

UNITED NATIONS ELECTORAL LAW FOR CAMBODIA, 1992

(as amended up to and including 10 May 1993)

UNTAC

AUGUST 1992

This reprint of the United Nations Electoral Law for Cambodia, 1992 incorporates amendments made to that Law by the Following Laws.

- United Nations Electoral Legislation for Cambodia Amendment Law (No. 1), 1992 (Enacted 27 October 1992, with amendments taking effect from 12 August 1992.)
- United Nations Electoral Legislation for Cambodia Amendment Law (No. 1), 1993 (Enacted 13 January 1993, with amendments taking effect from that date.)
- United Nations Electoral Legislation for Cambodia Amendment Law (No. 2), 1993 (Enacted 21 January 1993, with amendments taking effect from that date.)
- United Nations Electoral Legislation for Cambodia Amendment Law (No. 3), 1993 (Enacted 10 February 1993, with amendments taking effect from that date.)
- United Nations Electoral Legislation for Cambodia Amendment Law (No. 4), 1993 (Enacted 8 March 1993, with amendments taking effect from that date.)
- United Nations Electoral Legislation for Cambodia Amendment Law (No. 5), 1993 (Enacted 20 March 1993, with amendments taking effect from that date.)
- United Nations Electoral Legislation for Cambodia Amendment Law (No. 6), 1993 (Enacted 25 March 1993, with amendments made by articles 4 and 6 taking effect from that date, and the amendments made by article 5 taking effect from 12 January 1993.)
- United Nations Electoral Legislation for Cambodia Amendment Law (No. 7), 1993 (Enacted 10 May 1993, with amendments taking effect from that date.)

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United Nations Electoral Law for the Conduct of a Free and Fair Election of a Constituent Assembly for Cambodia, 1992

PREAMBLE

WHEREAS the Supreme National Council (SNC) is recognised in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict (hereinafter referred to as “the Agreement”) as the unique authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined, and has delegated to the United Nations in Article 6 of the Agreement all powers necessary to ensure the organisation and conduct of free and fair elections for a Constituent Assembly which will draft and approve a new Cambodian constitution and transform itself into a Legislative Assembly which will create the new Cambodian Government,

AND WHEREAS the United Nations Security Council by resolutions 718 (1991) of 31 October 1991 and 745 (1992) of 28 February 1992 has agreed to undertake and carry out the responsibility so delegated and to ensure a neutral political environment conducive to free and fair elections in accordance with the Agreement and to exercise the powers necessary to establish and implement an electoral system for the election of a Constituent Assembly.

NOW THEREFORE, following consultation with the Supreme National Council, the Law set out below, and the Code of Conduct annexed thereto, is made to come into force with immediate effect.

Yasushi Akashi

Special Representative of the Secretary-General
for Cambodia

12 August 1992

CHAPTER I - PRELIMINARY

Scope and Purpose of Law

1. This Law, which may be referred to as the United Nations Electoral Law for Cambodia, 1992, shall govern the election, to be organised and conducted by the United Nations Transitional Authority in Cambodia, of a Constituent Assembly for Cambodia.

Authority to conduct election

2. (1) All laws, regulations, other legal instruments, conventions or practices purporting to establish or regulate an electoral system in Cambodia and any other laws, conventions or practices inconsistent with the provisions of this Law or inconsistent with any laws, regulations, directives or orders made or to be made by the Special Representative under this Law, or which would defeat the object and purposes of the Agreement, are to such extent suspended or abrogated.

(2) The powers, authority and jurisdiction of any agency, tribunal or other institution under any existing law, convention or practice to exercise any administrative, executive or judicial control over any matter, dispute or procedure subject to this Law or to any laws, directives or orders made or to be made by the Special Representative under this Law, are suspended or abrogated, except to the extent that any such agency, tribunal or other institution is acting pursuant to any laws, regulations, directives or orders made by the Special Representative.

(3) The Special Representative shall have the power to amend this Law, and to make laws and regulations and give directives and orders in relation to the implementation of this Law.

Inserted by
No. 1, 1992

(4) The Special Representative may, by instrument in writing, delegate to the Chief Electoral Officer any power conferred on the Special Representative by this Law or by any Law, Regulation, directive or order made under this Law, other than the power conferred on the Special Representative by subarticle (3).

Interpretation

3. (1) In this Law, unless the contrary intention appears:

“agent” means an agent appointed under article 8;

“Agreement” means the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, which was adopted by the Paris Conference on Cambodia on 23 October 1991 and which entered into force on the same day;

“approved” means approved by the Special Representative by public notification;

“Assembly” means the Constituent Assembly referred to in Article 12 of the Agreement;

Amended by
No. 2, 1993

“Cambodian person” means:

- (a) a person born in Cambodia, at least one of whose parents was born in Cambodia; or
- (b) a person, wherever born, at least one of whose parents is or was a Cambodian person within the meaning of paragraph (a); or
- (c) a person, wherever born, who is a member of the Supreme National Council;

“Code of Conduct” means the Code of Conduct annexed to and forming an integral part of this Law;

“district” means a portion, determined by public notification, of the territory of a province;

“election” means the election referred to in Article 12 of the Agreement;

“election observers” means election observers or monitoring organisations referred to in article 42;

Inserted by
No. 7, 1993

“International Polling Station Officer” means a person designated by UNTAC to exercise at a polling station the powers specified in articles 4A and 68A;

Amended
by No. 7,
1993

“officer” includes the Chief Electoral Officer, a Provincial Electoral Officer, a District Electoral Supervisor, an International Polling Station Officer, a presiding officer, a substitute presiding officer, a registration officer, a polling official, and any other person employed by the United Nations to perform functions which include functions related to the election;

“political party” means an organisation the object or activity, or one of the objects or activities, of which is the promotion of the election to the Assembly of candidates endorsed by it;

“polling station” means a building, structure, vehicle or enclosure, or a part of a building, structure, vehicle or enclosure, provided for the purpose of taking votes during polling;

Inserted by
No. 4, 1993

“polling team” means a group of polling officials at a polling station who perform as a team the function of issuing ballot papers to voters;

“province” means a portion of the territory of Cambodia determined by public notification;

“provisionally registered political party” means a political party that is provisionally registered under article 11;

“public notification” means a public notification made and published by the Special Representative under this Law;

“registered political party” means a political party that is officially registered under article 10;

“registered voter” means a person registered as a voter under article 22;

“register of voters” means the records kept by the Chief Electoral Officer under article 23, subarticle (1);

“registration card” means the registration card issued to a voter pursuant to article 22, subarticle (1);

“registration point” means a building, structure, vehicle or enclosure, or a part of a building, structure, vehicle or enclosure, provided for the purpose of the registration of voters;

“returnee” means a person who returns to Cambodia in accordance with the Agreement pursuant to arrangements made by the United Nations High Commissioner for Refugees;

“Special Representative” means the Special Representative of the Secretary-General of the United Nations appointed pursuant to Article 2 of the Agreement and Security Council resolution 718 (1991) of 31 October 1991;

“tendered ballot” means a ballot cast in accordance with article 67;

“tendered ballot record” means the record referred to in article 67, subarticle (2), paragraph (a);

“UNTAC” means the United Nations Transitional Authority in Cambodia referred to in Article 2 of the Agreement; and

“voter registration number” means, in relation to a particular voter, the distinctive serial number borne by the registration card issued to the voter pursuant to article 22, subarticle (1).

(2) A reference in this Law to the masculine shall include a reference to the feminine, and any reference to the singular shall include the plural if the context so requires.

(3) For the purposes of this Law, the election campaign shall be taken to commence at the beginning of the forty-sixth day prior to the first day of polling determined under article 54, and to conclude at the end of the fourth day prior to the first day of polling determined under article 54.

- (4) A reference in this Law to the province for which a registered voter is registered shall be read as a reference:
- (a) in the case of a returnee issued with a registration card before taking up residence in the province in which the returnee is to be settled, to the province in which the returnee is to be settled; and
 - (b) in any other case, to the province in which was located the registration point at which the applicant made the application for registration which led to his registration.
- (5) A provision of this Law which requires a function to be performed by the Chief Electoral Officer shall be taken to have been complied with if the function is performed by an officer under the supervision and control of the Chief Electoral Officer.
- (6) This Law and any regulations made under this Law shall be read together as if they were a single document.

CHAPTER II - ADMINISTRATION

Designation of electoral officials

4. (1) The Special Representative shall designate:
 - (a) a Chief Electoral Officer; and
 - (b) for each Province, a Provincial Electoral Officer.
- (2) The Chief Electoral Officer shall designate:
 - (a) for each District, a District Electoral Supervisor;
 - (b) for each polling station, a presiding officer; and
 - (c) such registration officers, polling officials, counting officers and other staff as are required for the purposes of this Law.
- (3) Notwithstanding the provisions of subarticle (2):
 - (a) a presiding officer or a polling official for a polling station in any district, or a registration officer, may, in a case of urgency, be designated by any Provincial Electoral Officer or District Electoral Supervisor; and
 - (b) a polling official for any polling station may be designated by the presiding officer for such polling station.
- (4) Where two or more registration officers operate as a team, the Chief Electoral Officer, the Provincial Electoral Officer of the province concerned, or the District Electoral Supervisor of the district concerned, may designate one of them as the leader of the team, who shall, subject to the control of the Provincial Electoral Officer or District Electoral Supervisor, be responsible for the organisation and control of the work of the team.

Amended by
No. 1, 1992

International Polling Station Officers

- 4A. Where there is an International Polling Station Officer at a polling station, the powers of the Presiding Officer and of all other polling officials at the polling station shall be exercised subject to the direction, supervision and control of that international Polling Station Officer.

Inserted by
No. 7, 1993

Conditions of appointment

5. (1) The designation of any person under article 4 may be withdrawn, without prior notice to any person and without any person being entitled to a hearing, by any person or authority empowered to make a designation of the nature in question.
- (2) Any designation made under article 4 otherwise than in writing shall be confirmed in writing as soon as circumstances permit.

Obligation of impartiality

6. (1) An officer shall perform his functions in a neutral and impartial manner and shall not, in the performance of his duties, seek or receive instructions from any government, party or any other authority apart from UNTAC.
- (2) An officer shall refrain from any action which might reflect on his position as a neutral and impartial official responsible only to UNTAC.
- (3) All governments, parties and other authorities shall respect the responsibilities of officers to ensure the neutral and impartial conduct of the election and shall not seek to influence them in the discharge of their responsibilities.

Declaration of secrecy

7. Every officer shall make in an approved form, and before assuming his duties or performing any function or attending at any polling station or attending at the place where the result of the election is determined, a declaration of secrecy.

CHAPTER III - AGENTS OF POLITICAL PARTIES

Appointment of agents

8. (1) A registered political party may, by written notice to the District Electoral Supervisor, appoint agents for any district.

(2) An officer may at his discretion consult with any agent appointed under this article who is readily available, about any matter connected with the conduct of the election.

(3) A registered political party may at any time, by written notice to the District Electoral Supervisor, revoke the appointment of any agent, and appoint any other person in his place.

(4) A registered political party may, subject to the provisions of subarticle (5), appoint agents for any polling station, and shall:

(a) in the case of a polling station in a district, advise the relevant District Electoral Supervisor in writing of the name of any agent so appointed; and

(b) in the case of a polling station outside Cambodia, advise the presiding officer of that polling station in writing of the name of any agent so appointed.

