



**Kingdom of Cambodia  
Nation Religion King**

**Royal Kram  
No.NS/RKM/0508/018**



## Royal Kram

We

**Preah Karona Preah Bath Samdech Preah Boromneah Norodom Sihamoni  
Saman Phoum Cheat Sasna Rokhathiya Khmerarothsas  
Pouthitreathoramohakthat Khmereach Chorna Samohorpheas Kampuch Ekreach  
Roth Boronaksanthi Sophekolea Sereivibolea Khmerasreipireash  
Preahchau Krong Kampuchea**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0704/124 dated 15 July 2004 on the appointment of the Royal Government of Cambodia;
- Having seen Royal Kram No.02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Execution of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Interior;
- Having seen the request of **Samdech Aka Moha Sena Padei Techo, the Prime Minister** of the Royal Government of Cambodia

### HEREBY PROMULGATE

The Law on Elections of Capital Council, Provincial Council, Municipal Council, District Council and Khan Council which was enacted by the National Assembly on 02 April 2008 at its seventh plenary session of the third legislature and approved entirely without change by the Senate on its form and legal concepts on 29 April 2008 at its fourth plenary session of second legislature and was reviewed and declared constitutional by the Constitutional Council under decision No. 097/002/2008 KBTH.CH (កម្រិត.ច) dated 12 May 2008 with full provisions as follows:

**Law on  
Elections of  
Capital Council, Provincial Council  
Municipal Council, District Council and  
Khan Council**

*(Unofficial Translation)*

## **Chapter 1 General Provisions**

### **Article 1**

The purpose of this law is to determine the organization, the administration and the conduct of indirect elections of the Capital council, provincial councils, municipal councils, district councils and Khan councils which are referred to in this law as "Council".

### **Article 2**

The councils will have a five-year (05) mandate, which will end when the new council takes office.

The mandate of the council shall commence from the date of its election and end on the date of the subsequent council elections.

### **Article 3**

Provisions of Article 18 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans shall be applied to determine the number of councilors on each council.

### **Article 4**

Councilors shall be elected by indirect, free and fair election by means of secret balloting.

### **Article 5**

The council elections shall be held for one day on any Sunday.

The actual date of council elections shall be determined by the Prime Minister based on the request of the Minister of the Ministry of Interior.

### **Article 6**

In the event that all members of any given council resign or any council is dismissed within the duration of its mandate, the National Election Committee shall conduct a by-election in order to establish a new council, which will serve during the remaining period of the affected mandate.

### **Article 7**

A by-election of a council shall not be permitted if the remaining mandate of that council is less than 180 days.

### **Article 8**

In the event that any councilor loses his/her membership in the council based on the conditions of Article 22 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans within the period of the council mandate, the candidate, who is next in order on the same candidate list as the councilor who loses the membership, shall be selected as a councilor and serve during the remaining period of the mandate.

## Chapter 2 Elections

### Section 1 Management of the Council Elections

#### Article 9

The management of the council elections as provided in this law shall be under the authority of the National Election Committee (NEC).

#### Article 10

Provisions of Chapter 3, except Articles 14, 20 and 21 of the Law on the Election of Members of the National Assembly shall be applied for the management of council elections.

#### Article 11

In necessary cases, the NEC may establish an election committee for the Capital or province or municipality or district or Khan.

#### Article 12

The NEC shall issue regulations and procedures relating to the administration of council elections in accordance with the principles of this law and the Law on the Election of Members of the National Assembly.

### Section 2 Electoral System and Formula

#### Article 13

**A.** The election of councils shall be carried out in accordance with a proportional election system through the division of seats in respect to the formula of highest average based on number of seats and results of the elections of every constituency in following steps:

**Step 1:** Determine number of quotas that require the candidate list of any political party, which receives one seat by dividing total number of valid ballots with total number of seats of the councils in accordance with the following formula:

$$Q = \frac{V_t}{S_t}$$

Where:

- Q:** represents the quotient, taking into account the two digits after the comma  
**V<sub>t</sub>:** represents the total number of valid votes which were cast for the candidate lists of all political parties participating the council elections  
**S<sub>t</sub>:** represents the total number of council seats

**Step 2:** Determine the preliminary number of seats received by each political party in the council.

The following formula shall be implemented separately for the candidate list of each political party participating in the council elections:

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

Where:

- Ns:** Quotient, ignoring any remaining fraction of the quota, which represents the number of the seats which the candidate list of each political party is entitled to receive before any necessary calculation in step 3.
- Vv:** represents the number of valid votes which were cast for the candidate list of any political party participating in the council elections
- Q:** represents the quota determined in step 1.

