years starting from the current election onward, in addition to the disciplinary sanctions provided for in the Paragraph 1 of this Article.

#### **Article 128 (new)**

Any civil servant or responsible person who violates Article 29 (new) of this Law shall have his/her name deleted from the list of voters for five (05) years by the National Election Committee and the National Election Committee shall request the head of his/her institution to impose administrative sanctions on him/her ranging from suspension without pay to dismissal.

#### **Article 129 (new)**

Any person who directs or induces or deceives any person to vote for a particular party through indicating or other means during the polling shall be fined from five million

(5,000,000) to ten million (10,000,000) riels and/or have his/her name deleted from the list of voters for five (05) years.

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

If the offender is a candidate for the election, his/her candidacy shall be cancelled in addition to penalties as provided for in Paragraph 1 of this Article.

#### **Article 130 (new)**

Regardless of any possible criminal penalty, any person who willingly causes the ballot boxes to be opened, torn or detached or seals or other ballot box security materials to be removed or cause the loss of, steals of or replacement of or destruction to the ballot boxes containing ballot papers, shall be fined from ten million (10,000,000) to twenty-five million (25,000,000) riels and/or have his/her name deleted from the list of voters for a period of five (05) years.

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

If the offender is a candidate for election, his/her candidacy shall be cancelled in addition to the penalties as provided for in Paragraph 1 of this Article.

#### **Article 131**

Regardless of any possible criminal penalty, any person or political party who violates Articles 73 or 76 of this Law shall be fined from five million (5,000,000) to ten million (10,000,000) riels and/or have his voting card confiscated for five (05) years or have his/her name deleted from the list of voters.

#### **Article 132 (new)**

Any person who violates Article 77 or Paragraph 2 of Article 78 of the Law on the Election of Members of the National Assembly shall face a warning.

In case that he/she fails to comply with the warning, his/her name shall be deleted from the list of voters for five (05) years and a request shall be made to the head of his/her institution to impose administrative sanctions ranging from suspension without pay to dismissal and/or shall be fined from one million (1,000,000) to two million (2,000,000) riels.

#### **Article 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/her voting card confiscated for a period of five (05) years, his/her candidacy or candidacy of the political party running for the election canceled and/or shall be fined from five million (5,000,000) to ten million (10,000,000) riels.

**Annex 5**  
**Some articles which relate to Chapter 11**  
**of the Law on the Election of Members of the National Assembly**

**Article 12**

The National Election Committee shall be an independent and neutral body in the implementation of its duties.

Members of the National Election Committee and those of Electoral Commission at all levels shall be neutral and impartial in the implementation of their electoral duties.

**Article 29 (new)**

Authorities at all levels responsible for security, public order and other assignments, at the request of the National Election Committee or the Election Commission at any level, shall have to provide the cooperation to the National Election Committee and the Election Commissions at all levels to maintain safety, security and public order during the polling day, election campaign and ballot counting period.

**Article 33 (new)**

A Khmer citizen who is eligible and is willing to stand as a candidate in the Election of Members of the National Assembly shall meet the following requirements:

1. Khmer national from birth;
2. twenty-five (25) years of age and over as of the date of election;
3. eligible to vote and have his/her name in the list of voters;
4. have the residence in the Kingdom of Cambodia;
5. be nominated by a registered political party.

**Article 34 (new)**

The following persons shall not be eligible to stand as candidates for the election of members of 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 sentenced to prison terms on charge of felony or misdemeanor by the court; or
3. persons whose right to vote have been deprived of; or
4. insane persons or persons under guardianship who are certified as such by a competent institution; or
5. person whose right to voter was stripped off temporarily or who have his/her name deleted from the list of voters by the National Election Committee; or
6. members of the National Election Committee and other election commissions;
7. members of the Supreme Council of Magistracy; or
8. members of the Constitutional Council.

**Article 35 (new)**

Civil servants, court officials, 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 at least seven (07) days prior to date of electoral campaign.