(5) A registered political party may at any time be represented at a particular polling station by a number of agents not greater than the number of polling teams working at the polling station at that time.

(6) A registered political party or a provisionally registered political party may, subject to the provisions of subarticle (7), appoint agents for any registration point, and shall advise the relevant District Electoral Supervisor in writing of the name of any agent so appointed.

(7) One agent shall be entitled to attend, at any time, at a particular registration point, as the representative and observer of the registered political party or provisionally registered political party which appointed him as its agent for that registration point.

(8) No agent shall interfere with registration at a registration point or the voting at a polling station, except as provided in this Law, or do any canvassing at a polling station or display anything which indicates that he is a representative of a particular registered political party, and such agent shall be obliged to display such identification as is determined by the Chief Electoral Officer.

(9) The registration officer or presiding officer, as the case may be, may, notwithstanding any provisions to the contrary contained in this Law, order any agent referred to in subarticle (8) of this article to leave the registration point or polling station concerned until such time as he complies with the provisions of that subarticle, and the provisions of article 60, subarticle (3) shall *mutatis mutandis* apply in respect of any such agent who fails to leave the registration point or polling station when so ordered.

(10) A registered political party shall be entitled to be represented at any place where the determination of the result of the poll and any related verification occurs, by not more than four agents.

(11) No person shall be appointed as an agent unless he is a registered voter, or is a person qualified to apply for registration as a voter.

Subarticles
(12) and
(13) deleted
by No. 6,
1993

Declaration of secrecy

9. Every agent appointed under article 8 shall make a declaration of secrecy in an approved form, before assuming his duties or performing any function or attending at any registration point or polling station or attending at any place where the result of the election is determined.

CHAPTER IV - REGISTRATION OF POLITICAL PARTIES

Submission of application for registration of political party

10. (1) A political party may make a written application in an approved form to the Special Representative, within a period to be specified by public notification, to be officially registered as a political party for the purposes of this Law.

- (2) Every such application shall contain the following particulars:
- (a) subject to the provisions of subarticle (3), the name of the political party which is to appear on the ballot paper;
 - (b) subject to the provisions of subarticle (3), an abbreviation of that name, to appear on the ballot paper in lieu of the name, if the political party desires an abbreviation of its name to appear on the ballot paper;
 - (c) subject to the provisions of subarticle (3), the distinctive symbol of the political party which is to appear on the ballot paper;
 - (d) the address to which any notices in terms of this Law shall be sent to the political party;
 - (e) particulars of all assets and liabilities and all bank accounts of the political party;
 - (f) a statement indicating a single bank account into which all income of the political party including contributions from any source shall be paid and from which all election expenses shall be paid;
 - (g) the constitution of the political party or the agreement or other document in terms of which it came into existence;
 - (h) a statement affirming the political party's commitment to a free and fair election, its respect for the results thereof, and its undertaking to adhere to the Code of Conduct;
 - (j) a list containing the names, signatures, voter registration numbers and addresses of at least 5,000 members of the political party who are registered voters;
 - (k) a statement setting out the names of the office bearers of the political party, and evidence confirming that they are registered voters; and
 - (l) subject to subarticle (5), in respect of each province, a list containing the names of candidates for the province.

- (3) The proposed name, abbreviation or symbol of a political party shall not:
 - (a) contain a portrayal of any arm, ammunition, uniform or other object which is normally used in military operations, actions or exercises whether in times of peace or war;
 - (b) contain a portrayal of Angkor Wat;
 - (c) contain a portrait of His Royal Highness Prince Norodom Sihanouk;
 - (d) be obscene, offensive or blasphemous; or
 - (e) resemble the abbreviation or symbol, as the case may be, of any other political party to such an extent that it may possibly deceive or confuse a registered voter.
- (4) In determining whether the proposed name, abbreviation or symbol of a political party contains the resemblance referred to in subarticle (3) paragraph (e), the Special Representative:
 - (a) shall take into consideration the fact that the political party with which the abbreviation or symbol has been traditionally associated for the longer period of time should be entitled thereto; and
 - (b) may, for the purposes of paragraph (a), afford all political parties concerned an opportunity to adduce such proof, including the oral evidence of any person, or to make such statement, as in his opinion may assist in a prompt decision of the matter.
- (5) A list provided under subarticle (2), paragraph (1) must meet the following requirements:
 - (a) the list shall contain a number of names not less than the number set out in Column 1 of Annex 2 opposite the name of the province to which the list relates, and not greater than the number set out in Column 2 of Annex 2 opposite the name of that province;
 - (a) the names on the list shall appear in such order as the political party may determine with a view to the provisions of article 80, subarticle (l), paragraph (b);
 - (b) every candidate must be a registered voter who is at least twenty-one years old;
 - (c) the voter registration number of each candidate must be stated on the list after his name; and
 - (d) the list of candidates must be accompanied by a declaration by each person whose name appears on the list that he has accepted his nomination as a candidate of the registered political party submitting the list, that he is a registered voter, and that he is at least twenty-one years old.

Inserted by
No. 1, 1993

Amended by
No. 2, 1993

(6) Any person whose name appears on more than one list of candidates provided under subarticle (2) paragraph (1) and who has made a declaration under subarticle (5) paragraph (d) in relation to more than one of those lists, shall be deemed not to be a candidate for any registered political party.

Inserted by
No. 6,
1993, with
effect from
12 January
1993

(6A) Notwithstanding subarticle (5) paragraph (aa), a candidate whose name appears on a list of candidates provided under subarticle (2), paragraph (1), and who is not a registered voter, shall be deemed not to be a candidate for the registered political party which provided the list, or for any other registered political party.

Inserted by
No. 6,
1993, with
effect from
12 January
1993

(6B) An application under subarticle (1) shall not be taken to fail to meet the requirements of subarticle (5), paragraph (aa) by reason that a list of candidates provided under subarticle (2) paragraph (1) is, by virtue of the operation of subarticles (6) and (6A), deemed to contain fewer names than the number set out in Column 1 of Annex 2 opposite the name of the province to which the list relates.

(7) The Special Representative shall examine any application submitted to him, to ascertain whether it complies with the provisions of this article and, if he finds that it does not so comply, either return it to the political party concerned, indicating the reasons for his finding, or give the political party concerned a reasonable opportunity to rectify, within a period specified by the Special Representative, any irregularity.

(8) An application returned to a political party pursuant to subarticle (7) shall be deemed not to have been submitted to the Special Representative.

(9) An application in which an irregularity has been rectified pursuant to subarticle (7) shall be considered by the Special Representative under subarticle (10).

(10) If the Special Representative is of the opinion that the application of a political party complies with the requirements of this article, he shall register that party for the purpose of this Law, notify the party in writing, and publish a notice of the registration.

Removal of name from list

Inserted by
No. 2, 1993

10A. (1) If, at any time between the end of the period referred to in article 10, subarticle (1) and the beginning of the first day of polling determined under article 54, the person who lodged on behalf of a political party an application for official registration notifies the Chief Electoral Officer in writing that a person whose name appears on a list provided under article 10, subarticle (2), paragraph (1) in the political party's application for official registration has ceased to be a member of the political party, the person's name shall be deemed never to have appeared on that list.

(2) The official registration of a political party shall under no circumstances be called into question on the ground that a list provided by the political party under article 10, subarticle (2) paragraph (1) is, by virtue of the operation of subarticle (1) or article 92, subarticle (4) deemed to contain fewer names than the number set out in Column 1 of Annex 2 opposite the name of the province to which the list relates.

Application for provisional registration of political party

11. (1) From a date to be specified by public notification until the commencement of the period referred to in article 10, subarticle (1) a political party may make written application in an approved form to the Special Representative for provisional registration.

(2) Every such application shall contain the particulars referred to in article 10, subarticle (2) paragraphs (a), (b), (c), (d), (e), (f), (g) and (h), being, in the case of the particulars referred to in article 10, subarticle (2) paragraphs (a), (b) and (c), particulars which comply with article 10, subarticle (3).

(3) A political party that has been provisionally registered in accordance with subarticle (4) may apply for official registration in accordance with article 10, subarticle (1) by providing the additional particulars referred to in article 10, subarticle (2), paragraphs (f), (k) and (1).

(4) The provisions of article 10, subarticles (4) (7), (8), (9) and (10) shall apply *mutatis mutandis* to an application made by a political party for provisional registration under subarticles (1) and (2), and to an application by a political party for official registration under subarticle (3).

Inserted by
No. 1, 1992

(5) The Special Representative may, in a case where the symbol of a political party which has applied for provisional registration may, in his opinion, contravene article 10, subarticle (3), paragraph (e):

- (a) provisionally register the political party; and
- (b) subject to article 10, subarticle (4), determine subsequently whether the symbol in question in fact contravenes article 10, subarticle (3), paragraph (e).

Publication of lists of candidates

12. (1) The Chief Electoral Officer shall, as soon as possible after the provisions of article 10 have been complied with, publish a notice:

- (a) stating the names of all the registered political parties; and
- (b) setting out each list of candidates of each such registered political party for the election, and declaring that the persons whose names appear on the list have been nominated as the candidates of the registered political party concerned for the election.

Lodging of documents

13. Where a political party is by any provision of this Law required to make any submission in writing, such submission shall be presumed, unless the contrary is proved, to be submitted by the political party concerned if it is submitted under the signature of an office bearer of the political party specifically authorised by that party for this purpose.

CHAPTER V - REGISTRATION OF VOTERS

Registration of voters to take place

14. (1) A registration shall take place in Cambodia of persons who, by virtue of such registration and subject to this Law, will be entitled to vote at the election.

(2) The period within which the registration referred to in subarticle (1) will take place shall be determined by public notification.

Amended by
No. 2, 1993

(3) The said period may be altered from time to time by similar public notification, in respect of the whole of Cambodia or of any province or district, or in respect of returnees.

Qualifications for registration

15. Every Cambodian person who is of or over the age of eighteen years or will attain that age during the period of registration determined under article 14, shall, on complying with the provisions of this Law be entitled to be registered as a voter.

Power to enter land

16. (1) Subject to subarticle (2), any registration officer may, with the necessary staff, vehicles and equipment, enter upon any land on which there is, or is suspected to be, any person who is qualified for registration, for the purpose of registering any such person who may wish to apply for registration.

(2) A registration officer may not enter upon any land or enter any building or structure on such land without the permission of its owner or occupier, or of the person in control of such land, between the hours of 19h00 and 7h00.

Application for registration

17. (1) A person who is or claims to be qualified for registration, shall, if he so wishes, apply for registration by:

- (a) appearing in person before a registration officer;
- (b) identifying himself by means of an identity document or otherwise, but subject to the provisions of subarticle (3), to the reasonable satisfaction of the registration officer; and

(c) proving, subject to the provisions of subarticle (4) to the reasonable satisfaction of the registration officer, that he is a Cambodian person.

(2) A registration officer may require any applicant to furnish such explanation, information or further particulars as may be necessary to establish the applicant's identity or the fact that the applicant is a Cambodian person, as the case requires.

(3) When, for the purposes of subarticle (1), paragraph (b), any applicant has to identify himself to the reasonable satisfaction of the registration officer, and two registered voters declare in sworn statements made before the registration officer concerned, that:

- (a) the applicant is known to them; and
- (b) the applicant is the person who he purports to be,

the registration officer shall accept the information contained in the statements and the applicant concerned shall be deemed to have complied with the provisions of that paragraph unless a finding is made in any appeal or objection under this Law that the particular information contained in the said statement is false.

