



Kingdom of Cambodia
Nation Religion King

LAW

ON

SENATE ELECTION



Royal Kram

We

**Majesty Preah Bat Samdech Preah Borom Neat Norodom Sihamony
Samean Phoum Chati Sasna Rakhata Katiya Khemera Rath Reas
Budthindreatharea Moha Ksatre Khemrechnea Samouhorpeas
Kampuche Ekreach Rath Bouranasante Sophamongkulea Serei
Vibolea Khemera Sreipireas Preah Chaov Krung Kampuchea
Thepdhey**

Having seen:

- The Constitutional of the Kingdom of Cambodia
- Royal Decree N° NS 0704/124 dated 15th of July 2004 on the Appointment of the Royal Government of Cambodia
- Royal Kram N° 02/NS/94 dated on 20th of July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers
- Letter from Samdech Hun Sen, Prime Minister of Kingdom of Cambodia.

promulgate

the Law on the Senate Election adopted by the National Assembly on May 19, 2005 during the 2nd plenary session of its 3rd legislature and ratified by the Senate on its form and legal concepts on May 30, 2005 during the 9th plenary session of its 1st legislature and declared constitutional by the Constitutional Council under decision N° 070/002/2005 dated on June 13, 2005, which content follows:

Chapter I

General Provision

Art. 1

This law is subject to determine the procedures and functions of the appointment and election of the Senators of the Kingdom of Cambodia as well as to determine electors, electoral colleges and constituencies.

Art. 2

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

Art. 3

The legislature of the Senate shall be within a six (6) years and shall terminate when the new Senate comes into position.

Art. 4

Two Senators shall be appointed by His Majesty the King.

Art. 5

Two Senators shall be elected in comparative majority by the National Assembly.

Art. 6

Other Senators shall be selected by non-universal, indirect and by means of secret ballot.

Chapter 2

Electoral System, Constituencies, Seat Allocation, Electors, Electoral Colleges, Voter Lists and Polling Stations

Art. 7

The Senate Election shall be held once in every six (6) years, on Sunday, the 8th week before the end of the 6th year of its legislature, except the case as mentioned in the provision of Article 102 (new) of the Constitution.

Art. 8

The election shall be implemented through proportional representative system, and seat allocation by constituencies shall be done in formulation of the highest average as stated in Article 118 (new) of the Law on Election of the Members of the National Assembly.

Art. 9

Electoral constituencies shall be classified into regions as listed below:

- 1st Region : Phnom Penh Capital.
- 2nd Region : Kampong Cham province.
- 3rd Region : Kandal Province.
- 4th Region : Battambang, Banteay Meanchey, Siem Reap, Oddor Meanchey and Paylin provinces.
- 5th Region : Takeo, Kampot and Kep provinces.
- 6th Region : Prey Veng and Svay Rieng provinces.
- 7th Region : Kampong Speu, Kampong Chhnang, Po sat, Koh Kong and Preah Sihanuk provinces.
- 8th Region : Kampong Thom, Preah Vihear, Kratie, Steung Treng, Ratanak Kiri and Mondul Kiri provinces.

Art. 10

At least six (6) months before the end of the term, the Senate shall determine the number of seats allocated in accordance to each constituency for the next legislature and this shall be publicized.

In case of failure to determine the new seat allocation in the Senate, the number of seats by regions shall be as the same number of seats as in the Senate in the last legislature.

Art. 11

The electors and electoral colleges are members of the National Assembly and the entire members of Commune/Sangkat councils who are in position within framework of each region.

Art. 12

The National Election Committee (NEC) shall arrange a list of voters and endorse it at least 15 (fifteen) days prior to the election day. The validated list of voters shall not be corrected.

The NEC shall post the preliminary voter lists at least 48 (forty-eight) days prior to the election day in towns within province/city.

Art. 13

The NEC shall set up the polling and counting stations in towns of each province/city.

Chapter 3

Registration of Political Parties and List of Candidates

Art. 14

The registration of the political parties run for election shall begin 90 (ninety) days prior to the election day.

Art. 15

The political party run for election shall have a list of full-right candidates as many as the number of seats of each region, and reserved candidates as the same number of full-right candidates by arranging them sequentially as the same as the preparation of the list of candidates of the National Assembly.

Art. 16

All modalities, conditions and procedures on the registration of political parties and candidates who run for election of the members of the National Assembly shall be implemented for the election of the Senators.

Chapter 4

Candidates for the Senators

Art. 17

Article 33 (new), 34 (new), 35 (new), 36 (new), 37 (new), 38 (new) and 39 of the Law on the Election of the Members of the National Assembly which were promulgated by Royal Kram N^o.NS/RD/1297/06 dated on 26-12-1997 and Royal Kram N^o.NS/RD 0902/017 dated on 17-09-2002 shall be implemented for candidates for the Senators, but these candidates require at least 40 (forty) years of age.

Chapter 5

Electoral Campaigns

Art. 18

The electoral campaigns are subject for candidates and political parties, which have been registered, to disseminate their policies and political platforms to the voters.