If no seats remain to be further allocated after the calculation in step 2, of all candidate lists of the political parties participating in the council elections, then the final number of seats shall be determined.

In the event that there are seats remaining to be further allocated after the calculation in step 2, of all candidate lists of the political parties participating in the council elections, these remaining seats shall be determined in accordance with step 3.

**Step 3:** The remaining seats shall be allocated to the candidate list of each political party who is entitled to receive the seat (s) in the council by determining the highest average.

The following formula shall be implemented separately for the candidate list of each political party who participated in the council elections:

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

Where:

- Ha:** represents the highest average
- Vv:** represents the number of valid votes which were cast for the candidate list of any political party participating in the council elections
- Ns:** represents the number of seats, which the candidate list of each political party is entitled to receive.

In the event that one seat remains to be allocated for all eligible candidate lists of political parties after the calculation using the formula in step 3, that seat shall be awarded to the candidate list of the political party which has the highest average.

In the event that more than one seat remains to be allocated, the formula described in step 3 shall be applied and the remaining one seat must be awarded to the candidate list of the

political party which has the highest average. This formula, then, shall be applied again by increasing the value of the **Ns** by 1 for any candidate list of the political party that was allocated a seat in the first application of this formula. Therefore, a seat shall be allocated to the candidate list of the political party, which has the highest average as a result of the second application of this formula. In the event that there are further seats remaining to be allocated, then the calculation shall be repeated until all remaining seats have been filled.

**B.** The announcement of the elected candidates of the councils shall be done in accordance with the candidate lists and in sequential number as prescribed in Article 21 of this law.

**C.** In the event that an elected candidate in the candidate list of the council passes away or resigns or loses candidatureship, the second candidate in the same candidate list shall be announced as an elected candidate of the affected political party.

**D.** In the event that the candidate list of any political party has an insufficient number of candidates due to reasons as described in **C** of this Article, the National Election Committee shall prepare a request in writing to that political party to add candidate (s) in their candidate list within fourteen (14) days of receiving the request.

Procedures for review and approval of the request for the additional candidate (s) shall be implemented in accordance with provisions provided by Articles 15 to 18 and from Article 20 and Articles 22 to 26 of this law.

In the event that any political party fails to meet the timeframe above or fails to correct the insufficiency, which leads the political party to not being able to fill the vacant seat, it shall be considered, therefore, that that political party abandons its vacant seat.

**E.** In the event that any political party abandons the seat it has received, the National Election Committee shall allocate that abandoned seat to the candidate list of other political parties, which have received seats in the council, within fourteen (14) days by applying the calculation in steps as followings:

**Step 1:** Determine number of quotas that require the candidate list of a political party to receive a seat based on the following formula:

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

Where:

- Q':** represents the quotient, taking into account the two digits after the comma
- V'v:** represents the total number of valid votes which were cast for the candidate lists of all political parties which received seats in the council elections, subtracting the total number of valid votes cast for the political party who abandoned its seat (s) in the council
- S'a:** represents the number of abandoned seats in the council

**Step 2:** Determine preliminary number of seats received by each political party in accordance with the following formula:

$$N's = \frac{Vv}{Q'}$$

Where:

**N's:** represents the number of seats received by the candidate list of a political party before any necessary calculation in step 3.

**Vv:** represents the number of valid votes which were cast for the candidate list of any political party participating in the council elections

**Q':** represents the quota defined in step 1.

In the event that no seats remain to be allocated after the calculation in step 2 for the candidate lists of all political parties which had received seats in the council, except the candidate list of the political party that had abandoned its seat (s) in the council, the number of seats shall be finalised and ratified.

In the event that there are still seats remaining to be allocated after the calculation in step 2, these remaining seats shall be allocated in accordance with the formula in step 3.

**Step 3:** The remaining seats shall be allocated by taking the highest average in accordance with the following formula:

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

Where:

**A'h:** represents the highest average

**Vv:** represents the number of valid votes cast for the candidate list of any political party participating in the council elections

**N's:** represents the number of seats allocated to the candidate list of a political party

The formulas as prescribed in Paragraphs 9 and 10 of point **A** of this Article shall be used for calculation in step 3 and further consecutive calculations.