(4) When, for the purposes of subarticle (1), paragraph (c), any applicant has to prove to the reasonable satisfaction of the registration officer that he is a Cambodian person, and two registered voters declare in sworn statements made before the registration officer concerned, that:

- (a) the applicant is known to them; and
- (b) the applicant is a Cambodian person,

the registration officer shall accept the information contained in the statements and the applicant concerned shall be deemed to have complied with the provisions of that paragraph unless a finding is made in any appeal or objection under this Law that the particular information contained in the statement is false.

(5) The provisions of subarticles (3) and (4) shall not be construed so as to prohibit the registration officer from accepting to his reasonable satisfaction any manner of proof of identity or of the fact that a person is a Cambodian person other than in a manner contemplated in those subarticles.

(6) Any applicant for the registration as a voter referred to in this article may apply to register as a voter at any registration point in Cambodia.

Refusal to register applicant

18. (1) A registration officer may, after considering an application duly made in terms of article 17, refuse to register the applicant if the registration officer is satisfied that the applicant is not qualified for registration.

(2) If a registration officer refuses under subarticle (1) to register an applicant, he shall:

- (a) make a record of the refusal, the reason for it, and the date of the refusal, and sign the record; and
- (b) inform the applicant that he may, in accordance with the provisions of article 20, appeal against the refusal to the District Electoral Supervisor of the district in which the registration point is located.

Records of statements made by agents, applicants etc.

19. (1) If:

- (a) an agent present at a registration point questions the information contained in an applicant's application; or
- (b) the registration officer refuses to register an applicant,

the registration officer shall:

- (c) advise the applicant accordingly, and make a tape recording or a written record of any statement which the applicant may wish to make in response to that advice and in support of his application; and
- (d) where paragraph (a) applies, record that fact, and make a tape recording or a written record of any statement which the agent may wish to make on the matter.

(2) Records and tape recordings made under subarticle (1) shall be retained and secured in accordance with the instructions of the Chief Electoral Officer.

Appeal against refusal to register

20. (1) Any person whose application for registration has been refused under article 18 and who desires to appeal against such refusal, may, in the manner prescribed by subarticle (5) on the day and at the time and place determined pursuant to subarticles (2), (3) and (4), of which he shall be notified in writing in an approved form, appeal against such refusal to the District Electoral Supervisor referred to in article 18, subarticle (2) paragraph (b).

(2) The District Electoral Supervisor referred to in subarticle (1) shall determine the day, which day shall not be later than 21 days after the date of the refusal, and the time and place for the hearing of an appeal referred to in that subarticle.

(3) A District Electoral Supervisor may, notwithstanding the provisions of subarticle (2) in his discretion and for good cause shown, allow in any particular case the person concerned to appear after the end of the period referred to in that subarticle but on a date determined by the District Electoral Supervisor.

(4) The provisions of subarticle (2) shall not preclude the District Electoral Supervisor from hearing an appeal at any place and time determined by him and communicated to the person who wishes to appeal.

(5) On a day, at a time and place determined in accordance with the provisions of this article, the person who wishes to appeal (hereinafter called the appellant) shall:

- (a) appear in person before the District Electoral Supervisor;
- (b) make a fresh application, in the manner specified in article 17, subarticle (1) to the District Electoral Supervisor;
- (c) state the grounds on which he appeals against the refusal of his original application; and
- (d) adduce such proof and make such statements he may wish to present in support of his appeal.

(6) Subject to the provisions of subarticles (5) and (7), the hearing of the appeal may be conducted by the District Electoral Supervisor in such manner as in his opinion is best calculated to enable him to arrive at a just decision in the matter.

(7) The District Electoral Supervisor shall in the course of the hearing give consideration to the written records and tape recording made under article 19 at the time of the appellant's application.

(8) Without derogating from the generality of the provisions of subarticle (6), the District Electoral Supervisor may:

- (a) call any person who is present to appear before him and require or allow that person to give such oral evidence or produce such other proof as in the opinion of the District Electoral Supervisor may assist him in deciding the matter;
- (b) examine or allow the examination of any person so appearing; and
- (c) postpone the hearing at any stage of the proceedings to a day to be determined by him.

- (9) The District Electoral Supervisor shall keep a record of the proceedings.
- (10) Subject to subarticle (11) the hearing of an appeal shall be open to the public.
- (11) A District Electoral Supervisor may at his discretion exclude from the hearing or any part thereof any person or persons generally whose presence is, in the opinion of the District Electoral Supervisor, not desirable.

Decision of appeal

- 21. (1) A District Electoral Supervisor shall allow an appeal unless he is satisfied that the appellant is not qualified for registration, in which case he shall dismiss the appeal.
- (2) A District Electoral Supervisor may also dismiss an appeal if the appellant fails to appear before him at the time specified for the hearing.
- (3) The District Electoral Supervisor shall make a record of his decision under subarticle (1) or (2).
- (4) If the District Electoral Supervisor allows the appeal, he shall forthwith refer the appellant to a registration officer.
- (5) The decision of a District Electoral Supervisor under this article shall be final.

Registration of applicant

- 22. (1) If a registration officer does not under article 18 refuse to register an applicant, or if the applicant is a person referred to the registration officer by a District Electoral Supervisor under article 21, subarticle (4), the registration officer shall register the applicant by issuing to him a registration card in the approved form, being a card bearing a distinctive serial number:
 - (a) to which a photograph of the applicant, taken by the registration officer, is attached; and
 - (b) on which is placed by the applicant the signature or prescribed mark of the applicant.
- (2) The registration officer shall make a record in the approved form of the registration card so issued, on which shall be marked by the applicant the signature or prescribed mark of the applicant.

Amended
by No. 1,
1992

- (3) If the applicant is a person who has been referred to the registration officer by the District Electoral Supervisor under article 21, subarticle (4), the registration officer shall comply with the provisions of subarticles (1) and (2) of this article even if he is not the registration officer who first refused the applicant's application.
- (4) In this article, "prescribed mark", in relation to an applicant, means:
- (a) the applicant's left thumbprint; or
 - (b) if in the opinion of the registration officer it is not possible, due to a physical disability of the applicant, to obtain a left thumbprint of the applicant, or if in the opinion of the registration officer it is for any reason not possible to obtain a clear left thumb print of the applicant, an imprint:
 - (i) of one of the fingers of his left hand excluding the thumb; or
 - (ii) of his right thumb, if the circumstances of paragraph (a) in relation to his left thumbprint apply also in relation to the imprint of the fingers of his left hand; or
 - (iii) of one of the fingers of his right hand excluding the thumb, if the said circumstances apply also in relation to his right thumbprint;
- or
- (c) if, because of a physical disability of the applicant none of the imprints referred to in paragraphs (a) and (b) can be obtained, such mark as the applicant may be able to make.

Forwarding of documents and register of voters

23. (1) The record made under article 22, subarticle (2) shall as soon as possible be forwarded to the Chief Electoral Officer and shall be kept by him in a safe place.
- (2) Subject to subarticles (3), (4) and (5), a record referred to in subarticle (1), and the information contained therein, shall not, without the permission of the Chief Electoral Officer, be revealed to any person or organisation.
- (3) The Chief Electoral Officer shall compile from the records referred to in subarticle (1) lists of registered voters, which shall be published in an approved form at times to be fixed by public notification.
- (4) Every registered voter shall appear in at least one list published under subarticle (3).

(5) At least one copy of each list published pursuant to subarticle (3) shall, as soon as is conveniently possible after its publication, be provided to an office bearer specifically authorised for this purpose, of each political party which has been granted official registration or provisional registration, and which has indicated to the Chief Electoral Officer that it wishes to receive such copies.

Objection to retention of name on register of voters

Amended by
No. 1, 1992

24. (1) Where a record has been made under article 19, subarticle (1), paragraph (d) of the fact that an agent has questioned information contained in a registered voter's application, a person (hereinafter called the objector) may, on behalf of the party represented by that agent, within 14 days after the publication of the first list of registered voters published under article 23, subarticle (3) which contains the registered voter's name, lodge with the Provincial Electoral Officer of the province for which the voter was granted registration, in accordance with the provisions of subarticle (2), a notice in the approved form (hereinafter called the notice of objection), objecting to the retention on the register of voters of the name of the registered voter in question (hereinafter called the respondent).

(2) The notice of objection shall:

- (a) state in full the grounds for the objection, including facts which, if true, would establish that the respondent was not at the time of his registration, and is not at the time of the objection, qualified for registration;
- (b) be supported and accompanied, in respect of every fact referred to in paragraph (a), by:
 - (i) a sworn statement in duplicate as to the truth of that fact, made by the person who alleges it and who would be able to testify about it at the hearing of the objection; or
 - (ii) if that fact is to be proved by the production of any document, two copies of such document certified as true copies by the person who would be able to produce that document at the hearing of the objection.

(3) If in the view of the Provincial Electoral Officer a notice of objection does not meet the requirements of subarticle (2), he shall forthwith dismiss the objection.

(4) If in the view of the Provincial Electoral Officer a notice of objection meets the requirements of subarticle (2) he shall:

- (a) endorse on it the date and time of its receipt by him;
- (b) fix a day, time and place for the hearing of the objection which day shall be a day not later than ten days after the date referred to in paragraph (a);
- (c) make a suitable endorsement on the notice of objection to indicate that the objection will be heard at the place, on the day and at the time fixed in terms of paragraph (b);
- (d) return one copy of the notice of objection, together with one copy of any sworn statement or other document lodged with that notice, to the objector and at the same time bring the provisions of article 2.5 to his notice; and
- (e) hand to the objector a notice of the hearing of objection in the approved form.

Service of notice of objection and notice of the hearing of objection

25. (1) The objector and the Provincial Electoral Officer shall take such steps as they may think best calculated to bring the objection and the time, day and place fixed for its hearing to the notice of the respondent.

(2) The objector shall lodge or cause to be lodged with the Provincial Electoral Officer not later than the time fixed for the hearing of the objection, a notice in an approved form, indicating the steps taken by the objector to comply with the provisions of this article.

Hearing of objection

26. (1) The objector and the respondent shall, subject to the provisions of this article and article 27, appear before the Provincial Electoral Officer at the place and the time fixed for the hearing of the objection or as soon thereafter as the Provincial Electoral Officer is able to hear the matter.

(2) Subject to the provisions of subarticles (3) and (4), the Provincial Electoral Officer may conduct the hearing of the objection in such manner as in his opinion is best calculated to enable him to arrive at a just decision in the matter.

(3) The Provincial Electoral Officer shall afford the objector and the respondent, if he is present, an opportunity to adduce such proof, including the oral evidence of any person who is present, or make such statement as in the opinion of the Provincial Electoral Officer may assist in the decision of the matter.