Art. 19

The electoral campaigns shall have 21(twenty-one) days and all electoral campaign activities shall end within 24 (twenty-four) hours prior to the election day.

Art. 20

Article 71, 73, 74, 75, 76, 77, 80, 81, 82 and 83 of the Law on the Election of the Members of the National Assembly shall be implemented for the campaigns of the elections of the Senators.

Chapter 6

Political Party Representatives and Observers

Art. 21

Article 26 (new), 27, 28, and 29 (new) of the Law on the Election of the Members of the National Assembly shall be implemented for the observation of the election of the Senators.

Chapter 7

Election Administration, Polling, Ballot Counting and Consolidation of Electoral Results

Art. 22

The administration of the election of the Senators is the competence of the National Election Committee (NEC).

Art. 23

By the framework of authority as mentioned in the Law on the Election of Members of the National Assembly, the NEC may determine the regulations and relevant procedures concerning the function of election of the Senator in addition to its current duties.

Art. 24

The polling shall be conducted only in one day.

The polling shall start from 7:00 (seven) in the morning until 15:00 (fifteen) except there is any contrary decision made by the NEC.

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

The chief of the Polling Station Commission shall announce to close the poll at 15:00 (fifteen).

All persons who wish to cast their votes are not allowed to enter the compound of the polling station after 15:00 (fifteen).

The eligible person who are allowed to vote after 15:00 (fifteen) are the ones permitted to stay in the polling station or inside the compound at 15:00 (fifteen).

Art. 25

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

Art. 26

The Provincial/Municipal Election Commission shall submit the record of the total results of the election in its own province/city to the NEC for consolidating the results in each region.

Art. 27

Others modalities and procedures of the polling, ballot counting and consolidation of the electoral results as mentioned in the Law on the Election of the Members of the National Assembly shall be implemented for the election of the Senators.

Chapter 8

Competency Resolving Disputes On the Election of the Senators

Art. 28

The Provincial/Municipal Election Commission is the first body to make decision on disputes concerning the election of the Senators.

In the event that there is any objection to the decision of the Provincial/Municipal Election Commission (PEC), the NEC shall have competency to examine and decide.

Art. 29

In the event that there is any objection to the decision of the NEC, the Constitutional Council shall have competency to make final decision or objection on all appeals on the disputes concerning the election of the Senators.

Art. 30

The disputes resolving procedures as mentioned in the Law on the Election of the Members of the National Assembly shall be implemented in resolving disputes on the Elections of the Senators.

The official public holiday shall not be counted for days of appeals and decision on complaints.

Chapter 9

Replacement of the Senators

Art. 31

A Senator shall lose his/her membership due to any of the following cases:

- The concerned person is deceased.
- The concerned person has lost his/her professional aptitude as certified by a competent ministry/institution.
- The concerned person resigns in writing from his/her senatorial membership.
- The concerned person is sentenced by the court to imprisonment due to any crime or offense.
- The concerned person has lost his/her membership from his/her political party.

If any Senator loses his/her membership within 6 (six) months at least before the end of legislature, the concerned political party may request to appoint a new senator to replace with the alternate whose name appears next to the former on the list of alternates without voting again.

Chapter 10

Budget

Art. 32

Article 121 of the Law on the Election of the Members of the National Assembly shall be implemented in the election of the Senators.

Chapter 11

Penalty

Art. 33

Article 124 (new), 125 (new), 126 (new), 127 (new), 128 (new), 129 (new), 130 (new), 131 and 133 of the Law on the Election of the Members of the National Assembly shall be implemented in the election of the Senators.

Chapter 12

Transitional Provisions

Art. 34

The election of the Senators for the second legislature of the Senate shall be held on Sunday, January 22, 2006.

Art. 35

After this law comes into effect, in order for the election to be held on Sunday, January 22, 2006, the number of seats of the Senate to be elected shall be 57 (fifty seven). The number of seats by regions is listed as follows:

- 1st Region : Phnom Penh Capital 6 seats
- 2nd Region : Kampong Cham province 8 seats
- 3rd Region : Kandal province 5 seats
- 4th Region : Battambang, Banteay Meanchey Siem Reap,
Oddar Meachey and Pailin province 10 seats
- 5th Region : Takeo, Kampot and Kep province 7 seats
- 6th Region : Prey Veng and Svay Rieng province 7 seats
- 7th Region : Kampong Speu, Kampong Chhnang,
Pursat, Koh Kong and
Preah Sihanouk province 8 seats
- 8th Region : Kampong Thom, Preah Vihear, Kratie,
Stung Treng, Ratanak Kiri and
Mondul Kiri province 6 seats

These numbers of seat shall be immediately publicized.

Chapter 13 **Final Provisions**

Art. 36

Any provision contrary to this law shall be nullified.

Art. 37

This law shall be immediately promulgated.

Request His Majesty to sign
Prime Minister
Signature
Hun Sen

Phnom Penh, June 20, 2005
Acting Head of State
Signature and Stamp
Chea Sim

N° 250
Copy for Distribution
Phnom Penh, June 21, 2005
Secretary General of Royal Government
Na Dytan