**F.** If the calculations using the above formulas result in an equality between candidate lists and it is not possible to determine which candidate list is entitled to be allocated a seat, the Capital Election Commission or Provincial Election Commission shall perform drawing of lots to determine the name of the successful candidate list.

The method of drawing lots shall be implemented in accordance with methods as stated in the rules of the National Election Committee.

**G.** In the event that any political party received one or more additional seats but the number of candidates in its candidate list is less than the number of seats, the following method as prescribed in point **D** of this law shall be applied.

**H.** In accordance with the results of the elections as prescribed in point **A** of this law, the National Election Committee may announce the results of the elections in each constituency.

**I.** Before the announcement of the official results of the elections, the National Election Committee shall report, to representatives of all political parties participated in the elections, on the total number of ballot papers that were printed for the council elections by each category of the councils, number of ballot papers used during the council elections and number of ballot papers remaining.

#### **Article 14**

The constituencies for the council election include:

- The Capital and provinces are the constituencies for the elections of the Capital council and provincial councils;
- The municipality, district and Khan are the constituencies for the election of municipal, district and Khan councils.

The councilor shall be selected from the candidate lists of those political parties that have been elected for that category of council.

### **Chapter 3 Registration of Political Parties and Candidates List**

#### **Article 15**

Khmer citizens of both sexes who wish to stand for the council elections shall meet the conditions as prescribed in Article 21 of the Law on the Administrative Management of the Capital, Province, Municipality, District and Khan.

#### **Article 16**

Every person who wishes to stand for the council elections shall register his/her name on the candidate list of a political party.

Each candidate list shall be prepared by political parties who have been properly registered in accordance with the conditions described in the Law on Political Parties.

The candidate list of each political party shall contain the name of candidates in sequential order and shall ensure women candidates in their candidate list in appropriate order.

#### **Article 17**

The following persons are not eligible to be candidates for the council elections:

- Members of the National Assembly, members of the Senate, members of the Constitutional Council, members of the Royal Government and judges;
- Governors, deputy governors of the Capital, provinces, municipalities, district and Khan;
- Members of the Commune/Sangkat Councils;
- Members of the National Election Committee and officers and staff working for the Election Committees at all levels;

- Civil servants, court officials, members of the National Police and Royal Cambodian Armed Forces in office;
- Officials and personnel of the councils at all levels;
- Persons who have been punished and have revoked their right from participating in elections;
- Monks and priests.

**Article 18**

Civil servants, court officials, members of the National Police and Royal Cambodian Armed Forces and officers and personnel of the councils at all levels who wish to stand for a council election shall submit a request for special leave from their duties at least seven (07) days prior to the date upon which the election campaign begins through to the date upon which the election results are officially announced.

If he/she is elected and wishes to serve as a member of the council, he/she shall request permission from his/her own ministry or institution to work outside of his/her own ministry or institution for the period of the mandate of the council. During this period, he/she will remain eligible for promotion and retention of his/her former position in order to receive retirement benefits.

At the end of the council's mandate, he/she may request to be reemployed by his/her own ministry or institution, but his/her new function and position will depend on the decision of his/her own ministry or institution.

**Article 19**

A political party that has been registered in accordance with the Law on Political Parties and wishes to compete in council elections must register with the NEC within at least eighty (80) days prior to date of the elections.

**Article 20**

A political party shall register separately with the NEC for the elections of any category of council for which it wishes to compete by submitting various documents as prescribed in the regulations and procedures of the NEC.

**Article 21**

The candidate list of the political party shall contain standing and reserve candidates that are prepared in priority order from the highest to lowest with at least double (02) number of the number of council seats in which that political party wishes to compete.

**Article 22**

Each candidate shall have his/her own clarification agreed by the relevant political party to appoint him/her as a candidate to stand for the council elections.

The above clarification shall be attached with application documents to the registration of each political party as instructed by the NEC.

A candidate shall have his/her name in a candidate list of only one political party and has the right to stand as a candidate for one category of councils only.

A candidate who has his/her name in more than one candidate list of the political parties or stands as a candidate for more than one category of council, shall be announced by the NEC as a candidate who loses his/her right to stand for the council elections.