- (4) The Provincial Electoral Officer shall in the course of the hearing give consideration to the written records and tape recordings made under article 19 at the time of the respondent's application.
- (5) Without derogating from the generality of the provisions of subarticle (2) the Provincial Electoral Officer may:
 - (a) require the objector to call as a witness any person who made a sworn statement referred to in article 24, subarticle (2), paragraph (b), subparagraph (i), or to cause the original of a document referred to in subparagraph (ii) of the said paragraph (b) to be produced;
 - (b) call upon any person who is present to appear before him and require or allow such person to give such oral evidence or produce such other proof as in the opinion of the Provincial Electoral Officer may assist in the decision of the matter; and
 - (c) subject to the provisions of subarticle (6) postpone the hearing at any stage of the proceedings to a date fixed by him to enable the objector or the respondent to produce such proof of any matter as the Provincial Electoral Officer may require.
- (6) The Provincial Electoral Officer shall not postpone the hearing for a period longer than ten days.
- (7) The Provincial Electoral Officer shall keep a record of the proceedings under this article.
- (8) The provisions of article 20, subarticles (10) and (11) shall *mutatis mutandis* apply in respect of the hearing of an objection in terms of this article.

Decision on objection

- 27. (1) A Provincial Electoral Officer shall dismiss an objection unless he is satisfied that the respondent is not qualified for registration, in which case he shall allow the objection.
- (2) The Provincial Electoral Officer may allow an objection in the absence of the respondent if he is satisfied that respondent is not qualified for registration.
- (3) The Provincial Electoral Officer may dismiss the objection also:
 - (a) if the objector fails to appear before him at the time fixed under article 24, subarticle (4), paragraph (b) for the hearing of the objection, and has not notified the Provincial Electoral Officer in writing of the reason for his failure or such reason is in the opinion of the Provincial Electoral Officer not attributable to circumstances beyond the objector's control; or

- (b) if the objector fails to appear before him at the time fixed under article 26, subarticle (5) paragraph (c) for a further hearing of the objection; or
 - (c) if the objector fails to comply with a requirement of the Provincial Electoral Officer under article 26, subarticle (5) paragraph (a); or
 - (d) if the objector withdraws or abandons the objection.
- (4) The Provincial Electoral Officer shall make a record of his decision under this article.
- (5) The decision of a Provincial Electoral Officer under this article shall be final.

Effect of allowing an objection

28. If an objection has been allowed under article 27, the registration of the respondent shall cease to be of force and effect and the registration card issued to him shall cease to be valid and he shall be disqualified from voting.

Cancellation of registration card invalidated by successful objection

29. (1) If an objection has been lodged in terms of article 24 against the retention of the name of a person on the register of voters, the person shall, unless the objection has been dismissed under article 24 or 27, surrender his registration card to the Provincial Electoral Officer to whom the objection was submitted or to any other Provincial Electoral Officer, or to any District Electoral Supervisor or registration officer:
- (a) if at any time it comes to such person's knowledge that the objection has been so lodged or has been allowed under article 27; or.
 - (b) if ordered to do so by the said Provincial Electoral Officer or such other Provincial Electoral Officer or such District Electoral Supervisor or registration officer.
- (2) If such person fails to comply with an order made in terms of subarticle (1)(b), the officer who made the order may seize the registration card in question or cause it to be so seized.
- (3) The Provincial Electoral Officer, District Electoral Supervisor or registration officer to whom the registration card is surrendered or who seizes it or causes it to be seized under this article shall, if he is not the Provincial Electoral Officer to whom the objection was submitted, forward the registration card without delay to that Provincial Electoral Officer.

(4) If the registration card referred to in subarticle (1) is in the possession of the Provincial Electoral Officer to whom the objection was submitted, or comes into his possession at any time, he shall:

- (a) if he dismisses the objection, return that registration card to the registered voter concerned; or
- (b) if he allows the objection and that registration card ceases in terms of article 25 to be valid, cancel that registration card, and forward the cancelled registration card to the Chief Electoral Officer.

(5) The Chief Electoral Officer shall cancel every registration card which in terms of article 28 ceased to be valid if such registration card comes into his possession at any time and has not already been cancelled in terms of subarticle (4), paragraph (b) of this article.

Returns of invalid registration cards not cancelled

30. A Provincial Electoral Officer who allows an objection under article 27 shall advise the Chief Electoral Officer of the particulars of the registration card of the registered voter in respect of whom the objection was allowed, unless he has cancelled the registration card in accordance with article 29, subarticle (4), paragraph (b).

Cancellation of registration card on death of registered voter

31. (1) Any person who at any time is in possession of a registration card issued to a registered voter who has died shall deliver that registration card without delay to any officer.

(2) An officer referred to in subarticle (1) shall, if he is not the Chief Electoral Officer, deliver the registration card without delay to the Chief Electoral Officer, who shall cancel it.

Cancellation of registration card of candidate

Inserted by
No. 1, 1992

31A. (1) The Chief Electoral Officer may cancel the registration card of a registered voter who wishes to be a candidate for the election in a province other than that for which the voter is registered.

(2) A registered voter whose registration card is cancelled under subarticle (1) shall be entitled to apply again for registration as a voter.

Amendment of register of voters

32. (1) The Chief Electoral Officer shall:
- (a) if a registration card has been cancelled in terms of article 29 or 31, annotate the register of voters accordingly;
 - (b) upon receipt of advice rendered to him in terms of article 30 in respect of a registration card, cancel the registration card and annotate the register of voters accordingly.
- (2) The Chief Electoral Officer shall, from time to time, publish lists, in the approved form, of cancelled registrations.
- (3) The Chief Electoral Officer may from time to time publish revised lists.

CHAPTER VI - ALLOCATION OF SEATS TO PROVINCES

Determination of the numbers of seats in the Constituent Assembly to be filled in each province

33. (1) The Special Representative shall, as soon as practicable after the registration of voters has been concluded and all outstanding appeals and objections have been dealt with, by public notification determine the number of seats in the Assembly to be allocated to each province.

(2) Subject to subarticle (5) the seats in the Assembly shall be allocated among the provinces in accordance with the formula:

$$X = (A \div B) + C$$

in which

X represents the number of seats allocated to the province;

A represents the number of voters registered for the province;

B represents the number obtained by dividing the total number of voters registered in all the provinces by the number of seats to be allocated among the provinces (disregarding any remainder); and

C represents the value 1 if a seat is allocated to the province concerned in terms of subarticle (3), and the value 0 if no seat is so allocated to the province concerned,

and any remainder obtained in calculating the value of $A \div B$ is disregarded except for the purposes of subarticle (3), in which such remainder shall be referred to as unrepresented voters.

(3) If, when the value of $A \div B$ has been determined in terms of subarticle (2) for each province, the number of seats represented by the aggregate of all such values is less than the number of seats to be allocated, the number of seats representing the shortfall shall be allocated on the basis of one seat each to an equal number of provinces, being those provinces having the greatest numbers of unrepresented voters.

(4) If, in the application of the provisions of subarticle (3), only one seat remains to be allocated and two or more provinces have an equal number of unrepresented voters, and such provinces have more unrepresented voters than any other province that has not been allocated a seat under that subarticle, the remaining seat shall be allocated to that province with the equal number of unrepresented voters in which the number of voters registered is lowest.

- (5) If the application of subarticle (2) does not result in at least one seat being allocated to each province, the following provisions shall operate:
- (a) Each province which was an unrepresented province as a result of the allocation made under subarticle (2) shall be allocated one seat.
 - (b) The remaining seats shall be allocated to the remaining provinces in accordance with subarticles (2), (3) and (4).
 - (c) In the application of subarticles (2) (3) and (4) for the purposes of paragraph (b), a province allocated a seat under paragraph (a) shall be taken not to exist.
 - (d) If an application of this subarticle does not result in at least one seat being allocated to each province, the following provisions shall operate:
 - (i) Each province which was an unrepresented province:
 - (A) as the result of the allocation made under subarticle (2); or
 - (B) as the result of any allocation made under this subarticle,shall be allocated one seat.
 - (ii) The remaining seats shall be allocated to the remaining provinces in accordance with subarticles (2), (3) and (4).
 - (iii) In the application of subarticles (2), (3) and (4) for the purposes of subparagraph (ii), a province allocated a seat under subparagraph (i) shall be taken not to exist.
- (6) In this article, “unrepresented province” means a province which, as the result of an allocation made under this article, is not allocated any seat.

CHAPTER VII - THE ELECTION CAMPAIGN

Objective of campaign

34. (1) The objective of the election campaign shall be to enable the parties, their candidates, members and supporters to disseminate their intended policies to the voters for discussion and consideration.

Inserted by
No. 3, 1993

(2) Notwithstanding any other provision of any Law, during the the election campaign all persons, political parties and other organizations shall have the right to engage in any political or campaign activity which is not a breach of this Law, or of a law, regulation, directive or order made under this Law.

Conduct of campaign

35. All political parties, and their candidates, members and supporters shall conduct themselves during the election campaign and during polling in accordance with the rules and principles set out in this Law and the Code of Conduct, and with respect for the principles of human rights and democracy proclaimed in the Agreement.

Media

36. To ensure fair access to the media, including press, television and radio for all political parties contesting in the election, all newspapers and broadcasting media controlled by public authorities in Cambodia shall be made available at no cost to the Special Representative for the purpose of publicity and electoral education connected with the election.

Newspaper advertising

37. (1) All newspapers printed, published or distributed in Cambodia, other than those explicitly controlled by political parties, shall accept on an equal commercial basis the campaign advertising of the registered political parties for the election.

(2) The Special Representative may take any steps necessary to ensure compliance with subarticle (1).

Broadcasting

38. All broadcasting authorities shall grant broadcasting time on the basis of an allocation determined by the Special Representative to all registered political parties and their candidates for the broadcasting of their policies.

Mode of behaviour

39. (1) All registered political parties and candidates, in exercising their right of access to the media, shall refrain from promoting violence, deception or confusion, and from seeking to undermine the secrecy of the ballot, and from using offensive language.

(2) The Special Representative may suspend the right of access to the media of any registered political party or candidate failing to comply with this rule.

Access to public facilities

40. Public theatres, stadiums and other open areas and cultural houses shall be available to all registered political parties and candidates to hold campaign meetings, rallies or demonstrations on the basis of equal charges.

Article 41
repealed by
No. 5, 1993

Election observers

42. The Special Representative may issue directives or make regulations governing the registration and activities of election observers or election monitoring organisations, whether national or international.

Campaign funds

43. (1) Every registered political party and candidate shall keep a record of all funds received for the campaign and the source of such funds, and shall on demand make that record available to the Special Representative.

(2) All such payments shall be deposited into, and all election expenses paid from, the bank account referred to in article 10, subarticle (2), paragraph (f).

- (3) The Special Representative may publish a record made available to him under subarticle (1).

CHAPTER VIII - PREVENTION AND CONTROL OF ELECTION IRREGULARITIES

Establishment of committee

44. There is hereby established a group to ensure the prevention and control of election irregularities, to be known as the Special Representative's Electoral Advisory Committee, hereinafter referred to as "the Committee".

Constitution of committee

45. The Committee shall consist of three persons appointed by the Special Representative, one of whom shall be legally trained with at least 15 years' experience, who shall be Chairman, and the other two of whom shall be persons of integrity and experience who, in the opinion of the Special Representative, are by background and experience qualified to ensure the effective performance of the Committee's functions.

Functions of committee

46. (1) The Committee shall, on the basis of information received by it, or complaints made to it, or on its own initiative, inquire into any matter or situation which in its view may constitute an offence under this Law, or which may involve, by any person whatsoever, an act or omission constituting intimidation, obstruction, coercion, corruption, or the publication of false information, or any other act or omission intended to or actually resulting in the obstruction or frustration of the preparation for, or, the conduct of, free and fair elections in accordance with this Law.

