

Law
on
Election of Members
of the Senate



Royal Kram

NS/RKM/0717/006

We,

Preah Karona Preah Bath Samdech Preah Boromneah

Norodom Sihamoni

Saman Phoum Cheat Sasna Rakhattiya Khemmarothreas

Puthintreathareamohaksat

**Khemreach Chornea Samohorpheas Kampuch Ekareach Roth
poranaksante Sopheakmeangolea Sereivipolea Khemarasreipireash
Preahchau Krong Kampuchea thipadey,**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903, dated 24 September 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94, dated 20 July 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. ChS/RKM/0498/06, dated 08 April 1998, promulgating the Law on the Organization and Functioning of Constitutional Council;
- Having seen Royal Kram No. NS/RKM/0107/005, dated 31 January 2007, promulgating the Law on the Amendment to the Law on the Organization and Functioning of Constitutional Council;
- Having seen the letter of *Samdech Akka Moha Sena Padei Techo HUN Sen*, the Prime Minister of the Kingdom of Cambodia;

Hereby promulgate

The Law on the Election of Senate Members, that National Assembly approved on 20 June 2017, in the 8th National Assembly session of 5th legislature and which the Senate completely inspected the entire formality and spirit of law on 29 June 2017 in the 10th plenary session of 3rd legislature, as well as declared by the Constitutional Council to be in line with the Constitution in the decision No. 186/026/2017 CBTh.Ch dated 12 July 2017 and which is of the following content:

Chapter 1

General Provision

Article 1._

The purpose of this law is to determine the preparation of the modalities and functioning of the appointment and election of the members of the Senate of the Kingdom of Cambodia as well as to determine electors, electorates and constituencies.

Article 2._

The management of the election of the members of the Senate shall be under the competency of the National Election Committee.

Article 3._

The election of the members of the Senate shall be held every 06 (six) years on Sunday in 8th week prior to the completion of the Senate legislature of year 6 except for the case specified in the provision of Article 102 new of the Constitution.

The date of election shall be determined and declared by the Prime Minister upon the request of Minister of the Ministry of Interior.

The legislature of the Senate shall expire when the new Senate takes its office.

Chapter 2

Number of the Members of the Senate, Electoral System, Constituencies, Determination of Number of Seats

Article 4._

The Senate shall be composed of as many as half of the entire members of the National Assembly.

Article 5._

2 (two) members of the Senate shall be appointed by His Majesty the King.

Article 6._

2 (two) members of the Senate shall be selected in relative majority by the National Assembly.

Article 7._

Other members of the Senate shall be elected by non-universal, indirect election and by means of secret ballot.

Article 8._

The election of the members of the Senate shall be implemented through proportional representation system and seat allocation in constituencies shall be done in accordance with formula of the highest average as stated in Article 135 of the Law on Election of Members of the National Assembly.

Article 9._

Electoral constituencies shall be organized and classified into 8 (eight) regions.

The seats in the Senate elected shall be limited to 58 (fifty-eight) classified into the following regions:

- 1st Region: Phnom Penh Capital **6 (six) Seats**
- 2nd Region: Kampong Cham and
Tbaung Khmum province **8 (eight) Seats**
- 3rd Region: Kandal Province **5 (five) Seats**
- 4th Region: Battambang, Banteay Meanchey, Siem Reap,
Oddor Meanchey and
Pailin province **10 (ten) Seats**
- 5th Region: Takeo, Kampot and Kep province **7 (seven) Seats**
- 6th Region: Prey Veng and Svay Rieng province **7 (seven) Seats**
- 7th Region: Kampong Speu, Kampong Chhnang, Pursat, Koh Kong
and Preah Sihanouk province **9 (nine) Seats**
- 8th Region: Kampong Thom, Preah Vihear, Kratie,
Steung Treng, Ratanakiri and
Mondulkiri province **6 (six) Seats**

CHAPTER 3

Electors, Electorates, Voter Lists and Polling Stations

Article 10._

The electors and electorates are Members of the National Assembly and the entire members of Commune/Sangkat councils in current position within the framework of each region.

Article 11._

The National Election Committee shall arrange voter lists and validate voter lists at least 15 (fifteen) days prior to the election day.

The validated voter lists cannot be adjusted except any voter registered in the voter lists passes away.

In case any member of the electorates registered in the voter lists passes away, the competent institution shall fill out the form for changing the member of that electorates at least 07 (seven) days before the election day to enable the National Election Committee to replace in the voter lists.