### **Article 23**

In order to officially register a political party for the council elections, the political party shall apply for the registration in accordance with the procedures defined by the NEC to the Capital Election Commission or Provincial Election Commission within five (05) days from the date of the registration by attaching:

1. A copy of the certification of the political party registration in the Ministry of Interior;
2. Name of the political party in full name and acronym and logo of the political party;
3. Address of the headquarters of the political party and addresses of the offices of the political party in the Capital or provinces or municipalities or districts or Khans;
4. Candidate lists by category of council;
5. Certification on the election registration by Commune/ Sangkat authority where the candidates have registered for the elections.
6. An announcement from each political party that confirms it will participate in the elections and accepts the result of the elections which will be conducted freely and fairly; and will implement the Law on the Elections, Law on the Political Parties, code of ethics, rules and procedures of the NEC;
7. Announcement of the candidate accepting the appointment as a candidate of the political party in each constituency.

### **Article 24**

The Capital Election Commission or Provincial Election Commission shall review and approve the application on the registration of the political party for the elections within at least five (05) days of receiving the application.

In the event that the Capital Election Commission or Provincial Election Commission agrees to register the political parties standing for the elections, the Capital Election Commission or Provincial Election Commission shall issue a registration letter of the political party standing for the election to the concerned political party.

In the event that the Capital Election Commission or Provincial Election Commission considers that the documents of the political party do not meet any conditions prescribed from Articles 15 to 23 of this law, the Capital Election Commission or Provincial Election Commission shall notify the political party for rectification.

The political party shall rectify the defects not later than five (05) days after it receives the letter of notification.

### **Article 25**

In the event that the political party fails to rectify the defects within the timeframe prescribed in Article 24 of this law, the Capital Election Commission or Provincial Election Commission shall reject the application for registration of the candidate list of the political party.

In this case, the Capital Election Commission or Provincial Election Commission shall:

- Fill out the form of rejection of candidacy or candidate list by stating reasons and date of rejection;
- Provide a copy of rejection to the concerned candidate and political party and retain a copy for files;
- Provide the appealing form to the concerned candidate and political party to appeal.

A candidacy or any candidate of any political party who has been rejected by the Capital Election Commission or Provincial Election Commission, has the right to appeal to the NEC within five (05) days after the date of receiving notification of the rejection.

The NEC shall conduct a public hearing no later than five (05) days after receiving the appeal.

If the NEC agrees with the appeal, the NEC shall:

- Fill out the form of agreement with signature and date;
- Provide a copy to the agreement to the concerned political party or its representative;
- Provide a copy to the Capital Election Commission or Provincial Election Commission concerned; and
- Retain a copy for files.

The Capital Election Commission or Provincial Election Commission shall agree on the application for registration of the candidate list of the political party and issue a note notifying the application for the registration for running elections to the concerned political party.

In the event that the NEC rejects the appeal, the NEC shall:

- Fill out the form of rejection with signature and date;
- Provide a copy of the rejection to the concerned political party or its representative
- Provide a copy of the rejection to the Capital Election Commission or Provincial Election Commission concerned; and
- Retain a copy for files.

The decision of the NEC shall be considered as the final decision.

#### **Article 26**

After the NEC makes its final decisions on complaints received regarding the registration of candidates for the election, the Capital Election Commission or Provincial Election Commission shall conduct drawing of lots to determine the sequence number of the political parties for putting them on the ballots. The procedures for the drawing of lots shall be defined by the NEC. The NEC and the Capital Election Commission or Provincial Election Commission shall display the lists of the political parties running for the elections and the lists of candidates running for elections based on the result of the drawing of lots within forty-five (45 days) prior to the date of the elections.

### **Section 4 Voter List**

#### **Article 27**

The commune/Sangkat councilors in office are the voters for the indirect council election.

#### **Article 28**

The NEC shall prepare the voter list for the election of the council.

Voter lists shall indicate the councilors in office of each commune/Sangkat council.

Formalities and procedures for the preparation of voter lists shall be prescribed by regulations and procedures of the NEC.

**Article 29**

The NEC shall validate the voter list at least thirty-five (35) days prior to the date of the election.

The validated voter list is an official voter list that cannot be changed except in the event that a voter on the list passes away.

In the event that any commune/Sangkat councilor whose name appears on the voter list passes away, the Ministry of Interior shall process the replacement of that commune/Sangkat councilor not later than seven (07) days prior to the date of the election so that the NEC replaces him/her in the voter list.

**Article 30**

The NEC shall display the official voter list for the council elections in the election offices and other public places within the constituency of each category of council at least thirty (30) days prior to the date of the election.

**Article 31**

Political parties who are registered to compete in the council election and concerned organizations have the right to request and receive a copy of an official voter list at the original cost of producing the list.

