Final Election Observation Report on Cambodia's 2013 National Election
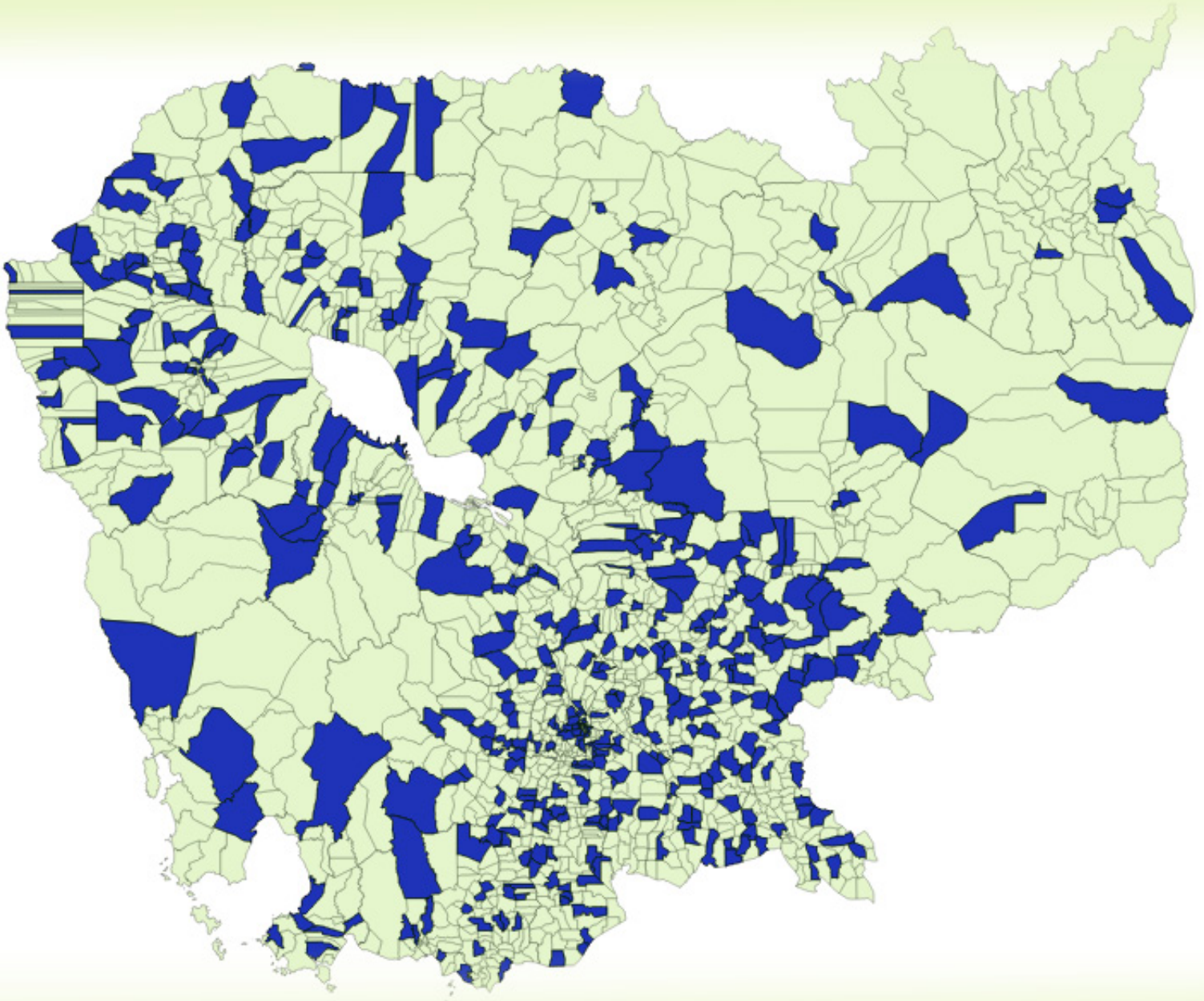
TRANSPARENCY INTERNATIONAL
Cambodia

CISA
Coalition for Integrity and Social Accountability

Transparency International Cambodia (TIC) is a global civil society organization working to combat corruption, promote integrity and increase transparency in Cambodia. TIC works with individuals and institutions at all levels from government, civil society, business, media and the wider public to promote transparency and accountability in areas such as public administration, procurement and the private sector. TIC is an official chapter of Transparency International which is a global movement of more than 90 national chapters worldwide sharing one vision: a world in which government, business, civil society and the daily lives of people are free of corruption.

The Coalition for Integrity and Social Accountability (CISA) is a leading non-governmental organization (NGO) committed to promoting accountability, transparency, integrity, equality and justice. CISA has been operating since 2005 as an informal coalition of dedicated citizens and registered as a NGO in Cambodia in 2010. CISA's mission is to work together to fight, prevent and eliminate all forms of corruption in Cambodia through capacity building, education, communication and advocacy to bring about effective governance in Cambodia.

Table of Contents

1. Executive Summary

Cambodia's 2013 national elections of the National Assembly were the fifth to be held since the first national elections were organized by the United Nations Transitional Authority for Cambodia (UNTAC) in 1993. Transparency International Cambodia (TIC), in cooperation with the Coalition for Integrity and Social Accountability (CISA) network, was accredited by the National Election Committee (NEC) to observe the Cambodian national elections on 28 July 2013.

TIC deployed 906 nonpartisan election observers to the representative sample of 409 polling stations across 24 provinces and municipalities in Cambodia to conduct a Sample-Based Observation (SBO) of the national election. SBO is an election monitoring methodology that involves the observation of a representative sample of polling stations and provides statistically meaningful information on the conduct of voting and counting. TIC's polling station samples were selected at random and are statistically representative of all Cambodia. Trained local observers gathered SBO data through direct observation of the entire voting and counting processes in their assigned polling station, and enables the election day process to be described with high accuracy.

The electoral and political context prior to the election is important when considering the overall election process and the broader context of the legitimacy of a free and fair election. Months ahead of the elections, the Neutral and Impartial Committee for Free and Fair Elections (NICFEC), along with its partners the National Democratic Institute for International Affairs (NDI) and the Centre for Advanced Studies (CAS), conducted a voter registry audit (VRA) that showed 10.8% of eligible citizens who thought they were registered were not on the registry, and 7.8% of those not on the list actually having voted before. These figures were further backed by a field audit commissioned by the NEC, finding 9% disenfranchisement, within margin of error. The VRA also found that 18.3% of the names on the voters' list were invalid, either of people who had permanently relocated, died, or were unknown. Independent further electoral data analysis also revealed high levels of over-registration in competitive constituencies, such as 133% in Prey Veng, and even higher over-registration figures when examining by commune, presenting opportunities for abuse.

Additionally, tens of thousands of exact duplicate names on the voter list were found through independent analysis, despite NEC assurances that duplicates had been corrected during the list revision process in 2012. This presents other opportunities for illegal voting and further casts doubt on the credibility of the Committee. Independent groups, such as the Situation Room of civil society organisations, also publicly expressed concern about the implausible number of Identification Certificates for Electoral Purposes forms (ICE) distributed since the last registration period, a number never confirmed, but according to the NEC weeks ahead of the election was over

500,000 – an amount only feasible should there have been a natural disaster in which many people lost all their personal documents. These ICE numbers were concentrated in high-stakes areas, such as the 150,000 ICEs used in Prey Veng alone, confirmed by the Provincial Election Committee. Given the excess names on the voters list, ghost names, duplicates, over-registration rates in high-stakes areas, and lack of transparency in the ICE distribution process, this number of ICEs could be problematic.

TIC regrets the complete inaction by the NEC to address these concerns, despite ample warning and evidence. Further the NEC actively obstructed citizens from getting information about their voter status to alleviate confusion by prohibiting parties from carrying copies of the list, closing the database to the public early and refusing to post the list at the village level ahead of the elections.

TIC's SBO confirmed and validated these warnings of irregularities. Citizens were frustrated to find that their names were not on the voters list and this led to anger and chaos at some polling stations. In 60% of polling stations, some voters with proper identification could not find their names on the list. While many were turned away, others without identification, and an unusually large number of people using ICEs, were allowed to vote. In 26% of the polling stations, some people were allowed to vote without valid identification and in 93% of polling stations ICEs were used. In an alarming 11% of stations, 51 or more voters used an ICE to vote.

TIC is deeply concerned about the irregularities observed, particularly large-scale disenfranchisement and use of ICEs (temporary identification document to replace lost or stolen identification papers). Due to problematic pre-election conditions and voting process irregularities experienced, TIC cannot express with confidence that the outcome of the election reflects the will of the Cambodian people.

TIC supports calls for the immediate formation of an Electoral Investigative and Reform Committee, with the participation of both political parties, civil society organizations, and international community, to both investigate irregularities and develop a roadmap for comprehensive election reform. This will require that relevant bodies, such as the NEC and Commune Councils, disclose all relevant information and data, including the full voters list database, ICE distribution records, and polling station level results.

In the long term, serious and deep-reaching reforms to the legal system are required to create a fair playing field and restore confidence in future elections. This includes a review and overhaul of the Law on the Election of Members of the National Assembly (LEMNA), and possibly the Constitution of Cambodia:

The NEC should be dismantled and a new, independent and constitutionally-mandated election commission should be created with the authority, comprehensive jurisdiction,

and budget to operate effectively and commissioners selected in a transparent manner with the involvement of all key stakeholders.

The current voter registration process needs to be eliminated, and the creation of either automatic registration through a valid civil registry or, at a minimum, the removal of responsibility from the political and partisan Commune Councils to a permanent election bureaucracy.

Revision of LEMNA should include necessary measures to prevent the use of state resources, including vehicles, materials and the time of military, police and government officials, by political parties for campaigning.

Political party financing should be provided in accordance to Article 27 of the Law on Political Parties. The law should be revised to ensure transparency, requiring all political parties to report their political party financing and expenditures in the lead up to and during the election period.

The Government of Cambodia needs to commit to a plan and timeline by which to complete the civil registry and distribute national identification cards to all citizens. A comprehensive civil database needs to be open for public review and audit.

ICEs need to be eliminated. The Ministry of Interior can create a mechanism to replace stolen or lost national IDs.