The National Election Committee shall post the preliminary voter lists at least 48 (forty-eight) days prior to the election day in towns within Capital/provinces.

To be able to vote, those eligible to vote shall meet the requirement as follows:

- Holding Khmer identity card;
- Having name in the voter lists;
- Not being in situation of serving prison term or not being under withdrawal of entitlement to vote;
- Not being insane or under general guardianship as certified by the letter from the competent ministries/institutions

Article 12._

The National Election Committee shall set up polling and counting stations in towns of each Capital/province.

CHAPTER 4

Registration of Political Parties and List of Candidates Running for Election

Article 13._

Articles 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and Article 37 of the Law on the Election of Members of the National Assembly shall be implemented for registration of political parties and list of candidates running for election of the members of Senate; however, these candidates are required to be at least 40 (forty) years of age.

Article 14._

The political parties running for election shall make a list of full-right candidates, equivalent to the number of seats of each region, and a list of reserved candidates, equivalent to the number of full-right candidates by arranging them sequentially like the preparation of the list of candidates of Members of the National Assembly.

Article 15._

Regulations and procedures on the registration of political parties and list of candidates who run for election of the members of the Senate shall be determined by the National Election Committee.

CHAPTER 5

Electoral Campaigns

Article 16._

The electoral campaigns aim to allow registered candidates and political parties to disseminate their policies and political platforms to the electors.

Article 17._

The electoral campaigns shall be conducted in the constituency of each region.

The electoral campaigns shall last 14 (fourteen) days and all electoral campaign activities shall end within 24 (twenty-four) hours prior to the election day.

Article 18._

Articles 68, 69, 70, 71, paragraph 2 of Articles 72, Articles 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and Article 91 of the Law on the Election of Members of the National Assembly shall be implemented for the campaigns of the elections of the members of the Senate.

On the other hand, the organization of parade or march or procession of all kinds of vehicles in the constituency of each region shall be determined not more than 2 (two) times during the electoral campaign.

CHAPTER 6

Political Party Agents and Observers

Article 19._

Each political party running for election shall be entitled to appoint 2 (two) of its representatives, 1 (one) of whom is of full right and another 1 (one) is reserved to participate in observing the election at each polling station and counting station.

Rights, duties and various requirements for applying for political party agent shall be determined by the regulations and procedures of the National Election Committee.

Article 20._

Articles 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and Article 22 of the Law on the Election of Members of the National Assembly shall be implemented for the observation of the election of the members of the Senate.

CHAPTER 7

Polling, Ballot Counting and Consolidation of Electoral Results

Article 21._

The polling shall be conducted only in 1 (one) day.

The polling shall start from 7:00 (seven) a.m. until 15:00 (fifteen) p.m. except of any decision made by the National Election Committee.

If all voters in the voter list have completely voted, the Polling Station Commission may announce to end the polling before 15:00 (fifteen) p.m.

The Chief of the Polling Station Commission shall close the polling at 15:00 (fifteen) p.m.

All persons who wish to cast their vote are not allowed to enter the inner perimeter of the polling stations after 15:00 (fifteen) p.m.

The persons who are eligible to vote after 15:00 (fifteen) p.m. and who are allowed to vote are those to stay in the polling stations or inside the inner perimeter at 15:00 (fifteen) p.m.

Article 22._

The Polling Station Commission shall be responsible for counting the ballots on the spot after announcing the closure of the polling.

Article 23._

The Provincial/Capital Election Commission shall submit the minutes on the total results of the election in its own capital/province to the National Election Committee for consolidating the results in each region.

Article 24._

Articles specified in Chapter 8 about polling, ballot counting and consolidation of the electoral results except Articles 92, 103, 116, 123, 126 and Article 127 of the Law on the Election of Members of the National Assembly and regulations and procedures of the National Election Committee

shall be implemented for the election of the members of the Senate.

CHAPTER 8

Competency in Resolving Disputes Related to Election

Article 25._

The Provincial/Capital Election Commission is the first decision maker on disputes concerning the election of the members of the Senate except of any dispute which is under the preliminary competency of the National Election Committee and Constitutional Council.

In the event that there is any complaint of objection to the decision of the Provincial/Capital Election Commission, the National Election Committee shall have competency to examine and approve.

Article 26._

In the event that there is any complaint or objection to the decision of the National Election Committee, the Constitutional Council shall have competency to make final decision on the disputes concerning the election of the members of the Senate.