**Article 32**

The NEC shall ensure the availability of a sufficient, clear and correct official voter list at each polling station.

**Article 33**

For a by-election of a council to replace a council that has been dismissed, the NEC shall update the latest official voter list in accordance with its regulations and procedures for the elections.

**Article 34**

In order to vote, the voters who are listed on an official voter list shall provide election officials with their legal identity document as defined by the NEC.

## **Section 5 Polling Stations**

**Article 35**

The council elections shall be held in one or more polling stations.

**Article 36**

The NEC shall establish and prepare one or more polling stations for the election of each category of councils.

Each polling station shall be responsible for one geographic area.

The municipality, district and Khan are polling stations.

A single polling station may cover more than one commune/Sangkat.

**Article 37**

The NEC may select any building or place to use for one or more polling stations as long as the building or location will not have an impact on the integrity of the election.

If two or more polling stations are run in a building or a place, the supervision of these stations shall be arranged separately.

**Article 38**

The name list and the location of the polling stations for council elections shall be displayed at commune/sangkat offices and public places within the constituency at least thirty (30) days prior to the date of the election.

**Article 39**

Any political party, which has been registered for the council election, may request and may receive a name list and location of the polling stations at the original cost of producing the document.

**Article 40**

The NEC shall send a copy of the name list and location of the polling stations for the elections of each council to the Ministry of Interior.

**Article 41**

Based on this law and provisions prescribed in the Law on the Election of Members of the National Assembly, the NEC shall further determine the actual organization, administration and conduct of polling stations in its regulations and procedures.

## **Section 6 Election Campaign**

**Article 42**

Candidates and political parties who have been registered to stand for a council election shall have the right to organize their campaign for the council elections.

**Article 43**

The purpose of the election campaign is to enable the candidates and political parties competing in the election to disseminate their policy and political platform to the voters.

**Article 44**

The activities of the campaign shall be carried out for a continuous period of fifteen (15) days and will end twenty-four (24) hours before the election date.

**Article 45**

During the election campaign and the election itself, all political parties, all candidates, all voters, all political party members and all their supporters shall respect the rules, provisions and principles stated in this law, the Law on the Election of Members of the National Assembly and code of ethnics, regulations and procedures of the NEC, respect the principles of human rights and democracy as stipulated in the Constitution of the Kingdom of Cambodia.

The methods and procedures for filing objections and complaints during the election process, and resolution of complaints shall be determined by the regulations and procedures of the NEC.

**Article 46**

Provisions prescribed in Chapter 7, Article 71 and Articles 74, 75, 76, 77, 80, 81, 82 and 83 of the Law on the Election of Members of the National Assembly shall be applied for the campaign activities in the council elections.

**Section 7  
Election****Article 47**

Commune/sangkat councilors who do not have their name on the voter list shall not have the right to vote.

**Article 48**

All voters shall present themselves and vote by themselves in the polling station where their name has been officially registered and shall present their identity documents to the election officials.

**Article 49**

The council elections shall be organized in one or more polling stations on the day of elections.

**Article 50**

The council election shall commence at 7:00 o'clock in the morning and last until 15:00 o'clock in the afternoon on the election day.

Eligible voters who appear at the polling station or in the compound of the polling station at 15:00 o'clock may vote after 15:00 o'clock.

**Article 51**

Voters who wish to vote shall not be permitted to enter the polling station after 15:00 o'clock.

The chief of the polling station shall announce the closing of the election at 15:00 o'clock.

**Article 52**

If all voters on the voter list have already voted, the polling station commission may announce the closing of the election and shall close the polling station prior to 15:00 o'clock.

**Article 53**

In the council election, each voter has the right to cast one vote and shall vote directly by him/herself for each category of council.

Each voter shall vote by marking on the ballot to select only one political party, which he/she prefers and supports.

The NEC shall determine regulations, procedures, format of ballots, methods of voting and marking ballot paper.

**Article 54**

No one shall be permitted to enter a polling station except the voters and those persons permitted by the NEC.

**Article 55**

The NEC shall determine the regulations and procedures to permit national and international observers and agents of the political parties to observe the election process.

**Article 56**

Immediately after the closing of the polling station, the polling station commission shall prepare a report on the election process in accordance with the regulations and procedures of the NEC.

**Article 57**

Provisions prescribed in Chapter 8, new Article 88, Article 89, Article 90, new Article 91, Article 95, Article 96, new Article 97, Article 100 and Article 101 of the Law on the Election of Members of the National Assembly shall be applied to the conduct of the polling stations in the council elections.