The National Assembly, with input from political parties and civil society, should ensure all major political parties have fair and equal access to the mass media by forming an independent body to oversee state-owned television and radio. This includes the Ministry of Information allowing foreign media to be broadcasted without any restrictions during political or election periods.

Finally, TIC calls on international donors to add electoral reform as a key benchmark for the Government of Cambodia to receive aid funds. A technical working group should be formed (or adapted from the independent investigative committee mentioned above) to track progress and implementation of reforms, and to retract aid should reforms fall short.

2. Introduction

The 2013 national elections are the fifth election of members of the National Assembly to be held in Cambodia since the Paris Peace Accords were signed in 1991. After the first national elections were organized by the United Nations Transitional Authority for Cambodia (UNTAC) in 1993, Cambodia has organized four national elections under the management of the National Election Committee (NEC), an institution that was established to oversee the elections.

Transparency International Cambodia (TIC), in cooperation with the Coalition for Integrity and Social Accountability (CISA) network, was accredited by the NEC to observe the Cambodian national elections on 28 July 2013. TIC is an official Chapter of Transparency International with a mission to work together with individuals and institutions at all levels including government, civil society, business, media and the wider public to promote integrity and reduce corruption in Cambodia. TIC implements a broad spectrum of advocacy, research, public engagement and coalition-building programs on anti-corruption, transparency and integrity. TIC is a member of the Global Network of Domestic Election Monitors and a signatory of the United Nations supported Declaration of Global Principles for Nonpartisan Election Monitoring. CISA is a leading non-governmental organization (NGO) coalition of more than 30 organizations in Cambodia committed to promoting accountability, transparency, integrity, equality and justice. By observing the elections, TIC aimed to deter and report on irregularities and political corruption on the election day and inform the public of the quality of election-day conduct.

TIC conducted this election monitoring project with technical and financial assistance from the National Democratic Institute for International Affairs (NDI), an international non-profit and nonpartisan organization working to strengthen and expand democracy worldwide. NDI is supported by the generous assistance of the United States Agency for International Development (USAID).

3. Electoral and Political Context

Election day conduct and the vote counting represent only one aspect of the overall election process, and the legitimacy of a free and fair election must be interpreted in a broader context.

3.1 Electoral and Legal Framework

The main law governing the 2013 National Assembly election is the Law on the Election of Members of the National Assembly (LEMNA), adopted by the National Assembly in 1997. In addition to LEMNA, the Constitution of the Kingdom of Cambodia, the Political Party Law, the Press Law and the Law on Assemblies are also integral to the election process.

The NEC is responsible for managing the election of members of the National Assembly, Senate, and Commune Councils as well as for the compilation and publishing of the voter list. However, numerous domestic and international organizations and election experts have raised concerns over the NEC's neutrality and competence. The NEC is housed under the Ministry of Interior (MOI), and does not have an autonomous budget allocation or its own constitutional status, like election management bodies in other countries. There is little transparency in the Committee's operations, with limited public access to documents and meetings. The NEC refuses to release results of various polls, media monitoring efforts, and surveys and even the voter list was removed from the web database of the NEC one day prior to the election while the election results and some regulations were removed from the website before the elections.

Furthermore, the composition of the NEC lacks independence and the selection of its members is opaque. LEMNA Article 13 states the chairperson, vice-chairperson and seven members are selected from dignitaries who are competent in politics and have the relevant work experience and reputation. However, selection of the commissioners does not follow a transparent process, but is instead conducted and approved by bodies controlled by the ruling Cambodian People's Party (CPP), where no public consultation is conducted among other political parties and NGOs. The NEC members are appointed by the MOI, who are subsequently approved by the Council of Ministers, headed by Prime Minister Hun Sen, who are then authorized by the CPP-controlled National Assembly. The selection process is completely opaque, and no information is provided on, for example, the terms of reference for commissioners, or the criteria for an eligible candidate and no clear deliberation process between different government bodies is held to ensure a fair and competitive selection procedure. Members of the lower electoral bodies, such as the Provincial Election Committees (PEC), the Commune Election Committees (CEC) and the Polling Station Committees (PSC) are meant to be appointed in an open process by the NEC from among the population, civil servants

and/or officials in the district and commune, according to LEMNA. However, in practice the higher Committee bodies simply re-instate previous officials with no deliberation or competition for the posts.

A multitude of administrative functions for the electoral process are not solely carried out by the NEC, as these are delegated to the lower electoral bodies. For instance, the locally elected Commune Councilors are responsible for voter registration. Although the NEC is accountable for the final voter list, placing the process in the hands of the councils, elected political bodies, introduces inherent conflicts of interest, presenting opportunities for abuse and bias in the compilation of the lists.

The voter registration and review period for Cambodian citizens is held in September and October each year. During the official registration period, citizens have a month and a half to register on the voter list or to verify their registration status, which must take place in the commune where the voter has residency. The Cambodian legal framework does not accommodate for citizens who do not permanently reside in their commune of registration or for new or transferred registration within eight months of the election. Citizens are required to return to their area of residency in order to vote, which creates significant difficulties for the migrant and seasonal workers of Cambodia.

The identification requirements for voter registration are also problematic. Citizens without national identification (ID) cards are required to understand the specific and complicated range of multiple documents needed for voter registration as proof of nationality, age, and residency with a photo. Additionally, the government has been unsuccessful in providing national ID cards to all Cambodian citizens and has failed to establish a complete civil registry, despite the international technical and financial support they have received to develop a national ID system. In 2011, the government implemented measures to help simplify the voter registration procedure. These included accepting expired national ID cards for voter registration and extending the registration and complaint filing period. However, these changes were not sufficiently publicized to the general public, creating further complications and opportunities for discrepancies on election day.

When voters have lost their original ID documents, Identification Certifications for Electoral Purposes forms (ICEs) can be issued by Commune Councils, 97% of which are led by the CPP, as temporary identification allowing voters to register or to vote. Two witnesses are required to confirm the ICE applicant's residency in the commune where they are registered to vote and ICEs are issued with the signature of the commune authorities. The NEC at one point reported that more than 800,000 ICE forms were distributed by Commune Councils for the 2013 election, and 270,000 of these were issued between the end of the voter registration period and the election. This is an implausible figure given the voter registration period closed late last year, and ICEs should only be issued to people who lost their identification since registering to vote.

Given the excess names on the voter list, ghost names, duplicates, over-registration rates in high-stakes areas found by independent audits, and lack of transparency in the ICE distribution process, this number of ICEs is problematic.

Two independent Voter Registry Audits (VRA) conducted in early 2013 showed serious problems in the voter list.[1] One VRA conducted in February 2013 by the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), NDI, and the Centre for Advanced Studies (CAS) showed 10.8% of eligible citizens who thought they were registered were not on the registry, and 7.8% of those not on the list actually having voted before. These figures were further backed by a field audit commissioned by the NEC, finding 9% disenfranchisement, within the margin of error. The VRA also found that 18.3% of the names on the voter list were invalid, either of people who had permanently relocated, died, or were unknown.

Over-registration contributes to concerns about unknown voters. According to the NEC, the number of names on the voter list represents an impossible 101.7% of the eligible voting population. In certain provinces, the NEC has a registration rate as high as 109%. Using the National Institute for Statistics' population figures, the rate jumps to over 130% in some provinces and even higher over-registration figures when examining by commune, presenting opportunities for abuse. Independent analysis of the NEC's voter list database has also revealed a significant number of exact duplicates, particularly in highly-contested areas like Phnom Penh[2]. Over 80,000 strict (exact same name spelling, date of birth, and gender) duplicates exist, despite on-record statements by the NEC that it had cleaned the list of duplicates. The excess names present opportunity for fraud, by using those invalid or duplicate names to cover fabricated votes or illegal under-aged voting.

A key component to any credible election is the availability of diverse and independent media sources. Laws regulating the Cambodian media are the Press Law, the UNTAC Penal Code and instruments in the Constitution. However, there is no law on broadcasting, licenses are distributed by the Ministry of Information, and all the state-run television media and most of the press and radio are controlled by the ruling CPP, while some news channels (Bayon TV and radio) are owned by Prime Minister Hun Sen's family. All eight political parties competing in the election did not have equal access to radio and television.

Prior to the elections, the Ministry of Information issued a ban on local radio stations from rebroadcasting Khmer-language radio programs from foreign broadcasters such as

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[1] See National Democratic Institute for International Affairs (NDI), Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), Center for Advanced Study (CAS), *Report on Voter Registration Audit (VRA) in Cambodia*, 2013; and Committee for Free and Fair Elections in Cambodia (COMFREL), *Voter List, Voter Registration and Audit of the Voter List (SVRA Plus) for the 2013 National Assembly Election.*
[2] Boyle, D. (2013, 07 24). "Giving more than 100%". *The Phnom Penh Post.* Retrieved from
http://www.phnompenhpost.com/national/giving-more-100

Radio Free Asia, Voice of America, Radio France International and ABC Radio Australia. However, this was later withdrawn when the ban sparked heavy criticism from the United States, foreign and local rights groups and the broadcasters themselves.

The opposition Cambodian National Rescue Party's (CNRP) media outreach is limited to a small number of radio stations and online forums such as social media (Facebook). When opposition leader Sam Rainsy returned to Cambodia on 19 July 2013 after receiving a royal pardon, state radio and television coverage was minimal, and only a few local news website ran a series of stories on Sam Rainsy and his return. On the contrary most of the major international news agencies and websites widely featured and covered Sam Rainsy's return.

3.2 Political Environment

Compared to previous election campaigns, fewer serious incidents and outbreaks of violence were reported, which is a sign that security issues have improved. This year's election period saw an increase in enthusiasm and interest from the general public, particularly from members of the youth who took part in the major political party rallies. This was also one of the most competitive election campaign periods experienced to date, with thousands turning out to support both the CPP and opposition CNRP during their rallies throughout the country. Sam Rainsy's return to Cambodia after four years of self-imposed exile[3], helped to mount a strong campaign for the CNRP. While Prime Minister Hun Sen requested Sam Rainsy's pardon, Rainsy was not able to contest in the polls as he had been removed from the electoral register.