**Article 55 (new)**

Entry with weapon, explosive substance and ammunition as well as other dangerous items into the Commune/Sangkat office or the place where the lists of voters are examined and voter registration is held shall be prohibited at the time of the examination of lists of voters and voter registration except where the disruption is provoked, the Commune/Sangkat Chief may request for the intervention from the competent authorities. The National Election Committee shall ensure that revision of lists of voters and voter registrations proceed smoothly and free of fears or intimidation.

**Article 72**

The election campaign shall last for thirty (30) days and all activities of the election campaign shall be finished 24 hours before the polling day.

**Article 73**

During the electoral campaign and on the polling day, all political parties and candidates, members and supporters of political parties shall comply with the rules, regulations and principles set out in the Law on the Election of Members of the 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 as enshrined in the Constitution of the Kingdom of Cambodia.

**Article 76**

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

**Article 77**

Managers of public theaters, stadium, parks and halls shall provide their facilities to all candidates or political parties who have been registered to take part in the election at their request for rent for election campaign based on equal and orderly access to those facilities.

**Article 78**

During the campaign of the election of members of the National Assembly, political parties or candidates who wish to rent public theaters, stadium, parks or halls in accordance with Article 77 of this Law shall submit an application to the managers of these facilities at least three (03) days before the scheduled meeting. A copy of this application shall be sent to the relevant Commune Election Commission.

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

**Article 100**

Entry with a weapon or explosive substance of any kind into the security range of the polling station and entry in military uniform in the polling station except with the special permission of the Chairman of the National Election Committee shall be prohibited.

The area of a 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.

**2008 Election of Members of the National Assembly Calendar, Fourth Mandate**

| <b>Tasks to be Implemented</b>   | <b>Date</b>                           |
|--|---------------------------------------|
| Posting of polling stations location and registration stations   | 05 September 07                       |
| Posting of last voter lists  | 13 September 07                       |
| Beginning of voter list revision and registration  | 15 September 07                       |
| End of voter list revision and registration  | 20 October 07                         |
| Posting of temporary voter list (if no complaints or after resolving complaints)   | 27 October 07 - 30 November 07        |
| <b>Validation and announcement of official voter lists</b>   | <b>29 February 08</b>                 |
| Start of registration of political parties for National Election   | 28 April 08                           |
| End of registration of political parties for National Election   | 12 May 08                             |
| Distribution of Voter Information Notices  | 05 – 25 June 08                       |
| Posting of political parties' names and Candidates' names at provinces/municipalities  | 11 June 08                            |
| Posting of Polling Station Locations   | 26 June 08                            |
| Election Campaign  | 26 June – 25 July 08                  |
| <b>Voting day, Ballot Counting and Posting of Temporary Results at Polling Stations</b>  | <b>27 July 08</b>                     |
| Complaints at CEC level on Election Results or Irregularities at Polling Stations  | 28 July 08 (no later than 11:30 a.m.) |
| CEC's decision on complaints, verifying results, result consolidation, minute making and posting the minutes   | 28-29 July 08                         |
| Appealing against CEC's decision at PEC level (within 2 days)  | 31 July 08 (deadline)                 |
| PEC decide on appeals and total the election results (no later than 3 days)  | 03 August 08 (deadline)               |
| Appealing against PEC's decision at NEC level (within 2 days)  | 05 August 08 (deadline)               |
| NEC's decision on appeals and election results (within 3 days)   | 08 August 08 (deadline)               |
| NEC's Announcement of temporary election result (if no re-election)  | 09 August 08                          |
| Complaints at NEC or Constitutional Councils on the election results (within 72 hours)   | 12 August 08 (deadline)               |
| NEC's decision on appeals (within 48 hours)  | 14 August 08 (deadline)               |
| Appealing against NEC's decision at the constitutional level (within 72 hours)   | 17 August 08 (deadline)               |
| Constitutional Council's decision on Complaints (within 20 days)   | 06 September 08 (deadline)            |
| <b>Re-election 8 days after decision (if there is need)</b>  | <b>14 September 08 (deadline)</b>     |
| Announcement of official results, seats allocation or candidates (if no complaint or complaint lodged after the announcement of temporary results and if no re-election) | 13 August – 07 September 08           |

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