## **Section 8 Counting of the Votes and the Election Result**

**Article 58**

The NEC shall prescribe regulations and procedures on the organization and the administration of vote counting stations and vote counting in accordance with this law and in accordance with provisions prescribed in Chapter 8 from Article 102, Article 103, Article 104, new Article 105, Article 107 and Article 108 of the Law on the Election of Members of the National Assembly.

**Article 59**

The polling stations shall become vote counting stations when counting the votes.

The polling station commissions shall become vote counting station commissions when counting the votes.

**Article 60**

Immediately after the vote counting station commission has completed vote counting, the commission shall announce the temporary figures of the vote counting by council category.

The vote counting station commission shall prepare three copies (03) of the report on vote counting: a copy shall be sent to the Capital Election Commission or Provincial Election Commission by attaching the voter list, valid votes, invalid votes, unused votes, complaints if any and other documents, a copy shall be submitted to the NEC and another copy shall be displayed at the polling station.

The report of the vote counting shall be signed by the chief and members of the vote counting station commission. The representatives of the political parties may sign as witnesses on this report.

**Article 61**

The vote counting station commission shall submit the temporary figures of the vote counting for the council election to the Capital Election Commission or Provincial Election Commission in accordance with regulations and procedures established by the NEC.

**Article 62**

The Capital Election Commission or Provincial Election Commission shall check, certify and calculate the temporary figures of the election results in each constituency under its jurisdiction within five (05) days after the election date.

**Article 63**

The Capital Election Commission or Provincial Election Commission shall prepare three (03) copies of the report on the checking, certification and calculation of election results: a copy shall be sent to the NEC, a copy shall be displayed at the Capital Election Commission or Provincial Election Commission and another copy shall be retained for files.

**Article 64**

After checking, certifying and calculating the result of the election by each constituency and addressing all complaints, the Capital Election Commission or Provincial Election Commission shall determine the number of seats received by each political party and list the names of elected candidates by each category of the council in accordance with provisions of this law and the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans.

**Article 65**

The NEC shall review and certify the temporary figures of the election result for each category of councils in accordance with formalities and forms determined by the regulations and procedures of the NEC.

**Article 66**

In the event that a complaint exists during the election and/or during vote counting and the complainant is not satisfied with the decision made by the chief of the polling station or chief of the vote counting station, that complainant may appeal to the NEC or the Capital Election Commission or Provincial Election Commission within two (02) days after the election date and/or vote counting date.

A person who has the right to vote in the Capital, province, municipality, district and Khan or a representative of a political party from the election candidate list has the right to make a complaint to the Capital Election Commission or Provincial Election Commission on the temporary result of the council election for each category of the council within two (02) days after displaying temporary result of the election at the polling station.

The Capital Election Commission or Provincial Election Commission shall address the complaint within three (03) days after receiving that complaint.

In the event that the Capital Election Commission or Provincial Election Commission rejects the complaint, it shall:

- Fill out the form of rejection by clarifying reasons of the rejection with signature and date;
- Submit a copy of the rejection to the NEC, a copy to the complainant and another copy for files;

In the event that the Capital Election Commission or Provincial Election Commission agrees with the complaint, it shall reject the temporary result of the election of the polling station by:

- Announcing the suspension of the temporary results of the elections at that polling station or at those polling stations;
- Filling out the form of agreement according to the complaint by indicating reasons of the rejection; and then sign and date;
- Announcing that the decision of the Capital Election Commission or Provincial Election Commission is under review by the NEC;
- Submitting the decision and notes of the review to the NEC within twenty-four (24) hours for the NEC to review;
- Returning a copy of the rejection form on the temporary result of the election to the complainant and retaining another copy for files.

#### **Article 67**

In the event that the complainant is not satisfied with the decision of the Capital Election Commission or Provincial Election Commission, the complainant or their representative may appeal to the NEC within three (03) days after the date of receiving the rejection. The NEC shall review and make a decision to accept the result of the election as valid or request to conduct re-election.

A person who has the right to vote in the Capital, province, municipality, district and Khan or a representative a political party from the election candidate list has the right to complain to the NEC on the temporary result of the election by each category of the councils within three (03) days after the Capital Election Commission or Provincial Election Commission displays the temporary result of the election by each category of the councils.

#### **Article 68**

The NEC shall make a decision on the complaint not later than three (03) days after the date of receiving the complaint.