In the months leading up to the election, the CPP-led government took measures to reduce the space for political discourse. In early June, a parliamentary committee made up entirely of CPP members voted to remove all opposition members from the National Assembly. Their removal paved the way for the rapid passage of a politically-motivated law aimed at discrediting the opposition and removed the opposition MPs' immunity, exposing them to subsequent lawsuits and criminal charges. The Law on the Denial of Crimes Committed During the Period of Democratic Kampuchea was passed by the Cambodian parliament without debate, and allows for the prosecution of people and legal entities, such as companies and political parties, for glorifying, opposing, downplaying or refusing to recognize the crimes that occurred under the Khmer Rouge. Rights groups and opposition lawmakers claim the law is politically motivated and a tool to restrict free speech and was explicitly aimed at the Vice President of the CNRP and the remarks he made in the past which he claims were twisted out of context. Further, the ruling party had exclusive access to State resources both during the campaign and year round, with most State infrastructure and development projects attributed to the CPP.

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[3] Sam Rainsy was convicted for spreading disinformation and falsifying maps for which he was sentenced to 11 years in prison. These convictions were widely seen as politically motivated.

Extreme rhetoric by political leaders in the lead up to and during the campaign period contributed to a climate of political tension and feelings of intimidation among the public. Prime Minister Hun Sen and other leaders from the ruling party used threatening rhetoric, warning of civil war and a return to a "Khmer Rouge-like" era if citizens vote for members of the opposition. Meanwhile, opposition leader, Sam Rainsy, continued to promote anti-Vietnamese sentiment during CNRP election rallies, promising to expel illegal Vietnamese immigrants as one of his party's policies. The derogatory term for Vietnamese, *yuon*, was repeatedly used by Rainsy, claiming the Vietnamese residing in Cambodia are puppets of the ruling government.

4. Methodology

TIC conducted a Sample-Based Observation (SBO) of the national election, which employs an election monitoring methodology that involves the observation of a representative sample of polling stations and provides statistically meaningful information on the conduct of voting and counting. SBO data is gathered by trained local observers through direct observation of the entire voting and counting processes in their assigned polling station, and enables the election day process to be described with high accuracy. SBO methodology is used by citizen election monitoring organizations around the world to reliably promote integrity in elections.

TIC deployed 906 nonpartisan election observers to a representative sample of 409 polling stations across 24 provinces and municipalities in Cambodia. TIC's polling station samples were selected at random and are statistically representative of all Cambodia (see distribution of sample below). TIC deployed and received reports from 409 polling stations and this report is a synthesis of those findings.

Distribution of Polling Stations Nationally vs SBO Sample
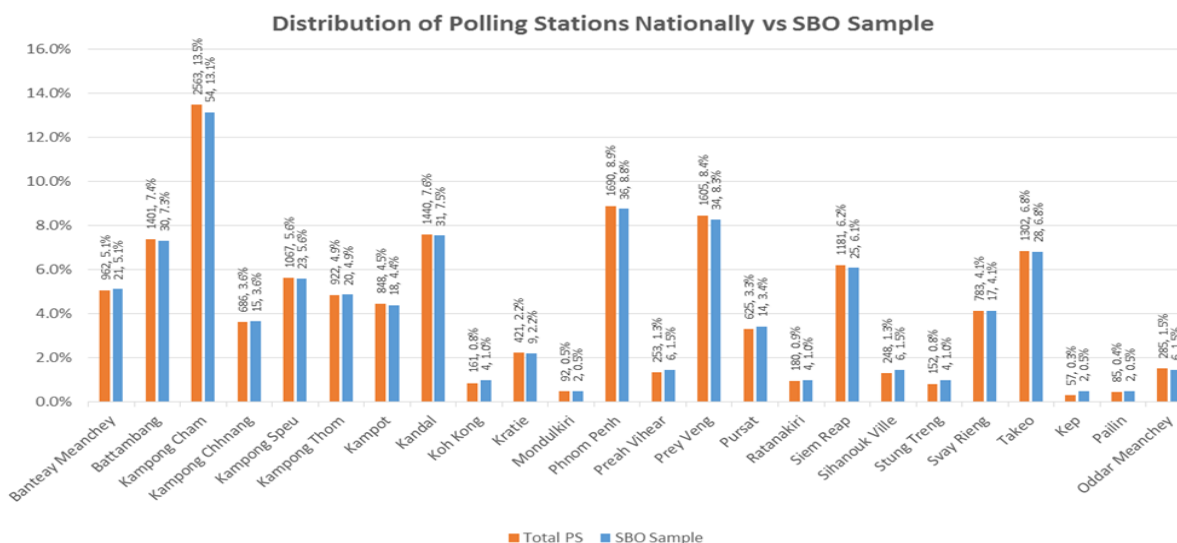
5. Election Day Key Findings

On 28 July 2013, 906 trained TIC observers deployed to a scientific sample of 409 polling stations across Cambodia to observe the conduct of voting and counting. Observers worked in teams of two, remained at their assigned polling station the entire day, and recorded their findings onto checklists that were later collected and analyzed by TIC. TIC's findings about election day are based on the observations of those observers and are presented in four main sections below:

- opening and setup;
- the voting process;
- closing and vote counting; and
- general environment.

5.1 Opening and Setup

In general, the opening and set up of the polls proceeded well. Polling stations opened punctually, almost all of the ballot boxes were shown as empty, sealed correctly and displayed publicly, and essentially all of TIC's election observers had unimpeded access to the polling stations upon opening. Nearly all polling stations had all necessary materials on hand and only in isolated cases were materials, like ballot box seals or confidential stamps, missing.

However, only 89.5% of the polling stations had accessibility for the elderly and persons with disabilities. This is a violation of the law which states all polling stations should be made accessible to all voters, and could have prevented some individuals from voting.

Table 1 below presents a summary of the assessment of the early stages of election day.

Table 1: Indicators of Opening and Setup of the Polls

Critical Indicators	Percentage of all polling stations (%)
Polling stations open on time (7:00 am) or shortly after (by 7:30)	100%
Polling station materials missing before the opening of the polling station	3.3%
Polling stations set-up so voters could mark their ballot in secret	100%

Ballot boxes shown to be empty before being sealed and placed in public view	99.3%
TIC observers permitted to observe inside the polling station	99.8%
Polling Station Committee (PSC) members present and inside the polling station by 6:00 am	91.9%
Polling stations with accessibility for the elderly and persons with disabilities	89.5%

Almost all of the polling stations observed had political party agents present during the setup and opening. Political party agents from the CPP were present at 99% of polls, while the CNRP were at 98%.

Table 2:   Political party agents present during the opening and setup
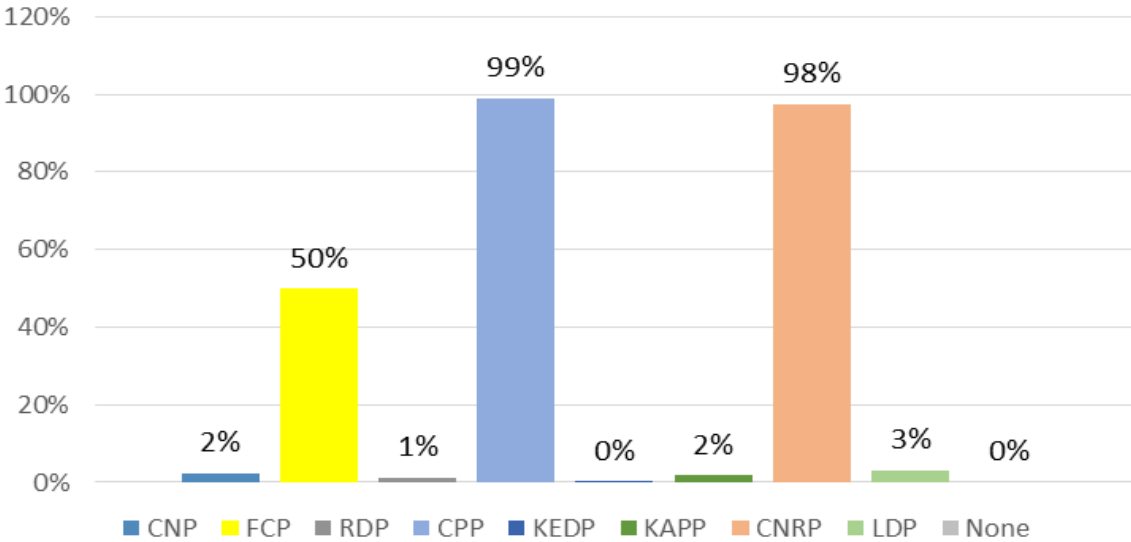
Q: Which party agents were present during the set-up/opening?

5.2 Voting Process

During the voting process, TIC observers recorded information from inside and outside the polling stations, and no observers were hindered in their work by polling station officials. While some aspects of the voting process proceeded without incidents,

observers from across the country reported problems related to the voter list and voter identification, which in some locations led to chaos or unrest in polling stations.

5.2.1 Voters' Names Not on the Voter List

At 60% of the polling stations, some voters with proper identification documents were unable to find their names on the voter list and could not vote in that location. This is consistent with the pre-election VRA findings, which reported almost 11% of eligible citizens who thought they were registered, were not found on the voter list. VRA recommendations to make extra efforts to inform citizens of their voter registration status before election day were not heeded by the NEC or other government bodies.[4] Immediately prior to election day, the NEC shut down the online version of the voter list and declared it illegal for political parties or civil society organizations to carry a copy of the voter list to assist voters unable to find their polling station on election day[5]. The NEC also ignored recommendations to post the voter list at the village level ahead of the election. Such restrictions limited voters' abilities to confirm beforehand whether or not they were registered to vote and to find their correct polling station on election day.