(2) The Special Representative may refer to the Committee, for inquiry and report, any dispute, complaint, appeal or matter concerning the election.

Inquiries by committee

47. In performing its functions under this Law, and subject to the directions of the Special Representative, the Committee may conduct any inquiry as it deems necessary.

Powers of committee

48. (1) The Committee, in conducting such inquiry, shall have the right to:
- (a) require, in writing, any person to appear before it and give evidence under oath or affirmation to it; and
 - (b) require, in writing, any person to produce any documents or objects under his control to it.
- (2) Any person who fails to comply with a notice under subarticle (1) or who gives evidence knowing it to be false, or who willfully misleads the Committee or its staff, or who willfully interferes with the proceedings of the Committee, shall be guilty of an offence and be liable to a fine of the riel equivalent of US\$5,000.

Natural justice to be observed

49. In conducting an inquiry, the Committee shall ensure respect for the rules of natural justice.

Venue for inquiries

50. The Committee may hold an inquiry at any venue in Cambodia.

Inquiries to be in public

51. The Committee shall conduct an inquiry in public unless in its opinion it is desirable that the inquiry be conducted *in camera*.

Action following inquiry

52. After conducting an inquiry, the Committee shall:
- (a) inform the Special Representative of the outcome of the inquiry and may make a recommendation, which may include:
 - (i) proposals for any order, directive or instruction to be made by the Special Representative to any person responsible for any act, to stop such act forthwith, or, in the case of any omission, to perform any act specified, including, if necessary, the appropriate correction of any false information;

- (ii) proposals for any legislation or amendment to this Law; and
 - (iii) proposals for action to be taken against any person or organisation which, in its view, has committed an offence under this Law; and
- (b) in the case of an inquiry arising from a complaint, inform the complainant of the outcome of the inquiry and of any recommendation it may make.

Action by Special Representative

53. (1) After considering any recommendation of the Committee, including any proposal for the making of an order or law or the imposition of any sanction specified in this Law, the Special Representative shall take whatever action he deems necessary.
- (2) The decision of the Special Representative shall be final.

CHAPTER IX - THE POLLING

Determination of polling days

54. (1) The Special Representative shall by public notification determine the day or days upon which the polling shall take place.

(2) The Special Representative may by further public notification amend any public notification made under subarticle (1) and may by any such amendment alter the period of the polling in respect of the whole of Cambodia, or any part of Cambodia, or any polling station.

Polling stations

55. (1) For the purpose of conveniently taking a poll of registered voters in any district there shall be as many polling stations at such places in the district concerned as may be determined by the Chief Electoral Officer.

(2) The Chief Electoral Officer shall provide one polling station in Europe, one polling station in North America and one polling station in Australia for the purpose of taking a poll of registered voters.

(3) The Chief Electoral Officer may provide one or more mobile polling stations in any district or other area for the purpose of taking a poll of registered voters.

(4) A mobile polling station shall be under the general control of the relevant District Electoral Supervisor and shall for the purposes of this Law be regarded as a polling station in that district.

(5) The presiding officer in control of, and any polling official and agent for, a mobile polling station may enter upon any land with such mobile polling station and the necessary equipment for the purpose of taking a poll of registered voters on that land, or for the purposes of ascertaining whether there are any registered voters on that land.

(6) Additional polling stations may be established in any district at any time before or after the commencement of the poll.

Furnishing of electoral material and equipment

56. (1) The Chief Electoral Officer shall furnish ballot boxes, ballot papers, ballot paper envelopes, seals and other requisites and shall do such other acts and make such arrangements to facilitate the taking of the poll as may be deemed advisable for effectively conducting the election.

Amended by
No. 4, 1993

(2) The Chief Electoral Officer shall cause copies to be made and supplied to the presiding officer for each polling station in a province of a list setting out the voter registration numbers of all persons whose registrations as voters for the province have been cancelled.

The voting compartment

57. (1) The voting compartment in or at any polling station shall be arranged so as to permit a voter to mark his vote in secrecy and shall be in a position where a person can neither enter nor leave it without being seen by the presiding officer or a polling official designated by him, and the presiding officer or such polling official shall take care that no other person shall, except in accordance with the provisions of this Law, enter the voting compartment while a voter is in it for the purpose of recording his vote.

(2) For the purposes of this Law, the expression “voting compartment” shall include any place or surface in or at a polling station, that is screened off, to the satisfaction of the presiding officer, in such a manner that the voter may record his vote in secret.

The ballot box

58. (1) Not more than thirty minutes before the commencement of the poll on the first polling day at any polling station, the presiding officer shall:

- (a) satisfy himself that the ballot box to be used at the polling station is empty;
- (b) permit the inspection of the interior of the empty ballot box by such persons as are entitled in terms of article 60, subarticle (1) to attend at the polling station and as are present; and
- (c) immediately thereafter close and seal the ballot box in accordance with the instructions issued by the Chief Electoral Officer.

(2) If for any reason it becomes necessary at any time during the polling period to use any additional ballot box at any polling station, such additional ballot box shall be made available for inspection, closed and sealed *mutatis mutandis* in accordance with the provisions of subarticle (1), before being made available for the deposit of ballot papers.

(3) A ballot box closed and sealed as aforesaid may not be opened, and the seal shall not be broken, except under the circumstances contemplated in this Law.

(4) At the closing of the poll on each polling day, and at any time when polling at a mobile polling station is suspended prior to its moving to another location, the presiding officer shall:

- (a) close and seal with a distinctively numbered seal the aperture in any ballot box used at the polling station; and
- (b) break the seal and open the said aperture at the recommencement of the polling,

in accordance with the instructions issued by the Chief Electoral Officer, and in the presence of such persons entitled in terms of article 60, subarticle (1) to attend at the polling station, and as are present.

(5) All sealed ballot boxes used in or at a polling station shall be placed in a position where they can be seen at all times during polling hours at that polling station by the presiding officer or a polling official designated by him, and by any agents present.

Inserted by
No. 7, 1993

(5A) Subarticle (5) does not apply to a ballot box which, having been filled with ballot papers, is no longer to be used at the polling station, and such a ballot box may be forwarded to the Provincial Electoral Officer at any time during the day or days determined under article 54, subarticle (1).

Inserted by
No. 7, 1993

(5B) Article 69, subarticles (1) and (2) apply *mutatis mutandis* in relation to ballot boxes forwarded under subarticle (5A).

(6) The presiding officer shall be responsible for the safe-keeping of all ballot boxes used at his polling station until:

- (a) in the case of a polling station in a province, they are delivered to the Provincial Electoral Officer; or
- (b) in the case of a polling station outside Cambodia, they are delivered to the Chief Electoral Officer.

Commencement and closing of the poll at polling stations

59. (1) Subject to subarticle (2), the poll shall commence and shall close on each polling day at times to be fixed by public notification.

Amended by
No. 4, 1993

(2) The presiding officer, before closing the poll on the final day of polling at the polling station, at the time fixed under subarticle (1), shall permit every voter who at that hour is inside the polling station, or waiting in line outside the polling station, to record his vote.

(3) Notwithstanding subarticle (1) voters may, after the commencement of the polling on the first day of polling, be permitted by the presiding officer to record their votes at a mobile polling station at any time on any polling day and at any place where such mobile polling station is, or at any place considered convenient by the presiding officer in charge of such mobile polling station.

Powers of presiding officers at polling stations

60. (1) The presiding officer and other officers at a polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except officers, agents entitled in terms of article 8 to attend at the polling station, and any other person authorised by or on the authority of the Special Representative or the Chief Electoral Officer.

(2) The presiding officer:

(a) may order any person, excluding the persons referred to in subarticle (1) and any person recording his vote, to leave the polling station; and

(b) shall, where he makes an order under paragraph (a):

(i) in the case of a polling station in a province, make a written report to the Provincial Electoral Officer; and

(ii) in the case of a polling station outside Cambodia, make a written report to the Chief Electoral Officer.

(3) Any person who fails to leave the polling station when so ordered in accordance with subarticle (2), shall be taken to have committed an offence and may, by order of the presiding officer, be removed therefrom.

(4) The presiding officer may take any steps that he deems necessary for the protection of himself and other officials or for stopping or preventing any violence or disturbance in or in the vicinity of the polling station.

(5) The powers conferred by this article shall as far as possible not be exercised so as to prevent any voter who is entitled to vote, from having an opportunity to record his vote.

(6) In the application of this article in respect of a mobile polling station, the expression “polling station” shall include an area indicated or demarcated by the presiding officer at any place where such mobile polling station is stationary for the purpose of taking poll thereat, or at any place where a voter is permitted in terms of article 59, subarticle (3), to record his vote.

Right to vote

61. (1) Every registered voter shall be entitled to vote at the election subject to and upon compliance with this Law.
- (2) A voter shall be entitled to record at the election one vote for one registered political party only.

Place of voting

62. (1) A voter should normally vote in the province for which he is registered.
- (2) A voter who wishes to vote in any province other than where he is registered, or to vote at a polling station outside Cambodia, shall vote in accordance with the provisions of article 67.

Voting to be by secret ballot

63. (1) The voting at the election shall be by secret ballot.
- (2) The ballot paper shall be in an approved form, and shall contain the names, abbreviations and distinctive symbols of the registered political parties taking part in the election.
- (3) The order in which the registered political parties appear on the ballot paper shall be determined by the Chief Electoral Officer by lot.

Manner of voting

64. (1) The voting at any polling station shall be conducted substantially and as nearly as possible in accordance with the provisions of this article and articles 65, 66 and 67.
- (2) Subject to article 67, subarticle (1), paragraph (a), no voter shall be entitled or permitted to vote, unless he produces his registration card to the presiding officer or a polling official.
- (3) The presiding officer or a polling official shall ascertain:
- (a) by examining, and by putting relevant questions relating to the particulars appearing on, the registration card produced to him by the voter as contemplated in subarticle (2), that:
 - (i) the voter is the person whose name appears on the registration card; and
 - (ii) the registration card is a registration card officially issued under this Law;

- (b) in the manner prescribed in subarticle (4) and subject to subarticle (7) that the voter has not already voted at the election; and
- (c) that the number and relevant particulars of the registration card do not appear on the list of cancelled registrations referred to in article 56, subarticle (2).

(4) The presiding officer or a polling official shall require the voter, and the voter when so required is obliged, to cause his fingers to be examined by the presiding officer or such polling official, and if upon examination none of the fingers of the voter displays the identification mark, he shall be presumed not to have already voted at the election.

(5) If upon such examination, any of the fingers of the voter displays the identification mark, the presiding officer shall give to every agent who is present an opportunity to observe such identification mark, and shall not permit the voter to vote.

(6) If any person has in terms of subarticle (5) been prohibited from voting, the presiding officer shall retain the registration card produced by him, and endorse it to the effect that such person was so prohibited.

(7) The provisions of subarticle (3), paragraph (b) and of subarticles (4) and (8) shall not apply in the case of a voter who suffers from a physical defect which, in the opinion of the presiding officer, makes the application of the said provisions impossible.

(8) The matters referred to in subarticle (3) having been ascertained, the voter shall, in the presence and in accordance with the instructions of the presiding officer or a polling official, place the identification mark on the fingers of his left hand or of his right hand or cause it to be placed thereon by the presiding officer or such polling officer.