If the NEC decides that the complaint is not acceptable, the NEC shall:

- Fill out a rejection form, indicating reasons and date of rejection;
- Provide a copy of the rejection to the complainant or/and the political party;
- Retain a copy of the rejection as record.

#### **Article 69**

If the NEC considers that the complaint has reasonable arguments, the NEC shall hold a public hearing within three (03) days to make decision. In this case the NEC shall disseminate the date and place of hearing and shall inform the complainant and/or the political party accordingly.

The complainant and/or the political party and member of the NEC and/or relevant electoral commission shall be present at this hearing.

If the NEC agrees with the complaint, the NEC shall:

- Reject the results of the election at that polling station or at those polling stations and organize a re-election at that station or at those stations not later than eight (08) days after such a decision is made in accordance the provisions as prescribed in Article 74 of this law;
- Fill in the agreement form by stating reasons and date of the agreement;
- Provide a copy of the agreement to the complainant and/or the political party;

- Retain a copy of the agreement as record.

If the NEC disagrees with the complaint, the NEC shall

- Fill out a rejection form, stating reasons and date of rejection;
- Provide a copy of the rejection to the complainant and/or the political party;
- Retain a copy of the rejection as record.

The decision of the NEC shall be considered as the final decision.

#### **Article 70**

After resolving all complaints and checking all results of the council elections together with all results of re-elections, the NEC shall announce the official figures of the election results.

#### **Article 71**

Based on the official figures of the election results, the NEC shall check and announce the number of seats and elected candidates in the council for each category of councils.

### **Section 9 Re-election**

#### **Article 72**

A re-election shall be conducted in emergency circumstances.

The emergency circumstances can be one of the following cases:

- Public insecurity;
- Flood, storm, earthquake or other natural disasters;
- Collapse of the polling station due to some reasons such as fire or similar destruction which may cause danger;
- Problems related to administration that prevents the election from being conducted.

#### **Article 73**

If there is any emergency circumstance as provided in Article 72 of this law, the NEC shall report immediately to the Prime Minister.

#### **Article 74**

In the event that a polling station suffers from any emergency circumstance as provided in Article 72 or in the event that the NEC rejects election results of any polling station as prescribed in Article 69 of this law, the re-elections shall be organized for that polling station not later than eight (08) days after the emergency at an appropriate place to be determined by the NEC.

All eligible voters for the election at that polling station shall be permitted to vote regardless of whether they had previously voted or not voted.

The NEC shall ensure that a sufficient number of ballots will be printed on a different color paper from the previous ballots.

The formalities and procedures for the re-elections shall be determined by regulations and procedures of the NEC.

## **Section 10 Replacement of the Councilors**

### **Article 75**

In the event that any councilor has lost his/her membership on the council as prescribed in Article 22 of the Law on Administrative Management of the Capital, Province, Municipality, District and Khan, he/she shall be replaced by the candidate who is next in order on the same candidate list as provided in Article 23 of the Law on Administrative Management of the Capital, Province, Municipality, District and Khan without organizing a by-election.

## **Section 11 Authority in Solving Conflicts during Elections**

### **Article 76**

The NEC shall resolve all conflicts related to council elections.

The decision of the NEC shall be considered as the final decision.

### **Article 77**

The polling station commissions, vote counting station commissions, municipal election commissions, district election commission, Khan election commissions, capital election commissions, provincial election commissions and NEC shall resolve the complaints or objections within their own jurisdiction.

The NEC shall prepare procedures related to complaints and objections.

## **Chapter 12 New Election**

### **Article 78**

A new election shall be conducted in respect to any of the following cases:

- The establishment of a new province, municipality, district, Khan as per conditions provided in Articles 6 and 7 of the Law on Administrative Management of the Capital, Province, Municipality, District and Khan;
- The Capital council, provincial council, municipal council, district council or Khan council is dissolved as per Article 24 of the Law on Administrative Management of the Capital, Province, Municipality, District and Khan;

The new election of councils of the new established province, municipality, district and Khan shall be organized not later than two hundred and forty (240) days after the establishment of that province, municipality, district or Khan.

The new election of Capital council, provincial council, municipal council, district council or Khan council, dissolved as per Articles 24 of the Law on Administrative Management of the Capital, Province, Municipality, District and Khan, shall be organized not later than one hundred and twenty (120) days after the date of dissolution.

The date of the new election shall be determined by the Prime Minister based on a request of the Minister of the Ministry of Interior.