Table 3:   Percentage of polling stations where voters with identification were not on the voter list
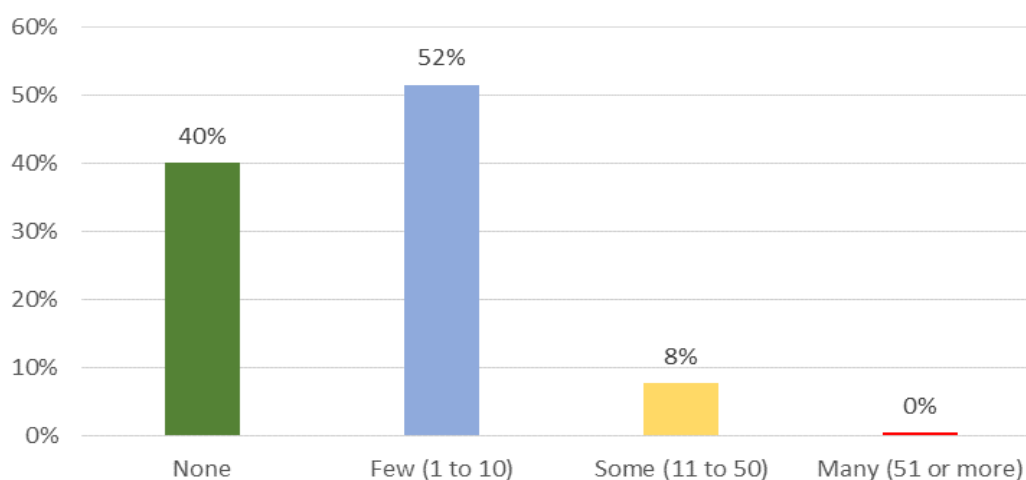
Q: How many voters came to the polling station with proper identity documents but failed to find their name on the voters list?

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[4] Voter lists were ultimately posted at the commune level but not at the village level.
[5] This announcement was made by the NEC at their Press Conference on the 'Overall Environment of the Election Campaign' on 26 July 2013.

5.2.2 Voting Without Showing Identification

While many with accurate identification were unable to vote, in 25% of the polling stations people without valid ID were allowed to vote. Not only does this violate the election law, but can also present opportunities for fraud, including voter impersonation. TIC observers reported five incidents in Phnom Penh (Polling Stations 112, 296 and 987), Prey Veng (PS 683) and Battambang (PS 320), where voters arrived with valid identification only to find that someone else had voted in their place. Additionally, a TIC observer in Kampong Cham (PS 2283) reported that a voter's name was listed twice in a polling station and another person was allowed to vote using that extra name, while in Pursat (PS 683) a person was allowed to vote under a name that was not his.

5.2.3 Voting with ICEs

At 93% of the polling stations, ICEs were used to vote. In a substantial 11% of polling stations, 51 or more people used ICEs to vote. Given the excess names on the voters list, ghost names, duplicates, over-registration rates in high-stakes areas, and lack of transparency in the ICE distribution process, this number of ICEs is problematic. Among polling stations observed by TIC, the vote share for the ruling party increased as more ICEs were used in a polling station. However, TIC cannot determine if this trend holds true nationally without data on ICE distribution rates by commune[6] and polling station level results for the entire country.

Table 4:   Percentage of polling stations where ICEs were used to vote
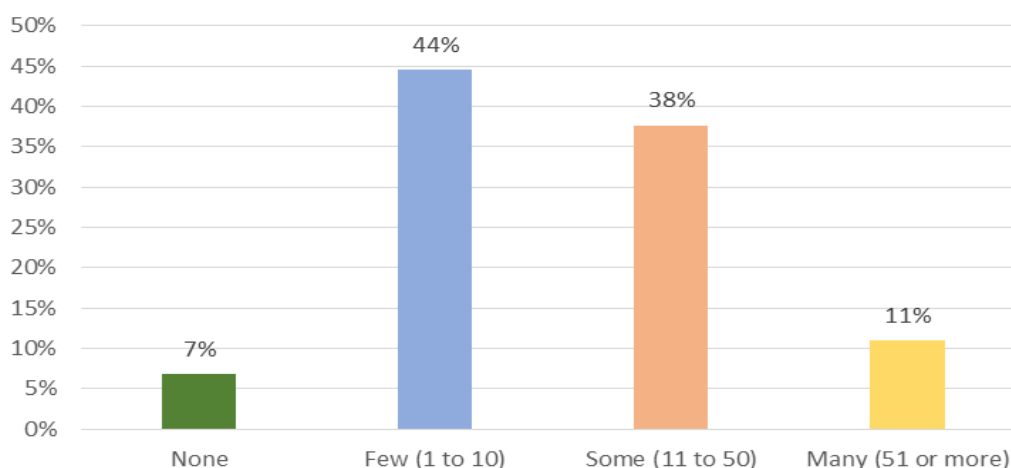
Q: How many people used an Identity Certificate for Electoral Purposes (blue form) to vote?

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[6] At the time of this report, the NEC did not make detailed ICE data available to the public, despite multiple requests from nonpartisan organizations and political parties.

5.2.4 Names Not Marked Off the Voter List

Observers reported that at 4% of the polling stations, polling station officials failed to mark the names of some voters on the list when they came to vote. Such an oversight can allow for duplicate voting to occur.

5.2.5 Indelible Ink

Voters were consistently marked with ink after voting at 99.5% of the polling stations, however, observers at 2.7% of those polling stations witnessed ink being removed on the premises. The Committee for Free and Fair Elections in Cambodia (COMFREL) tested the ink two days before the elections and demonstrated the ink being easily washed off. Being able to remove indelible ink, which is meant to last up to 15 days, threatens an important safeguard to protect the integrity of the election and the one-vote principle.

Table 5:   Percentage of polling stations where voters were marked with indelible ink
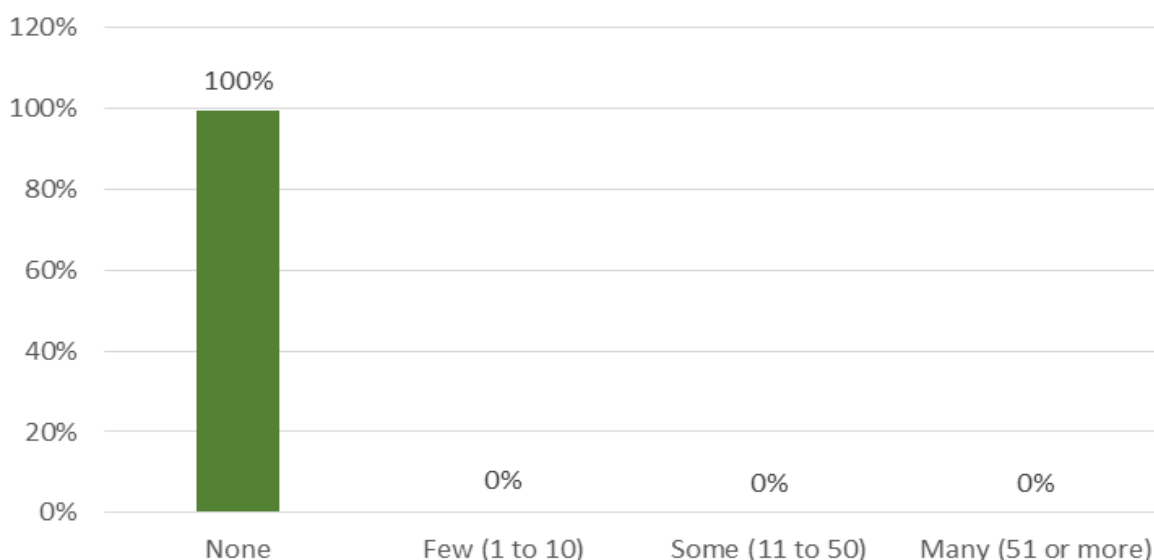
Q: How many people's fingers were not marked with indelible ink after voting?

Table 6: Observers witnessed ink removed

Yes, 2.7%

No, 97.3%

Q: Was the indelible ink erasable?
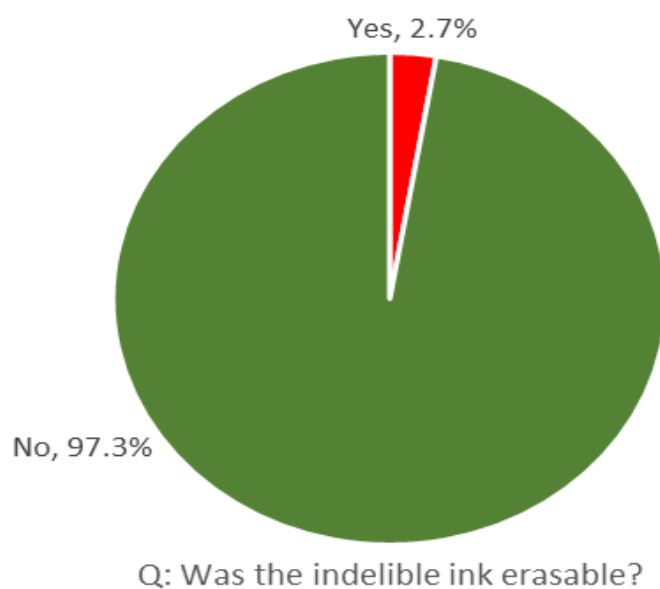
5.2.6 Complaints at the Polling Stations during Voting

During the voting process, 58 complaints were filed by political party agents. Of these, 40 complaints were resolved by the Polling Station Committee (PSC)[7], and 18 complaints were unresolved. For example, TIC observers reported that a party agent in Kampot's Polling Station #504 filed a complaint when a man was unable to vote because his family name and birthdate were wrong in the voter list. In another location, observers reported that a party agent in Kampong Cham's Polling Station #1449 filed a complaint when three activists from another party entered the polling station, actively campaigned and refused to leave the station.

5.3 Closing and Vote Counting

The closing of the polls and vote counting process proceeded with few discrepancies. In line with procedures, almost all of the voters who were in the queue at 3:00 pm when the polls closed were able to vote.

5.3.1 Vote Counting

Observers reported that the vote count in 99% of polling stations was recorded correctly. Yet, at 11% of the polling stations the election results were not posted publicly

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[7] According to the election law, the Polling Station Committee (PSC) becomes the Ballot Counting Committee once the vote counting begins.

on the outside of the polling station immediately following the count. Cambodia's Election Law clearly states that after the ballot counting is finished, polling station officials shall prepare a report regarding the ballot counting, and a copy should be posted at the polling station. Polling stations' failure to comply with this election regulation makes it difficult to verify the accuracy of the results announced.