(9) If a voter refuses to allow the identification mark to be applied to his fingers, he shall not be issued with a ballot paper and shall be ordered to leave the polling station.

(10) When the voter has complied with the provisions of subarticle (8), the presiding officer or a polling officer shall:

- (a) hand a ballot paper to the voter; and
- (b) mark in the approved manner the voter's registration card.

(11) When the voter has received the ballot paper, he shall:

- (a) take it to the voting compartment;

Amended by (b) indicate the registered political party for which he desires to vote by secretly placing a
No. 2, 1993 tick on the ballot paper opposite the entry on it of the name, abbreviation and distinctive
symbol of that party;

Amended by (c) fold the ballot paper in such manner that the names, abbreviations and distinctive symbols
No. 2, 1993 of the registered political parties and the tick made by him are not visible;

(d) display the ballot paper to the presiding officer or a polling official designated by him;
and

(e) drop the ballot paper into the ballot box placed in front of the presiding officer or such
polling officer.

(12) In this article, “identification mark” means the mark approved for the purpose of the
identification of a voter who has voted at the election.

Voter who cannot read or is incapacitated

65. (1) Any voter who is not able to read shall, in accordance with the instructions of the
Chief Electoral Officer, be instructed by the presiding officer or a polling official in the manner
of voting.

(2) If the registration card produced by a voter to the presiding officer or a polling officer
does not bear a signature of the person to whom it was issued, the presiding officer or such
polling officer may ask the voter whether he desires to be instructed in the manner of voting, and
if the voter replies in the affirmative, such voter shall for the purposes of subarticle (1) be
deemed to be a voter who is not able to read.

(3) At the request in person of a voter who is incapacitated by blindness or other physical
cause, the presiding officer may permit such voter to vote with the assistance of a polling official
or, if the presiding officer deems it appropriate, of any person chosen by the voter, and upon such
permission being granted anything which by article 64, subarticle (11) is required to be done by
the voter, may be done with the assistance of such polling official or person.

(4) The secrecy of the voting shall as far as possible be preserved in the application of the
provisions of this article.

(5) A person other than an officer shall not provide assistance under subarticle (3) to more
than one person.

Objection by agent

66. Any agent present at a polling station may, in the manner prescribed by, and in accordance with the instructions of, the Chief Electoral Officer, object to any voter who wishes to vote, on the ground that:

- (a) the registration card produced by the voter is not a registration card officially issued under this Law; or
- (b) the voter is not the person whose name appears on the registration card.

Tendered ballots

67. (1) A voter shall be required to record a tendered ballot if:

- (a) he cannot produce a registration card;
- (b) he wishes to vote in any province other than the province for which he is registered as a voter;
- (c) he wishes to vote at a polling station outside Cambodia;
- (d) his name is on the list supplied to the presiding officer under article 56, subarticle (2); or
- (e) any presiding officer or polling official is satisfied, taking into account any objection made by an agent; that:
 - (i) the registration card produced by the voter is not a registration card officially issued under this Law; or
 - (ii) the voter is not the person whose name appears on the registration card produced by the voter.

(2) A voter required to record a tendered ballot shall vote in the same manner and subject to the same requirements as any other voter except that:

- (a) the presiding officer or polling official shall make a record in the approved form of the voter's particulars, on which record the voter shall place his signature or prescribed mark;
- (b) the ballot paper (hereinafter referred to as a tendered ballot paper) shall be sealed in a plain envelope;

- (c) that envelope shall be placed in an envelope marked “tendered ballot paper envelope” (hereinafter referred to as a “tendered ballot paper envelope”), on which the presiding officer or polling official shall write the name of the province for which the voter claims to be registered; and
- (d) the tendered ballot paper envelope shall be handed to the presiding officer or polling official, who shall:
 - (i) place in it the tendered ballot record;
 - (ii) seal the envelope; and
 - (iii) place the envelope in the ballot box.

Inserted by
No. 4, 1993

(2A) Notwithstanding any provision of subarticle (2), the tendered ballot record may be made on the tendered ballot paper envelope, and in relation to tendered ballots where the tendered ballot record is so made:

- (a) subarticle (2), paragraph (d) shall apply as if subparagraph (i) were omitted;
 - (b) article 75, subarticle (1) shall apply as if the words “and remove from each tendered ballot paper envelope the tendered ballot record and the envelope referred to in article 67, subarticle (2), paragraph (b)” were omitted; and
 - (c) article 75, subarticle (4) shall apply as if the words “be removed from the tendered ballot paper envelope and” were inserted after “shall”.
- (3) In subarticle (2), “prescribed mark” has the same meaning as in article 22.

Spoiled ballot papers

68. If a voter spoils any ballot paper inadvertently, he may return it to the polling official concerned who, if satisfied of such inadvertence, shall:

- (a) give the voter another ballot paper;
- (b) retain the spoiled ballot paper which he shall immediately cancel and endorse with the word “spoiled”; and
- (c) forthwith record on the counterfoil of the spoiled ballot paper the fact that it has been cancelled pursuant to paragraph (b).

Suspension of polling

Inserted by
No. 7, 1993

68A. (1) The responsible officer at a polling station may order a suspension of polling if the polling station is threatened by riot, violence, storm, flood, or any other occurrence which will make the proper conduct of polling impossible.

(2) The responsible officer at a polling station shall order a suspension of polling if:

- (a) the polling station is threatened by riot, violence, storm, flood, or any other occurrence which will make the proper conduct of polling impossible; and
- (b) he is advised by a member of the United Nations Civilian Police, a member of the Military Component of UNTAC, the District Electoral Supervisor or the Provincial Electoral Officer, to order a suspension of polling.

(3) The responsible officer at a polling station at which polling has been suspended shall take such steps to effect the resumption of the polling as he thinks are reasonable in the circumstances.

(4) In this article, “responsible officer”, in relation to a polling station, means the International Polling Station Officer at the polling station or, where there is no International Polling Station Officer at the polling station, the Presiding Officer.

Sealing of ballot boxes and other election material by presiding officer

69. (1) Immediately after the close of the poll on the last polling day at any polling station, the presiding officer shall, in the presence of such agents as may be in attendance, make up into separate packets, sealed with his own seal which shall bear a distinctive serial number:

- (a) each ballot box entrusted to him, unopened;
- (b) the unused or spoiled ballot papers and the counterfoils of used or spoiled ballot papers; and
- (c) the registration cards in respect of which no ballot papers were issued and which were retained under article 64, subarticle (6).

(2) The presiding officer shall mark each packet and:

- (a) where the polling station over which he presides is within a province, deliver the packets to the Provincial Electoral Officer without delay, or cause them to be so delivered; or

- (b) where the polling station over which he presides is outside Cambodia, deliver the packets to the Chief Electoral Officer without delay, or cause them to be so delivered,

in accordance with the instructions of the Chief Electoral Officer.

- (3) The packets shall be accompanied by a separate statement in an approved form in which the presiding officer:

- (a) accounts for the ballot papers entrusted to him; and
- (b) records the total number of people who voted at the polling station over which he presided.

CHAPTER X - DETERMINATION OF THE ELECTION RESULT

Notice of place and time for determining result of the poll

The Chief Electoral Officer shall inform each registered political party of any place including the places in all the provinces) where the result of the poll or any part thereof will be determined and of the day upon which and the time at which the determination is to be commenced.

Verification of ballot paper account by electoral officer

71. (1) After receiving the packets referred to in article 69, subarticle (1) the Provincial Electoral Officer or the Chief Electoral Officer, as the case may be, shall examine whether the seals of the packets are in order and give any agents of registered political parties who are present an opportunity to do the same, and shall thereafter open all the packets.

(2) The Provincial Electoral Officer or the Chief Electoral Officer, as the case may be, shall separately verify each presiding officer's ballot paper account referred to in article 69, subarticle (3) by comparing it with the contents of the packets received from each polling station concerned, and shall for that purpose open all the ballot boxes from each polling station and cause the ballot papers contained in them to be counted.

(3) If the Provincial Electoral Officer detects any discrepancy in the verification of the ballot paper account referred to in subarticle (2), the Chief Electoral Officer shall in writing be informed accordingly.

Dispatch of tendered ballots for processing

72. The Provincial Electoral Officer shall extract from the ballot boxes forwarded to him all tendered ballot paper envelopes, and shall forward them in sealed packets without delay to the Chief Electoral Officer.

Counting of votes in province

73. (1) After the provisions of articles 71 and 72 have been complied with, the Provincial Electoral Officer shall:

- (a) sort the ballot papers, with regard to the provisions of subarticles (3) and (4), on the basis of the registered political parties in respect of which the votes were recorded; and
- (b) count the votes recorded in respect of each registered political party.

(2) When, pursuant to subarticle (1) all the votes in respect of all the polling stations in the province have been counted and the number of votes recorded for a registered political party has been determined in the province concerned, the Provincial Electoral Officer shall, as soon as practicable and in accordance with the instructions of the Chief Electoral Officer, inform the Chief Electoral Officer of the number of votes so determined to have been recorded in that province for each registered political party.

(3) The Provincial Electoral Officer shall reject and not count any ballot paper:

- (a) which records votes to more than one registered political party; or
- (b) in respect of which he has reasonable grounds to believe that it has not been officially issued to a voter in terms of article 64, subarticle (10);
- (c) which is unmarked or on which it is impossible to determine with certainty for which registered political party the ballot is cast; or
- (d) which contains a mark or statement made by the voter which tends to identify the voter.

Amended by
No. 2, 1993

(4) The Provincial Electoral Officer shall not reject but shall count any ballot paper on which there is a mark or writing, by means of which a voter has clearly indicated his choice otherwise than by a tick on the ballot paper concerned.

(5) The rejection or acceptance of any ballot paper by the Provincial Electoral Officer under the provisions of this article shall be final.

(6) The Provincial Electoral Officer shall endorse the word “rejected” on any ballot paper finally rejected in terms of this Law.

(7) When the Provincial Electoral Officer has complied with the provisions of this article, he shall as soon as practicable enclose in separate packets:

- (a) all counted ballot papers;
 - (b) all rejected ballot papers; and
 - (c) the unused or spoiled ballot papers and the counterfoils of used or spoiled ballot papers,
- and shall seal such packets and cause them to be delivered to the Chief Electoral Officer.

Verification of tendered ballot paper account

74. (1) On receiving:

- (a) the packets referred to in article 72 from any province; or
- (b) the packets referred to in article 69, subarticle (2), paragraph (b) from any presiding officer,

the Chief Electoral Officer shall take charge of them, examine whether the seals are in order and give any agents of registered political parties who are present, an opportunity to do the same and shall thereafter open all the packets.

(2) The Chief Electoral Officer shall verify each presiding officer's tendered ballot paper account by comparing it with the contents of the packets.

(3) When the preceding provisions of this article have been complied with, the Chief Electoral Officer shall cause the tendered ballot paper envelopes to be replaced in the packet from which they were taken, and shall close and seal that packet.

Examination of tendered ballot records accompanying tendered ballot papers

75. (1) As soon as practicable after the provisions of article 74 have been complied with, the Chief Electoral Officer shall open the packets and remove from each tendered ballot paper envelope the tendered ballot record and the envelope referred to in article 67, subarticle (2) paragraph (b), and shall cause the tendered ballot record to be examined and to be compared with the register of voters or any extract of that register prepared for that purpose.