**Article 79**

The new election shall be conducted under the management and supervision of the NEC in accordance with the provisions of this law.

**Article 80**

The newly elected council shall have a mandate equivalent to the remaining duration of that council's mandate only.

**Article 81**

The new election shall not be permitted if the duration of the remaining mandate is less than one hundred and eighty (180) days.

During this period, the Minister of the Ministry of Interior shall apply the provisions of Article 27 of the Law on Administrative Management of the Capital, Province, Municipality, District and Khan;

**Chapter 3  
Budget****Article 82**

Provisions of Article 121 of the Law on the Election of Members of the National Assembly shall be applied for the council elections.

**Chapter 4  
Punishment****Article 83**

Punishment provisions prescribed in Chapter 11, new Articles 124, 126, 128, 129 and 130 of the Law on the Election of Members of the National Assembly shall be applied to the council elections.

**Article 84**

Any person who violates Article 44 of this law shall be subject to a warning.

In the event that that person fails to comply with the warning, his/her name shall be deleted from the list of voters for a five-year (05) period, his/her candidacy shall be deleted or candidacy of the political party for running the election shall be deleted and/or shall be fined from five million (5,000,000) Riels to ten million (10,000,000) Riels.

**Article 85**

Any member of the NEC, capital election commission, provincial election commission, municipal election commission, district election commission, Khan election commission or member of the polling station who falsifies electoral documents or ballots or uses any other means to distort the election result shall be fined from ten million (10,000,000) Riels to twenty five million (25,000,000) Riels without consideration of other criminal acts and/ or be deleted from the list of voters for a five-year (05) period.

**Article 86**

Any person who violates Article 100 of the Law on the Election of Members of National Assembly shall be subject to a warning. In the event that person fails to comply with the warning, he/she shall be arrested and his/her weapon shall be confiscated for forty-eight

(48) hours by competent authorities and shall be fined from ten million (10,000,000) Riels to fifty million (50,000,000) Riels.

If the violator is a civil servant or member of the Royal Cambodia Armed Force or National Police, the NEC shall:

- Make a request to the head of the violator's institution to impose administrative disciplinary sanctions ranging from suspension without remuneration to dismissal from the position depending on level 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 NEC or capital election commission or provincial election commission or municipal election commission or district election commission or Khan election commission, he/she shall be dismissed immediately from the job and barred from further employment with the NEC or with other election commissions at all levels for a ten-year (10) period starting from this election in addition to the punishments as prescribed in Paragraph 1 of this article.

#### **Article 87**

Any person or any political party who violates Article 45 or Article 76 of the Law on the Election of Members of National Assembly shall be fined from five million (5,000,000) Riels to ten million (10,000,000) Riels without consideration of any other criminal acts and/or shall be deleted from the list of voters.

#### **Article 88**

Any person who violates Article 77 and provisions of the Article 78 of the Law on the Election of Members of National Assembly shall be subject to a warning. In the event that the violator fails to comply with the warning, his/her name shall be deleted from the list of voters for a five-year (05) period and a request to the head of the violator's institution shall be made to impose administrative disciplinary sanctions ranging from suspension without remuneration to the dismissal from the position and/or shall be fined from one million (1,000,000) Riels to two million (2,000,000) Riels.

### **Chapter 5 Transitional Provisions**

#### **Article 89**

The date of the first council elections shall be fixed not later than twelve (12) months after this law comes into effect.

#### **Article 90**

In order to organize the first council elections, the number of councilors shall be determined not later than one hundred and twenty (120) days before the date of the elections as per Article 18 of the Law on Administrative Management of the Capital, Province, Municipality, District and Khan.

### **Chapter 6 Final Provisions**

#### **Article 91**

Any provisions that are contradicted to this law shall be abrogated.

**Article 92**

This Law shall be declared as urgent.

Royal Palace, Phnom Penh Capital, 24 May 2008

PRL.0805.600

Royal Signature and Stamp

**Norodom Sihamoni**

Have submitted for the royal signature

Prime Minister

Samdech Aka Moha Sena Padei Techo **Hun Sen**

Have submitted to Samdech Aka Moha Sena Padei Techo  
**Hun Sen**, Prime Minister of the Royal Government of Cambodia

Deputy Prime Minister, Minister of the Ministry of Interior

Signature

**Sar Kheng**

No. 551 CH.L

For copying and distribution

Phnom Penh Capital, 28 May 2008

Deputy Secretary General of the Royal Government

**Khun Chinken**