Table 7:   Election results posted outside after counting
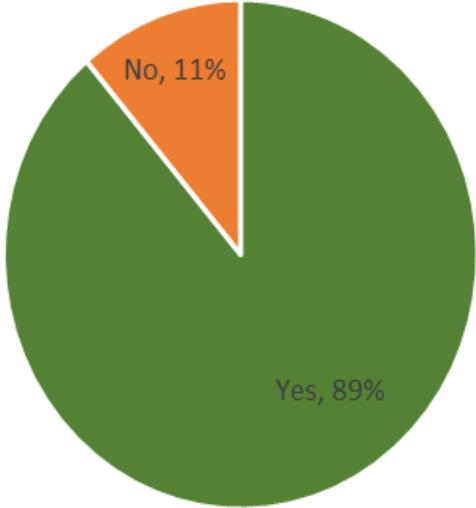
Q: Were election results (Form 1102) posted publicly outside the polling station?

5.3.2 Political Party Agents' Participation during the Counting Process

Similar to the setup and opening of the polling stations, political party agents were present at almost all of the polling stations during the counting process. Political party agents were able to observe the unlocking and opening of the ballot box by polling station officials. Agents from the CPP were present at 100% of the polling stations, 99% of the polling stations had agents from the CNRP present and 56% of the polling stations had agents from FUNCINPEC.

Table 8: **Political party agents present during the counting process**

Q: Which political agents were present during the counting process?
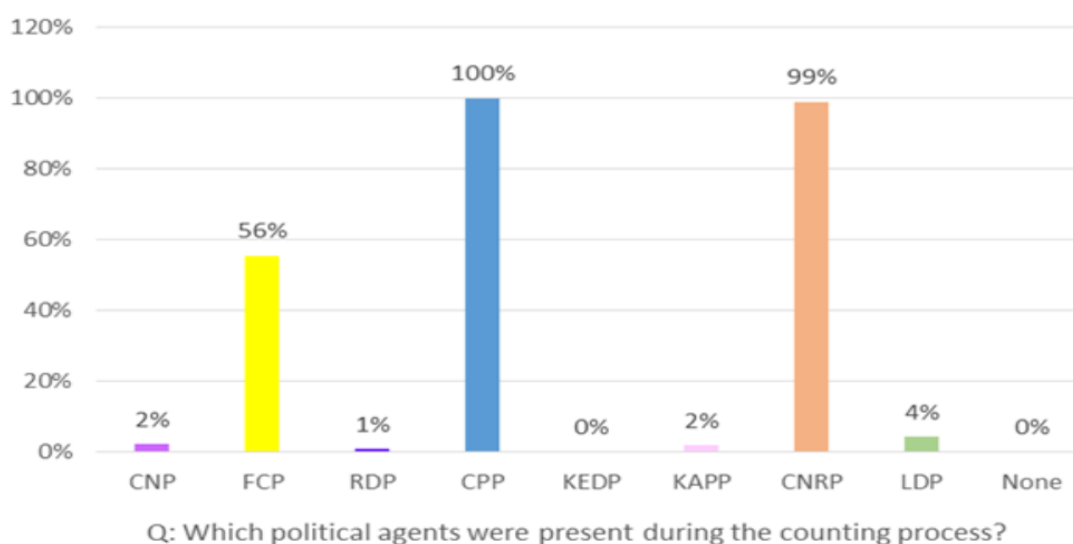
5.3.3 Political Party Agents Present who Signed the Count Record

Cambodia's election law states that representatives from political parties may sign the ballot counting report as witnesses once the counting process is complete. Of those present in polling station, CPP political party agents signed count records 98% of the time, while CNRP agents signed count records 97% of the time, and FUNCINPEC agents 96% of the time.

Table 9: **Signature of count record**

Q: Percentage of party agents who were present that signed the count record
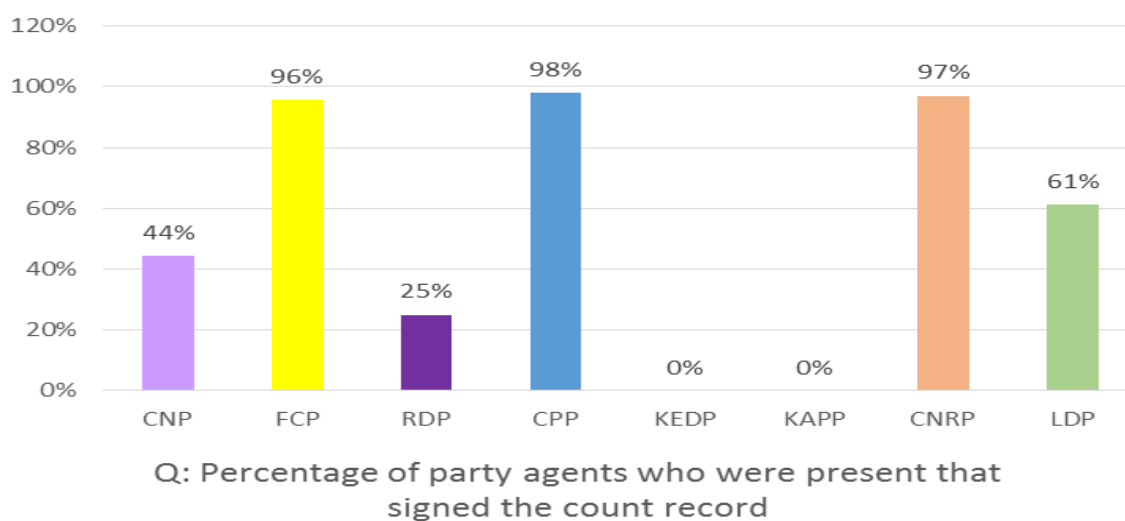
5.3.4 Complaints at the Polling Stations during Vote Counting

During the vote counting process, 28 complaints were filed by political party agents. Out of these complaints, 22 were resolved by polling station officials and six were not resolved at the polling stations. Observers from two stations (Takeo, PS 1217 and Battambang, PS 1357) reported that CNRP observers filed complaints arguing that some valid votes cast for their party had been determined invalid.

5.3.5 Voter Turnout

Voter turnout was 69.5% of registered voters,[8] which is a lower turnout rate than 75.21% in 2008, and than in previous election years. Nationwide, 78% of polling stations experienced turnout between 60%-90%.

Table 10:   Percentage of voter turnout from 1998 – 2013

Comparison of Voter Turnouts with Previous Elections

	1998	2003	2008	2013 TIC SBO
	93.74%	83.22%	75.21%	69.5%

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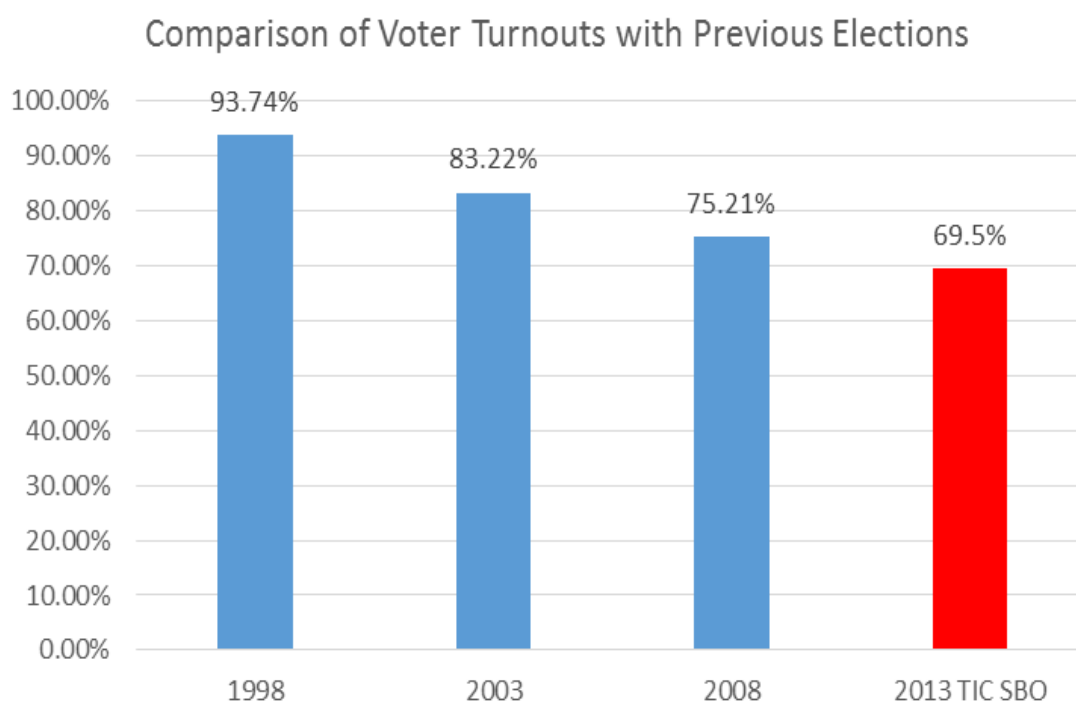
[8] To determine turnout, TIC compared the number of ballot cast within a polling station to the number of voters on the voter list. TIC is unable to determine the percentage of the eligible voters who participated in the election due to the inaccuracy of the voter list and the unavailability of precise population data.