(2) The ballot paper to which the tendered ballot record relates shall be rejected and not counted if, upon such comparison:

- (a) it is found that:
 - (i) the voter's registration has been cancelled; or
 - (ii) no record of the voter's registration can be traced; or
- (b) the Chief Electoral Officer is satisfied that:
 - (i) the registration card produced by the voter at the polling station was not a registration card officially issued under this Law; or
 - (ii) the person named in the tendered ballot record is not the person to whom the tendered ballot was issued.

(3) In deciding any question that arises in the application of the provisions of subarticle (2) paragraph (b), the Chief Electoral Officer shall exercise the discretion vested in him in such a manner that, as far as possible, no vote shall be rejected merely because a person who holds or at any time held any appointment or designation under this Law failed to perform or properly to perform any duty or function which he was required to perform in terms of any provision of this Law, and for that purpose the Chief Electoral Officer may take into consideration, and make inquiries as to, any information or any circumstances, occurrence or fact which in his opinion is relevant to the decision of that question.

(4) Each envelope referred to in article 67, subarticle (2) paragraph (b) containing a ballot paper which is not rejected in terms of this article shall be placed in a ballot box.

(5) All tendered ballot records accompanying those envelopes referred to in subarticle (4) shall be removed.

(6) The ballot box referred to in subarticle (4) shall be sealed and kept in a safe place until it shall be opened in terms of this Law.

Counting of votes in respect of tendered ballot papers and determination of result of the poll in the election

76. (1) When the provisions of the preceding articles have been complied with in respect of all the tendered ballots recorded by voters registered for a particular province, the Chief Electoral Officer shall:

- (a) remove from the ballot boxes all envelopes containing ballot papers not rejected in terms of the preceding provisions of this Law which were recorded by voters registered for the province;
- (b) open each such envelope and take out the ballot paper contained in it;
- (c) remove and destroy all the envelopes so opened;
- (d) sort the ballot papers, with regard to the provisions of subarticle (3), on the basis of the registered political parties in respect of which the votes were recorded;
- (e) count the votes recorded in respect of each registered political party; and
- (f) determine, on the basis of that count and the information received pursuant to article 73, subarticle (2), the number of votes recorded in respect of each registered political party in the province.

- (2) The Chief Electoral Officer shall reject and not count any tendered ballot paper:
 - (a) which records votes to more than one registered political party; or
 - (b) in respect of which he has reasonable grounds to believe that it has not been officially issued to a voter in terms of article 64, subarticle (10);
 - (c) which is unmarked or on which it is impossible to determine with certainty for which registered political party the ballot is cast; or
 - (d) which contains a mark or statement made by the voter which tends to identify the voter.
- Amended by No. 2, 1993 (3) The Chief Electoral Officer shall not reject but shall count any ballot paper on which there is a mark or writing, by means of which a voter has clearly indicated his choice otherwise than by a tick on the ballot paper concerned.
- (4) The rejection or acceptance of any ballot paper by the Chief Electoral Officer under the provisions of subarticle (2) or (3) shall be final.

Recounts

- 77. (1) At any time prior to the announcement of the result of the election in a province under article 80, the Chief Electoral Officer may, at his discretion, direct a recount of any ballot papers cast by registered voters for the province.
- (2) The discretion of the Chief Electoral Officer to direct a recount may be exercised at his own initiative, or pursuant to a request by a registered political party.

Constitution of Assembly

- 78. (1) The Assembly shall consist of 120 members who shall be persons nominated for that purpose by the registered political parties, elected at the election held in accordance with the provisions of this Law, and declared as duly elected pursuant to article 80, subarticle (1), paragraph (b).
- Amended by No. 1, 1992 (2) If any member declared as duly elected pursuant to article 80, subarticle (1), paragraph (b) dies or resigns or otherwise becomes unable to serve as a member during the term of the Assembly, the candidate whose name appears on the list of candidates on which the name of the member appeared next after the last of the party's candidates duly elected from that list shall be declared duly elected.

(3) If for any reason subarticle (2) cannot be applied, a person whose name did not appear on a registered political party's list of candidates shall not be substituted for a member who has died, resigned or otherwise become unable to serve as a member, and in such a case the seat vacated shall remain vacant until the end of the term of the Assembly.

Determination of number of candidates of registered political party to be declared duly elected

79. (1) When all the votes for a province have been counted and the number of votes recorded for a registered political party at the election in the province has been determined, the Chief Electoral Officer shall determine, in the manner hereinafter provided, the number of candidates of that registered political party in the province, if any, to be declared in terms of article 80, subarticle (1), paragraph (b) to be duly elected as members of the Assembly from that province.

(2) For the purpose of calculating the said number of candidates, a quota of votes for one candidate shall be determined by dividing the total number of valid votes recorded for all the registered political parties at the election in the province by the number of seats to be filled in the province, while any remainder obtained in calculating the value of the quota in question shall be disregarded.

(3) The said number of candidates shall be calculated in accordance with the formula:

$$X = (A \div B) + C$$

in which:

X represents the said number;

A represents the number of votes recorded for the registered political party concerned;

B represents the appropriate quota determined in terms of subarticle (2);

C represents the value 1 if a candidate is allocated to the registered political party concerned in terms of subarticle (4), and the value 0 if no candidate is so allocated to the registered political party concerned,

and any remainder obtained in calculating the value of $(A \div B)$ is disregarded except for the purposes of subarticle (4), in which such remainder shall be referred to as unallocated votes.

(4) If, when the value of $(A \div B)$ has been determined in terms of subarticle (3) for each registered political party, the number of candidates represented by the aggregate of all such values is less than the number of seats required to be filled as aforesaid, the number representing the shortfall shall be allocated on the basis of one candidate each to an equal number of registered political parties, being those registered political parties having the greatest numbers of unallocated votes.

(5) If, in the application of the provisions of subarticle (4), only one seat remains to be allocated and two or more registered political parties have an equal number of unallocated votes, and such registered political parties have more unallocated votes than any other registered political party that has not been allocated a seat under that subarticle, the remaining seat shall be allocated to that registered political party with the equal number of unallocated votes that has received the lowest total number of votes in the election in the province.

Announcement of result of election

80. (1) As soon as possible after the provisions of article 79 have been complied with in relation to a province in respect of all the registered political parties, the Chief Electoral Officer shall thereupon announce the result of the election in the province by:

- (a) making known the total number of votes counted and the appropriate quota determined in terms of that article and, in respect of each registered political party, the number of votes recorded for it and the number of candidates, if any, determined in its case in terms of that article; and
- (b) declaring the candidates on the list of candidates of each registered political party in whose case a number of candidates has been determined as aforesaid, in the order (starting with the name at the top of the list) in which their names appear on the list and up to the number determined in the case concerned, to be duly elected as members of the Assembly.

(2) If there appears on any list of candidates the name of a person who died or was found not to be a qualified person in relation to the Assembly on or before the date of the declaration contemplated in subarticle (1)(b), that name shall for the purposes of that paragraph be deemed not to appear on the list in question.

Publication of result of election

81. The Chief Electoral Officer shall cause a notice of each announcement made by him in terms of article 80 and the particulars contained in the announcement, to be published.

CHAPTER XI - OFFENCES AND PENALTIES

Offences relating to voter registration

82. (1) A person shall not, either himself or through an intermediary, whether directly or indirectly:

- (a) use or threaten to use violence against any person or his family, or the property of any person or his family; or
- (b) do or omit to do, or threaten to do or omit to do, anything, whether lawful or unlawful, to the loss, detriment, disadvantage or prejudice of any person or his family,

with the intent or the effect of:

- (c) dissuading, discouraging or preventing any other person from seeking to register as a voter, whether or not such person is qualified to register; or
- (d) obtaining the possession or causing the loss or destruction of the registration card of any person.

(2) A person shall not, either himself or through an intermediary, directly or indirectly, advise, encourage, instigate or incite any other person or persons not to register as a voter or voters, whether or not they are qualified for such registration.

(3) A person shall not, during the hours specified for the registration of voters, within 100 metres of any registration point, seek to canvass, erect any poster or structure or use any form of loudspeaker, other than for purposes related to the administration of the election, or organise or participate in any procession or demonstration.

(4) A person shall not, with the intent to defraud, duplicate, copy, forge, falsify or fabricate a registration card or any document purporting to be a registration card, or utter or be in possession of any documents so duplicated, copied, forged, falsified or fabricated.

(5) A person, not being an officer acting within the course of his duties under or for the purposes of this Law, shall not purport to issue a registration card, or destroy, mutilate or deface any registration card, or place any writing or mark on any registration card, except as authorised in accordance with this Law.

(6) A person shall not be found in possession of a registration card not issued to him, without being able to give a satisfactory explanation for his possession of it, or be found in possession of more than one registration card issued to him.

- (7) A person being a registered voter who has been issued with a valid registration card shall not reapply for registration.
- (8) A person who has been disqualified from voting or from registration in terms of article 28 or article 92, subarticle (2) shall not apply for registration as a voter.
- (9) A person shall not knowingly induce or procure any other person, who is not qualified for registration or is disqualified from voting, to apply for registration, or to register, as a voter.
- (10) A person shall not obstruct, hinder or interfere with any officer in the performance of his duties or functions or the exercise of his powers under this Law.
- (11) A person without being authorised shall not remove any document from any place where it is kept in terms of any provision of this Law or destroy, mutilate, deface, or place any writing or mark upon, or otherwise interfere with, any document so kept in such place or any document, form, paper, instrument or other thing used for or required in connection with the carrying out of any such provision.
- (12) A person shall not, for the purpose of making any application to a registration officer or in any proceedings before a Provincial Electoral Officer or District Electoral Supervisor make a false statement knowing it to be false or not believing it to be true.
- (13) A person, when required by a District Electoral Supervisor under article 20, subarticle (8), paragraph (a) or a Provincial Electoral Officer under article 26, subarticle (5), paragraph (b), to appear before him, shall not fail to do so, or, having so appeared, shall not fail to answer fully and truthfully any question put to him or to produce if required any document or thing in his possession or under his control, requested of him.
- (14). A person shall not fail to comply with the provisions of article 31, subarticle (1).
- (15) Any person who contravenes this article shall be guilty of an offence.

Infringement of secrecy

- 83. (1) Every officer or agent present at a polling station shall maintain, and aid in maintaining, the secrecy of the voting at that polling station, and shall not communicate to any person any information likely to defeat the secrecy of the voting.
- (2) Except as determined by this Law, no person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at a polling station information as to the registered political party for which any voter at that polling station is about to vote or has voted, or communicate at any time to any person any information obtained at a polling station as to the registered political party for which any voter at such polling station is about to vote or has voted.

(3) No person shall, directly or indirectly, induce any voter to display his ballot paper, after he has marked it, in such a manner as to make known to any person the name of the registered political party for which the voter has marked his vote.

(4) Every person present at the determination of the result of the poll shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such determination, or to communicate, any information obtained as to the manner in which any particular person marked his ballot paper.

(5) No person present at the counting of votes shall communicate to any other person any information obtained about the registered political party in respect of which a vote has been recorded in any spoiled ballot paper.

(6) Except under the provisions of article 65, no person shall attempt to ascertain, or directly or indirectly assist in ascertaining, for which registered political party any voter has recorded his vote.

(7) Any person who, in the carrying out of his duties under this Law, has obtained any knowledge as to the registered political party for which any person has recorded his vote, shall not disclose such knowledge.