Article 27._

The disputes resolving procedures as specified in the Law on the Election of Members of the National Assembly shall be implemented in resolving disputes on the election of the members of the Senate.

The official public holiday shall not be counted for days of complaint and decision on complaint or objection.

CHAPTER 9

Loss of Seats of the Senate and Selection of the Replacement of Members of the Senate

Article 28._

Article 138 of the Law on the Election of Members of the National Assembly shall be implemented for the loss of seats of the Senate.

Article 29._

The members of the Senate shall lose his/her membership according to any of the following cases:

- He/she dies;
- He/she loses his/her professional capacity as certified by the competent ministries/institutions;
- He/she resigns from the Senate Membership in writing

- He/she is convicted in imprisonment of criminal or misdemeanour act;
- He/she loses his/her membership from his/her political party.

If any member of the Senate loses his/her membership at least 6 (six) months before the completion of legislature, the institution having seats in the Senate or the political party concerned may request to appoint or assign a new member or select among the candidates whose names are listed sequentially in the list of candidates who run for election of the constituency of the person concerned for replacement without holding by-election.

CHAPTER 10

Penalty

Article 30._

The chapter on penalty of the Law on Election of Members of the National Assembly shall be implemented for the election of the members of Senate.

CHAPTER 11

Final Provisions

Article 31._

Any provision that is in contrast with this law shall be abrogated and replaced by this law.

Article 32._

This law shall be immediately promulgated.

Made in Royal Palace, 21 July, 2017

Royal Signature and Stamp

Norodom Sihamoni

PRL.1707.579

Have Submitted for the Royal Signature

Prime Minister

Samdech Aka Moha Sena Padei Techo Hun Sen

No.: 581 S.N

For Distribution

Phnom Penh, 24 July, 2017

Secretary General of the Royal Government

Soy Sokha

**Law
on
the Amendment to the Law
on Election of Members
of the Senate**



Royal Kram

NS/RKM/1017/011

We,

Preah Karona Preah Bath Samdech Preah Boromneah

Norodom Sihamoni

Saman Phoum Cheat Sasna Rakhattiya Khemararothreas

Puthintreathareamohaksat

**Khemreach Chornea Samohorpheas Kampuch Ekareach Roth
poranaksante Sopheakmeangolea Sereivipolea Khemarasreipireash
Preahchau Krong Kampuchea thipadey,**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKM/0913/903, dated 24 September 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94, dated 20 July 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. ChS/RKM/0498/06, dated 08 April 1998, promulgating the Law on the Organization and Functioning of Constitutional Council;
- Having seen Royal Kram No. NS/RKM/0107/005, dated 31 January 2007, promulgating the Law on the Amendment to the Law on the Organization and Functioning of Constitutional Council;
- Having seen Royal Kram No. NS/RKM/0717/006, dated 21 July 2017, promulgating the Law on the Election of Senate Members;
- Having seen the letter of *Samdech Akka Moha Sena Padei Techo HUN Sen*, the Prime Minister of the Kingdom of Cambodia;

Hereby promulgate

The Law on the Amendment to the Law on the Election of Senate Members, that National Assembly approved on 16 October 2017, in the 9th National Assembly session of 5th legislature and which the Senate completely inspected the entire formality and spirit of law on 20 October 2017 in the 11th plenary session of the 3rd legislature, as well as declared by the Constitutional Council to be in line with the Constitution in the decision No. 190/030/2017 CBTh.Ch dated 24 October 2017 and which is of the following contents:

Law
on
the Amendment to the Law on Election
of Members of the Senate

Article 1._

Article 3 of the Law on Election of Senate Members, promulgated by Royal Kram No. NS/RKM/0717/006, dated 21 July 2017, shall be amended hereunder:

Article 3 (New)

The Election of Senate Members shall be made once every 06 (six) years on Sunday, in the 4th week the latest before the completion of year 6 of the Senate legislature with exception for the case as stated in the provision of Article 102 New of Constitution.

The election date shall be determined and declared by the Prime Minister upon the request of the Minister of the Ministry of Interior.

The Senate legislature shall be expired when the new Senate takes its office.

Article Two.

This law shall be immediately promulgated.

Made in Royal Palace, 25 October, 2017

Royal Signature and Stamp

Norodom Sihamoni

PRL.1710.843

Have submitted for the Royal Signature

Prime Minister

Samdech Aka Moha Sena Padei Techo Hun Sen

No.: 581 S.N

For Distribution

Phnom Penh, 25 October, 2017

Secretary General of the Royal Government

Soy Sokha