Table 11:   Distribution of polling station turnout rate
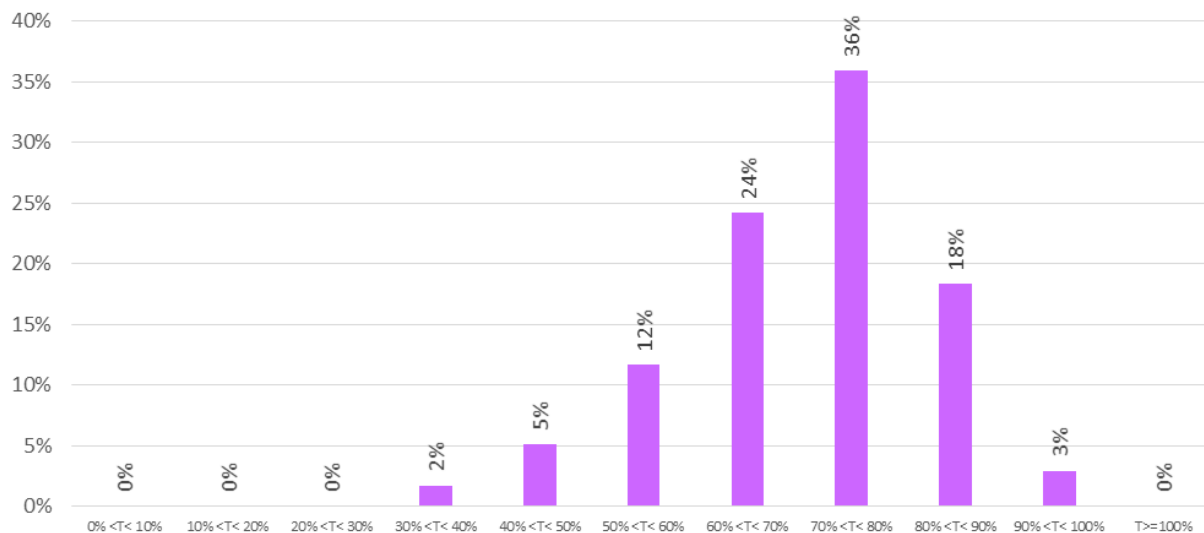
5.3.6 National Vote Share

TIC's election observers remained inside the polling station to witness the vote count at their designated polling station. The observers copied the legal vote counts directly from the 1102 forms and asked two witnesses present (such as the polling station chairperson, party agents or nonpartisan observers) to sign the form to confirm the reported results. With this data, TIC's SBO can project the national share of votes based on ballots cast within polling stations on election day. TIC's SBO sample cannot accurately predict vote share at the provincial level or seat distribution within provinces given the sample size. Further, it cannot predict how broader election day irregularities, such as an unusual number of voters using ICEs, or pre-election problems, like concerns about the voter list, impacted the results.

As presented in Table 12a below, the SBO confidence range is 95%, and the national vote shares for the two leading political parties were close. The margin of error differs by party and is listed in chart 12b below.

Table 12a: National vote share results by party

TIC SBO Projection - National Votes Share
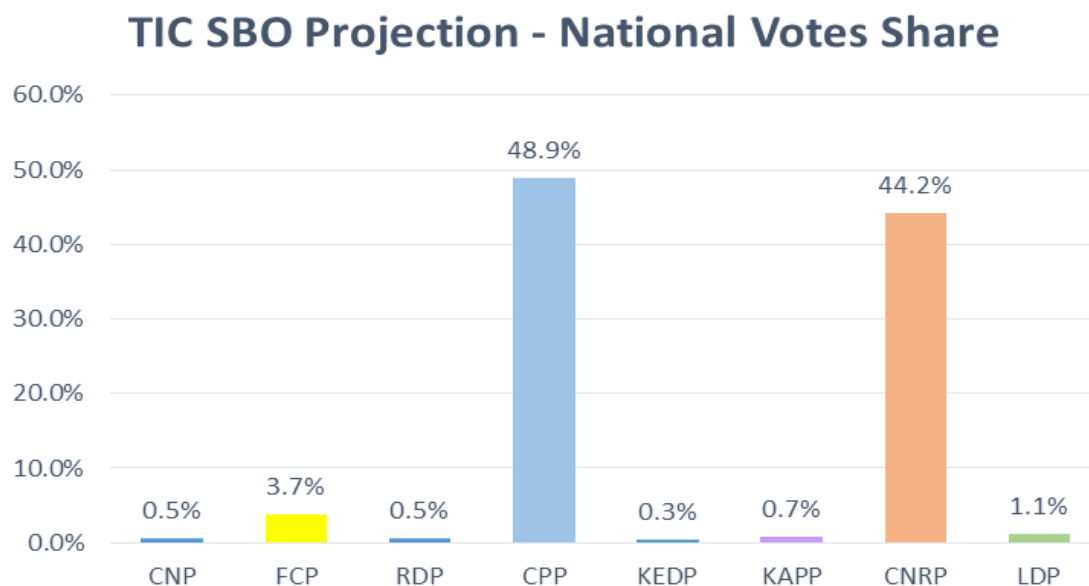
Table 12b: National vote share results with margin of error

Projection of Popular Vote Results and Margin of Error for each Contesting Party					
No	Political Party	Total Votes	Percentage	ME 95%	SBO Confidence Range
1	Cambodian Nationality Party	790	0.5%	0.1%	0.5% - 0.6%
2	FUNCINPEC Party	5,389	3.7%	0.4%	3.3% - 4.1%
3	Republic Democracy Party	794	0.5%	0.1%	0.5% - 0.6%
4	Cambodian People's Party	70,687	48.9%	1.6%	47.3% - 50.4%
5	Khmer Economic Development Party	475	0.3%	0.1%	0.2% - 0.4%
6	Khmer Anti-Poverty Party	1,014	0.7%	0.1%	0.6% - 0.8%
7	Cambodia National Rescue Party	63,925	44.2%	1.7%	42.5% - 45.9%
8	League for Democracy Party	1,609	1.1%	0.1%	1.0% - 1.3%

As shown in Table 13 below, the national vote share results compiled by TIC are consistent with official results announced by the NEC on September 8, 2013, as well as with SBO projections from COMFREL released on July 29, 2013. All three results fall within the margin of errors listed above.

Table 13:   Comparison of national vote shares between TIC, COMFREL and NEC
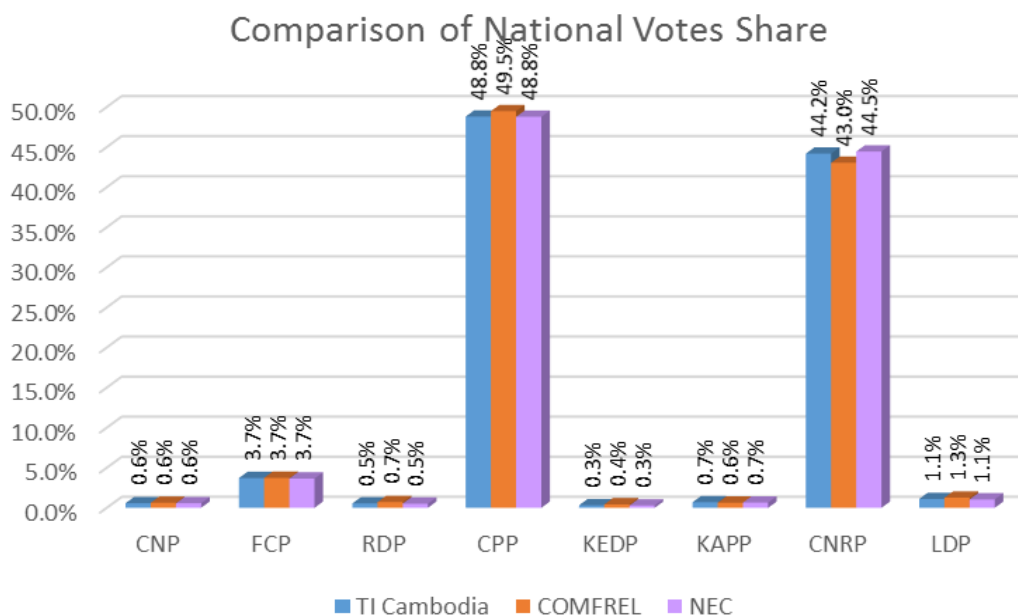
5.3.7 Invalid Ballots

Before counting the vote count for political parties, polling station officials must first determine which ballots are valid and which are invalid according to legal procedures. While most observers agreed that polling station officials made reasonable decisions in determining if ballots were valid or not, 5% of TIC observers said decisions were not reasonable interpretations of the law, where for instance, polling station officials did not follow the official procedures or they were too strict in interpreting voter intent. For example, at a polling station in Kampong Speu TIC observers reported that the polling station officials informed the political party agents and observers of the number of valid or invalid ballots instead of showing the ballot for those present to view.

Nationwide, only 1.7% of ballots were determined to be invalid.

5.4 General Environment

5.4.1 Observer Access

Overall, the observers were able to use observation forms during setup, voting and counting at all polling stations. TIC received no serious reports that its observers were impeded in their work by polling station officials.

5.4.2 Conduct of Polling Station Officials

Generally, observers reported that polling station officials conducted themselves well, with no observed bias in conduct in 97% of polling stations. However, in 9.3% of polling stations, observers reported that polling station officials did not appear to understand the regulations and procedures of the voting process.

5.4.3 Intimidation and Harassment

In only 1.7% of polling stations did observers report any intimidation or undue influence on voters. However, observers reported in 4.7% of polling stations that unauthorized people were able to enter or remain inside the polling station after they completed voting.

5.4.4 Tension and Insecurity

Voter list irregularities led to chaos and citizen anger at some of the polling stations. Outside of a polling station in Phnom Penh's Stung Meanchey district, violence broke out resulting in two military police vehicles being turned over and set alight. This was one of the more extreme incidents of violence which took place on election day. However, tension at the polls was evident in many areas, and TIC had to evacuate observers trapped by angry mobs of disenfranchised citizens from a polling station in Boeng Tumpun commune in Phnom Penh. Across the country, TIC observers reported 15 critical incidents involving violence, chaos or demonstrations in or around the polling station.

6. Post-Election Day

Both the CPP and CNRP have claimed victory in the election. The official results state the ruling CPP won 68 seats in the 123-seat National Assembly and the opposition CNRP obtained 55 seats. The difference in vote totals between the two parties is only 289,793. The percentage of vote is: 48.8% of the vote to the CPP and 44.5% of the vote to CNRP.

Given the close vote share, civil society organizations and monitors called for disclosure of data by the NEC. Yet, the NEC has refused requests for ICE distribution figures by communes, has not allowed independent groups to examine the ICE records held at the Commune Councils, refused to release the complete voters list database, and has not agreed to a public release of all polling station results, per multiple recommendations.

In total, 19 complaints were filed by political parties to the NEC, including eight complaints made by the CNRP. The NEC rejected all of them. The Constitutional Council (CC), Cambodia's highest judicial body, is the final arbiter for resolving election complaints, and received 15 appeals from the CNRP against the decisions by the NEC. The CC held four public hearings investigating safety packages A which contain documents that tally and add up the votes from polling stations. Safety packages A were opened and examined for irregularities for four provinces: Kratie, Battambang, Siem Reap and Kandal. The CNRP's complaints challenged the preliminary vote count announced by the NEC in August, where the CNRP claim irregularities could have impacted the election results.