(8) No person shall, except with due authority, break the seal of a sealed packet or open such a packet.

Public opinion polling

Inserted by
No. 4, 1993

83A. (1) A person, organisation, political party, or existing administrative structure shall not:

- (a) organise or conduct, or take any action relating to the organisation or conduct of, a public opinion poll; or
- (b) in connection with the conduct of a public opinion poll, ask any person to:
 - (i) identify the political party which he supports or for which he intends to vote;
 - (ii) state his opinion or assessment of any person generally known to be a member of a political party; or
 - (iii) state his view on any issue likely to be placed before the voters at the election; or
- (c) print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any matter or thing that sets out or purports to set out a result of a public opinion poll.

(2) In this article, “public opinion poll” means a survey, conducted wholly or partly in Cambodia, in the course of which persons are asked questions relating to political matters.

Neglect of duty

84. An officer, after having accepted an appointment as such, shall not willfully fail to perform any of the duties which he is required to perform in terms of the provisions of this Law or instructions issued by the Chief Electoral Officer.

Disturbance of proceedings and obstruction of officers

85. A person shall not:

- (a) willfully obstruct or disturb any proceedings under this Law, or obstruct or interfere with an officer in the exercise of his powers or the performance of his duties and functions under this Law;
- (b) on any polling day, do any canvassing for votes or erect any poster or structure, other than for official purposes, nearer than 100 metres from the polling station; or
- (c) on any polling day, use any form of loudspeaker, other than for official purposes, or organise any procession of or demonstration by persons, or participate therein.

Undue influence

86. A person shall not, directly or indirectly, by himself or by any other person:

- (a) for the purpose of inducing or compelling any person to vote or to refrain from voting at the election, or on account of any person’s having voted or refrained from voting at the election:
 - (i) make use or threaten to make use of any violence, force or restraint, or inflict or threaten to inflict any bodily or psychological injury, damage, hazard or loss, upon or against any person or his family; or
 - (ii) do or threaten to do anything to the disadvantage of any person or his family; or

- (b) by any such means as aforesaid or any fraudulent device or contrivance:
 - (i) induce, compel or prevail upon any voter to vote or refrain from voting at the election or to vote in favour of a particular registered political party; or
 - (ii) impede, hinder or prevent the free exercise of the franchise by any voter at the election.

Bribery

87. (1) A person shall not ask for, receive or obtain, or offer or agree to ask for, receive or obtain, any property or benefit of any kind, whether for himself or for any other person, on an understanding that that property or benefit will influence or affect, in any manner, the following:

- (a) any vote of the first-mentioned person;
- (b) any candidature of the first-mentioned person;
- (c) any support of, or opposition to, a candidate or a political party by the first-mentioned person; or
- (d) the doing of any act or thing by the first-mentioned person the purpose of which is, or the effect of which is likely to be, to influence the vote of a registered voter.

(2) A person shall not give or confer, or promise or offer to give or confer, any property or benefit of any kind to another person, in order to influence or affect:

- (a) any vote of that person or any other person;
- (b) any candidature of that person or any other person;
- (c) any support of, or opposition to, a candidate or a registered political party by that person or any other person; or
- (d) the doing of any act or thing by that person or any other person, the purpose of which is, or the effect of which is likely to be, to influence the vote of a registered voter.

(3) This article does not apply in relation to a declaration of public policy or a promise of public action.

Impersonation etc.

88. A person shall not:

- (a) apply for a ballot paper in the name of some other person whether living, dead or fictitious or record a vote in the name of any such person;
- (b) having voted once in the election, apply again for a ballot paper; or
- (c) make or submit any statement under this Law containing any information or allegation which he knows to be false.

Corrupt procurement or withdrawal of candidature

89. A person shall not:

- (a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate in the election in consideration of any payment or promise of any nature;
- (b) become a candidate or withdraw as a candidate in the election as a result of inducement or procurement referred to in paragraph (a); or
- (c) for the purpose of promoting or securing the election of another candidate or registered political party, before or during the election, publish a false statement of the withdrawal of a registered political party or the death or withdrawal of a candidate from such election, knowing such statement to be false.

Offences relating to voting procedures and polling stations and equipment

90. (1) A person shall not:

- (a) for the purpose of having a ballot paper issued to him, knowingly produce to any officer a registration card issued to or in the name of some other person, whether living, dead or fictitious, or a registration card which has been altered with intent to deceive, or any document purporting to be but not being a registration card;

- (b) having previously voted at the election:
 - (i) vote again; or
 - (ii) produce to any officer for the purpose of having a ballot paper issued to him, a registration card, whether issued to him or in the name of some other person, whether living, dead or fictitious, or any document purporting to be but not being a registration card;
- (c) forge or counterfeit or fraudulently destroy any ballot paper or the official mark on any ballot paper;
- (d) without due authority, supply any ballot paper to any person;
- (e) except as authorised by this Law, place any thing in any ballot box;
- (f) fraudulently take out of any polling station any ballot paper or ballot paper envelope;
- (g) without lawful authority, destroy, take, open, use or otherwise interfere with any ballot box, voting compartment, instrument, form, document or other equipment used or intended for use at any polling station;
- (h) cause a disturbance at any polling station, or disobey any lawful order given by an officer at any polling station; or
- (j) without lawful authority, destroy, mutilate, deface or remove any notice exhibited under this Law.

Application to political parties

91. Any act or omission which would, if committed by an individual, constitute an offence, shall also be an offence if committed by or on behalf of a political party.

(2) Any act or omission which would, if committed during the period of the electoral campaign, constitute an offence, shall also be an offence if committed prior to the commencement or after the conclusion of that period.

Penalties

92. (1) Any person other than a staff member of the United Nations who, or party or other authority which, contravenes any provision of this Chapter or the Code of Conduct shall be guilty of an offence punishable by a fine not exceeding the riel equivalent of US\$5,000.

(2) Where an offender is a registered voter or a person qualified to apply for registration, the Special Representative may, in addition, order the cancellation of the offender's registration, or declare definitively that the person may not apply for registration, as the case may be.

(3) Where an offender is a political party, the Special Representative may, in addition:

(a) if the political party is officially registered or provisionally registered, deregister the party;
or

(b) in any other case, declare definitively that the party may not apply for registration.

(4) Where an offender has been included in a registered political party's list of candidates, the Special Representative may, in addition, declare definitively that the offender shall no longer be a candidate.

CHAPTER XII - MISCELLANEOUS

Voter not required in proceedings to disclose his vote

93. No person who voted at the election shall be required in any proceedings of any kind to declare for which registered political party he voted.

Unforeseen circumstances etc.

94. Where, in the opinion of the Special Representative, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, a situation exists for which no provision is made under this Law, he may make such appointments or give such directions as he deems proper and appropriate, and anything done in compliance with any such direction shall be final.

Preservation of materials

95. At the conclusion of the election, all documents and materials in the custody of an officer which were used for purposes related to the election shall be stored in accordance with the instructions of the Chief Electoral Officer until such time as their destruction or disposition is authorised by him.

Amended by **Annex 1 - Code of Conduct**
No. 1, 1993

1. All persons, all political parties, their leaders, members and supporters, all provisionally and officially registered political parties, their leaders, members, supporters and candidates, shall abide by this Code of Conduct.
2. All political parties are entitled to and shall enjoy, the fundamental right of a free and fair election, including the freedom to campaign.
3. All political parties shall respect the right and freedom of all other parties to campaign, and disseminate their political ideas and principles without fear.
4. In particular, all political parties, officially and provisionally registered political parties, their leaders, members, supporters and candidates shall obey the following rules:
 - (1) Intimidation, in whatever form, shall be prohibited, and manuals, instructions and orders of political parties and provisionally and officially registered political parties shall reinforce and emphasise this prohibition.
 - (2) The possession and use of any weapon of any kind, or of any instrument capable of use as a weapon, at any political rally, meeting, march or demonstration shall be prohibited. Parties' manuals, instructions and orders shall reinforce this prohibition.
 - (3) Parties and candidates shall inform the local UNTAC office of any planned public meetings or political rallies, and shall in good faith take all necessary steps to avoid violent confrontation or conflict between their supporters, and shall comply with all directions, instructions or orders issued by UNTAC in relation to such meetings.
 - (4) All parties shall avoid the coincidence, in time or place, of their meetings, rallies, marches or demonstrations with those of other parties, and to this end they shall liaise and cooperate with UNTAC and with other parties.
 - (5) All parties, their members and, supporters, shall refrain from disrupting the meetings, marches or demonstrations of other parties.
 - (6) Parties and candidates shall at all times avoid, in speeches, broadcasts, pamphlets, newsletters, press statements, posters, their party platforms, campaign advertisements or otherwise, using inflammatory language or other language which threatens or incites violence in any form against others.
 - (7) All political parties shall refrain from obstructing persons from attending the meetings, marches or rallies of other parties.

- (8) All parties shall refrain from plagiarising the symbols of other parties, and shall not steal, destroy or disfigure the political or campaign material or posters of other parties, or the election information material of UNTAC.
- (9) All political parties, and especially their leaders, shall ensure freedom of access of other parties to all potential voters on public or private property, in camps or reception centres, or wherever they may be. Parties shall ensure that potential voters wishing to participate in political activities are free to do so.
- (10) All parties shall consistently reinforce and emphasise to their supporters and to all voters that the ballot will be secret, and that no person will know how any individual has voted.
- (11) All parties shall establish effective communication with one another at the central, provincial and district levels, and shall appoint liaison personnel, to be available for this purpose at all times, to deal with any problem arising during registration of voters, the campaign or the polling.
- (12) All parties shall attend, at least once every two weeks a meeting under the chairmanship of the Chief Electoral Officer, to discuss any matters of concern relating to the campaign. In addition, a standing committee of leaders of registered political parties shall attend at least every two weeks a meeting under the chairmanship of the Special Representative or his deputy to deal with matters of concern relating to the campaign. The abovementioned meetings shall commence from a date to be determined by the Special Representative.
- (13) All parties shall bring all information or complaints regarding intimidation or other allegations of unlawful conduct immediately to the attention of UNTAC.
- (14) Parties shall not abuse the right to complain, nor make false, frivolous or vexatious complaints.
- (15) All parties shall cooperate fully with the Special Representative's Electoral Advisory Committee.
- (16) All parties shall issue instructions and orders to their members and supporters to observe the Electoral Law, this Code, the instructions of UNTAC officials, and all orders and directives of the Special Representative, and take all necessary steps in good faith to ensure compliance with the Electoral Law and this Code.
- (17) The Special Representative and all parties shall publicise this Code and the electoral Law throughout Cambodia by all means at their disposal.

Inserted by
No. 1, 1993

Annex 2 - Submission of application for registration of political party

Province	Column 1	Column 2
Banteay Meanchey	5	10
Battambang	8	16
Kampong Cham	18	36
Kampong Chhnang	4	8
Kampong Speu	6	12
Kampong Thom	6	12
Kampot	6	12
Kandal	10	20
Koh Kong	1	2
Kratie	3	6
Mondul Kiri	1	2
Phnom Penh	13	26
Preah Vihear	1	2
Prey Veng	11	22
Pursat	4	8
Ratanak Kiri	1	2
Siem Reap	6	12
Sihanouk Ville	2	4
Stung Treng	1	2
Svay Rieng	5	10
Takeo	8	16