After a 17 day review, all of the CNRP's 15 complaints on voting irregularities were rejected by the CC who supported the NEC's initial dismissal of the complaints. Both bodies maintain that insufficient evidence supporting the claims of irregularities in voter lists and ballot-rigging was provided by the CNRP. During the hearings however, secured safety packages A were found to be tampered with or inadequately secured from polling stations in Kratie, Battambang and Siem Reap. For example, eight of the 13 safety packages A in Kratie province were found unsealed, and seven out of 12 safety packages from Siem Reap province were found either torn or inadequately sealed. The CC ordered the NEC to take disciplinary action against the polling station staff who had failed to seal ballot packages. NEC officials announced that the polling station workers would only receive a light punishment, as the irregularities were due to poor training and the education levels of the polling station staff. The complaints hearing has been criticized by the CNRP, NGO coalitions and experts who monitored elections for not being thorough enough, as requests for more polling-station packages to be opened and actual ballots be checked against the existing packages were ignored.

The NEC's lack of accountability towards the election irregularities reported raises concerns over the neutrality of the complaints process as a whole and the bodies that

govern the procedures. While this investigation of selected polling station results has occurred due to the CC decisions, there has been no effort to address or acknowledge the more significant problems in the election process – massive disenfranchisement and questionable use of ICEs. Given the narrow victory for the ruling party, it is feasible that this affected the election results.

Since the preliminary results were announced, the CNRP has advocated for an independent investigation into the election irregularities and results through an independent, joint committee. The government, although initially open to the idea, declared such a committee illegal and insisted that the NEC and CC the only appropriate and legal bodies to investigate complaints. In response to the CPP rejecting the formation of a joint committee to investigate the election irregularities, the CNRP mobilized nearly 20,000 opposition supporters in Phnom Penh on September 7 as part of a non-violent protest. Sam Rainsy continued to campaign for the creation of a joint committee at the protest, and called for the government to recount votes in disputed provinces or alternatively stage a re-vote. The CNRP's plan to lead a mass protest heightened tensions between political parties and created apprehension amongst the public as troops and armored vehicles were deployed to Phnom Penh by the CPP as a deterrent. Despite the anticipated build up, the September 7 protest was a peaceful affair and no violence or hostility was reported.

7. Conclusions

This year's national election period was relatively peaceful compared to previous years. Other than isolated incidents of violence, no severe clashes between campaigning parties and civilians occurred. Another positive factor distinguishing this election from previous ones is the increase in interest and enthusiasm from the general public, particularly the Cambodian youth. Many young people were actively involved in political party rallies in Phnom Penh and around the country. Additionally on election day, the opening and set up of the polls proceeded well, and the closing of the polls and vote counting took place with limited indiscretions.

However, TIC is deeply concerned about the irregularities observed, particularly large-scale disenfranchisement (citizens unable to find their names on the list), people voting without identification, and high usage of ICEs. Furthermore, the independent findings showing problems in the voter list were presented to the NEC with recommendations prior to the election period and were ignored. This inaction demonstrates a lack of willingness to take necessary measures to remedy voter list irregularities, to ensure Cambodians' right to vote and to promote a growing interest in citizen participation, particularly among youth. Further, the failure on the part of the NEC to address these concerns, despite ample warning and evidence, has resulted in tensions increasing between the CPP and CNRP, protests, and the potential for political conflict has become a more likely prospect.

Due to problematic pre-election conditions (discussed in Section 3) and voting process irregularities experienced (discussed in Section 5), TIC cannot express with confidence that the outcome of the election reflects the will of the Cambodian people.

8. Recommendations

In the spirit of completing Cambodia's long transition to a transparent, accountable and genuine democracy, TIC offers the below recommendations. These recommendations are based on SBO election day observation findings, as well as analysis of the legal framework and pre- and post-election periods, which impacted the quality of the election process.

The widespread irregularities witnessed on election day – and the crisis of confidence that followed – show the clear need for meaningful and far-reaching electoral reforms to build the integrity of and return much-needed confidence to the electoral process. TIC urges that the following recommendations are implemented through transparent and publicly accountable mechanisms inclusive of political parties, as well as civil society.

In the short-term, immediate steps must be taken to return transparency to the election process:

- Further investigation into and acknowledgment of irregularities as necessitating a complete overhaul of the election system in Cambodia through the establishment of an Electoral Investigative and Reform Committee with the participation of the main political parties, key civil society organizations and election monitors, and relevant international groups, co-led by the parties or a designated organization agreed by the parties. The NEC should have a role in making all documentations and data available. Should the ruling party refuse to participate, TIC recommends that the Committee still be formed to develop a clear blueprint for needed reforms and advocate for their adoption.

In the long term, serious and deep-reaching reforms to the legal system are required to create a fair playing field and restore confidence in future elections. This includes a review and overhaul of the Law on the Election of Members of the National Assembly, and possibly the Constitution of Cambodia:

- The National Election Committee should be dismantled and a new, independent and constitutionally-mandated election commission should be created with the authority, comprehensive jurisdiction, and budget to operate effectively and commissioners selected in a transparent manner with the involvement of all key stakeholders.
- The current voter registration process needs to be eliminated, and the creation of

either automatic registration through a valid civil registry or, at a minimum, the removal of responsibility from the political and partisan Commune Councils to a permanent election bureaucracy.

- Revision of LEMNA should include necessary measures to prevent the use of state resources, including vehicles, materials and the time of military, police and government officials, by political parties for campaigning.
- Political party financing should be provided in accordance to Article 27 of the Law on Political Parties. The law should be revised to ensure transparency, requiring all political parties to report their political party financing and expenditures in the lead up to and during the election period.
- The government of Cambodia needs to commit to a plan and timeline by which to complete the civil registry and distribute national identification cards to all citizens. A comprehensive civil database needs to be open for public review and audit.
- ICEs need to be eliminated. The Ministry of Interior can create a mechanism to replace stolen or lost national IDs.
- The National Assembly, with input from political parties and civil society, should ensure all major political parties have fair and equal access to the mass media by forming an independent body to oversee state-owned television and radio. This includes the Ministry of Information allowing foreign media to be broadcasted without any restrictions during political or election periods.

Finally, TIC calls on international donors to add electoral reform as a key benchmark for the Government of Cambodia to receive aid funds[9]. A technical working group should be formed (or adapted from the independent investigative committee mentioned above) to track progress and implementation of reforms, and to retract aid should reforms fall short.

9. Appendices

1. TIC Press Statement, July 23, 2013
2. TIC Press Statement, July 28, 2013
3. TIC Press Statement, July 29, 2013
4. TIC Election Observers Checklist
5. SBO Frequently Asked Questions
6. Map of SBO Deployment Locations

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[9] Electoral reform should be advocated at the Government-Development Partner Coordinating Committee (GDCC) which is Cambodia's main government and donor summit. Donors discuss the government's five year plan to inform their policy prior to the Cambodian Development Cooperation Foum (CDCF). The CDCF is where donors reveal where aid funding will be channelled and identify reforms they expect the government to tackle -http://www.cdc-crdb.gov.kh/cdc/gdcc/.

Appendix 1: TIC Press Statement, July 23, 2013

Press Release

Irregularities Reported During the Campaign Despite Improvements Since the Last Election

Phnom Penh, 23 July 2013 – The election campaign over the last 25 days has experienced a better environment with fewer serious incidents being reported compared to previous Cambodian national elections. The report of two recent cases, however, demonstrates that the occurrence of political threats are still an ongoing, pressing matter. On July 5th, gun shots were fired in the air by the military police during an opposition party election rally in Phnom Penh. And on July 20th, an unidentified gunman allegedly opened fire at the Cambodia National Rescue Party's (CNRP) headquarters a day after its President, Mr Sam Rainsy's, return.

Transparency International Cambodia (TI-C) has received reports of some irregularities of the election campaign from civilians and party supporters who have called TI-C's free telephone hotline (1292) and from TI-C's Election Observers based in 24 provinces and municipalities. These have included allegations of: voters who are unable to find their names on the voter list; vote buying from different political party officials; violence breaking out between political party campaigners and civilians; public officials campaigning during workings hours whilst using state property; the destruction of party banners; and disruptions during the political campaigns. However, these incidents are small in number and have been reported from different parts of the country.

Almost all of the private-owned television stations show bias towards the ruling Cambodian People's Party (CPP), by featuring daily news reports about the CPP campaign or making comments in support of the CPP while attacking the political opposition (CNRP). This biased and unbalanced TV coverage has had a huge impact on the election campaign. In the absence of equal TV coverage, independent radios such as the Voice of America (VOA), Radio Free Asia, (RFA) Radio France International (RFI), ABC Radio Australia, Women Media Centre (WMC) and the Voice of Democracy (VOD) have played a crucial role in delivering election related news and the political parties' platform to the voters.

It is therefore important for these above independent radio stations to be re-broadcasted via local FM radio stations. TI-C urges the government and the National Election Committee (NEC) to ensure the local FM radio stations can re-broadcast the independent election reports.

"There shall be no secrets in the democratic election process, except when casting a ballot" said Preap Kol, Executive Director of TI-C. "A transparent election process will enhance public confidence and trust among the voters, competing political parties and relevant stakeholders towards the election administration" he added.

The return of the opposition leader, Sam Rainsy, is a positive step towards a democratic election process. However, not allowing him to run as a candidate during the election further demonstrates the deterioration of a level playing field. This, amongst other things, could compromise the legitimacy of the election outcome.

As of the 23rd July, TI-C observed a new dynamic throughout this election campaign, which is the increased political participation of the youth and young voters. Thousands of enthusiastic young supporters are involved in the parties' rallies across Cambodia. Young activists of the CNRP and the League for Democratic Party (LDP) are donating money to their parties and paying for their own expenses when joining in on the campaign rallies. Whereas, the CPP has significant funds set aside for their supporters' transportation and meal costs when taking part in their political campaigns.

With the increased participation of young voters and the youth, tensions are recognisably high. Such tensions have the potential to escalate even further during the final week leading up to the end of the election campaign. TI-C therefore urges all political parties to implement effective strategies to prevent any further clashes or violent incidents during the final campaign day, where huge campaign rallies are planned to take place across the country.

TI-C will release a public report on its findings collected by the Election Observers, and will hold a press conference discussing the public report shortly after the elections. The schedule of the press conference will be confirmed at a later date.

TI-C is an official Chapter of Transparency International with a mission to promote integrity, transparency, and accountability, and reduce corruption. TI-C will observe the elections to increase transparency and accountability during the election process and to deter and report irregularities and political corruption on the election day. TI-C is an endorser of the UN-supported Declaration of Global Principles for Nonpartisan Election Monitoring and will conduct its observation according to strict principles of impartiality and accuracy. TI-C conducts this election monitoring in collaboration with the Coalition for Integrity and Social Accountability (CISA) a leading NGO coalition of more than 30 organisations committed to promote accountability, transparency, integrity, equality and justice.

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PRESS RELEASE

Chaos at Polls as Voters Turned Away and Safeguards Against Illegal Voting Not Consistently Followed

Phnom Penh, 28 July 2013 - Preliminary reporting from Transparency International Cambodia (TIC) has contained an unusually high number of critical incidents at the polls. In particular, TIC observers have reported voters in large numbers who were unable to find their names on the voters list or being turned away by polling station officials despite having adequate identification documentation. Further citizens have shown up to vote only to find out someone had voted for them already. For example, in a polling station in Battambang's Bavel commune, two voters had their names on the list and correct documentation, but someone had already voted for them.

While many are being turned away, others with no identification, incomplete identification, and inked fingers (in one case) were allowed to vote. As an example, in one polling station in Kep's Ang Koul commune, six people were allowed to vote with only voter identification notices (VINs). Observers have reported commercial vehicles and vehicles without license plates transporting groups of people to the polling stations. Also concerning were observer reports of people easily removing ink right in the polling station premises and both duplicate names in the same polling station being used. In a polling station in Prey Veng's Reab commune, a voter's name was listed twice in one polling station and both names were used to vote.

In violation of the law, at least two polling stations were moved to a new location with no public notification. In one case in Varin district in Siem Reap, the polling station #1141 that was arbitrarily moved was also one that had 600 names added to it in 2012 alone.

In certain areas, this has led to protests and mobs. TIC had to evacuate observers trapped by angry mobs of disenfranchised citizens from a polling station in Phnom Penh.

TIC will hold another press conference on the official Sample Based Observation (SBO) results at the Sunway Hotel on July 29 at 1:30pm.

Transparency International Cambodia (TIC) was accredited by National Election Committee (NEC) to observe the 2013 National Elections on July 28, 2013. TIC observed the elections using a systematic, scientific method called Sample Based Observation (SBO). SBO involves the use of a statistically representative sample to

accurately assess the quality of Election Day. SBO methodology is used by nonpartisan election monitoring organizations around the world to accurately assess elections and detect and deter irregularities. TIC conducted this election monitoring in collaboration with the Coalition for Integrity and Social Accountability (CISA) a leading NGO coalition of more than 30 organizations committed to promote accountability, transparency, integrity, equality and justice. TI-C is a member of the Global Network of Domestic Election Monitors and an endorser of the UN-supported Declaration of Global Principles for Nonpartisan Election Monitoring.

TIC received technical and financial assistance from **National Democratic Institute for International Affairs (NDI)**, an international non-profit and non-partisan organization working to strengthen and expand democracy worldwide. NDI has successfully pioneered the SBO technique around the world. NDI is supported by generous assistance of the United States Agency for International Development (USAID).

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PRESS RELEASE

Disenfranchisement at Polls as Citizens Unable to Vote and Illegal Voting Allowed

Phnom Penh, 29 July 2013 - Transparency International Cambodia (TIC) conducted a sample-based observation of the July 28th election and vote count. A total of 906 TIC observers were deployed to a representative sample of 407 polling stations across 24 provinces and municipalities. Citizens were frustrated to find that their names were not on the voters list and this led to anger and chaos at some polling stations. While many were turned away, others without identification, and an unusually large number of people using ICEs (temporary identification documents distributed by Commune Councils), were allowed to vote.

- In 60% of polling stations, citizens with proper identification were unable to find their names on this list. This is consistent with independent audit findings showing almost 11% of eligible citizens who think they are registered but are not on the list. Critical incidents also show that voters also showed up to discover they had been voted for already.

- In 26% of the polling stations, people were allowed to vote without valid identification. This is against election law and particularly concerning given the excess names on the voters list and the over half a million duplicate names, as uncovered by independent sources.

- Voting with ICEs was prevalent and in 93% of polling stations ICEs were used. In an alarming 12% of stations, 51 or more voters used an ICE to vote. Given the excess names on the voters list, duplicates, over-registration rates in high-stakes areas, and lack of transparency in the ICE distribution process, this number of ICEs is problematic. The National Election Committee (NEC) reports almost half a million ICEs issued since voter registration, an implausible figure given that ICEs should only be distributed to those who lost their identification since registering to vote.

In 11% of polling stations, the results were not posted right after the counting, against regulation and making it difficult to confirm accuracy of announced results.

Voter turnout was 69% of registered voters, compared to 75.21% in 2008.

The national vote share results:

No	Political Party	Percentage	Party Margin of Error	SBO Confidence Range
1	Cambodian Nationality Party	0.6%	±0.1%	0.5% - 0.7%
2	FUNCINPEC Party	3.5%	±0.4%	3.2% - 3.9%
3	Republic Democracy Party	0.6%	±0.1%	0.5% - 0.6%
4	Cambodian People's Party	48.5%	±1.6%	46.8% - 50.1%
5	Khmer Economic Development Party	0.4%	±0.1%	0.3% - 0.5%
6	Khmer Anti-Poverty Party	0.8%	±0.2%	0.6% - 0.9%
7	Cambodia National Rescue Party	44.4%	±1.8%	42.6% - 46.2%
8	League for Democracy Party	1.3%	±0.4%	0.9% - 1.7%

In 99% of polling stations, voters could mark their ballots in secret. In 95% of polling stations, reasonable decisions were made about valid and invalid ballots. In only 4.9% of polling stations were unauthorized people allowed inside.

TIC is very concerned about the disenfranchisement of citizens and suspect voting, which are consistent with the warnings outlined by independent organizations for the past several months. TIC regrets the complete inaction of the National Election Committee (NEC) to address these concerns despite advance notice and evidence that they would occur. Further, the NEC actively obstructed citizens from getting information about their voter status to alleviate confusion by prohibiting parties from carrying copies of the list and closing the database to the public early.

Given the close vote share and failure to post results at the polling station, TIC recommends transparency in the tabulation and seat allocation calculation and the public release of all polling station results. Further, TIC recommends the appointment of an independent body to investigate polling irregularities.

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A sample-based observation (SBO) is not a survey or an exit poll, but an election monitoring methodology that involves the observation of a representative sample of polling stations and provides statistically meaningful information on the conduct of voting and counting as well as the ability to verify the accuracy of the official results for the parliamentary elections. The sample was drawn using stratified, clustered random sampling, with a 1.8% margin of error and a level of confidence of 95%.

Election day conduct and the vote counting represent one aspect of the overall election process and must be interpreted in a broader context. A significant lack of transparency in the election administration and decision-making raise doubts about the legitimacy and credibility of the elections process. Significant concerns have been raised by independent organizations about the election environment and process leading up to the elections, including unequal access to media, misuse of state resources by the governing party, problems with voters list, removable ink, and perceived lack of credibility in the neutrality of the election management body.

Transparency International Cambodia (TIC) is a non-profit, nonpartisan organization with a mission to promote integrity, transparency, and accountability, and reduce corruption. TIC observed the elections to increase transparency and accountability during the election process and to deter and report irregularities and political corruption on the Election Day. The election observations were conducted according to the strict the principles of impartiality and accuracy. TIC conducted this election monitoring in collaboration with the Coalition for Integrity and Social Accountability (CISA) a leading NGO coalition of more than 30 organizations committed to promote accountability, transparency, integrity, equality and justice. TIC is a member of the Global Network of Domestic Election Monitors and an endorser of the UN-supported Declaration of Global Principles for Nonpartisan Election Monitoring.

TIC received technical and financial assistance from **National Democratic Institute for International Affairs (NDI)**, an international non-profit and non-partisan organization working to strengthen and expand democracy worldwide. NDI has successfully pioneered the SBO technique around the world. NDI is supported by generous assistance of the United States Agency for International Development (USAID).

For further information or comments please contact:

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Transparency International Cambodia

Voting and Counting Checklist – July 28, 2013

Province		TI Region	
Commune		Observer #1 ID	
Village		Observer #1 Name	
Polling Station Code		Observer #2 ID	
Polling Station Location		Observer #2 Name	

☎ **FIRST REPORT** *(report immediately after the polling station open)*

ARRIVAL AT THE POLLING STATION *(Answer questions upon arrival at the polling station by 5:30 am)*

Q1	What time did you arrive at the polling station?	**1)** Before 5:30 am	**2)** 5:30 to 6:00 am	**3)** 6:00 to 7:00 am	**4)** After 7:00 am	Q1
Q2	Were any of TI observers permitted to observe inside the polling station?		**1)** Yes	**2)** No ☞		Q2

SETTING UP OF THE POLLING STATION *(Answer questions during setting up of the polling station)*

Q3	Which party agents were present, if any? *(Check one or more)*	**1)** CNP	**5)** KEDP	Q3
		2) FCP	**6)** KAPP	
		3) RDP	**7)** CNRP	
		4) CPP	**8)** LDP	

Q4	Which polling station materials, if any, were missing before the opening of the polling station? *(Check one or more)*	**1)** None missing	**5)** Indelible Ink	Q4
		2) Ballot box	**6)** Ballot box seal	
		3) Ballot papers	**7)** Confidential Stamp	
		4) List of Voters	**8)** Others *[specify]* _____	

Q5	Total number of registered voters at the polling station as recorded in Form 1101 *(in three digit format with latin numbers)*		Q5
Q6	Number of ballot papers received *(in three digit format using latin numbers)*		Q6
Q7	Were all 6 PSC members present inside the polling station by 6:00am?	**1)** Yes **2)** No	Q7
Q8	Was the polling station set-up so that voters could mark their ballot in secret?	**1)** Yes **2)** No	Q8
Q9	Was the polling station accessible to persons with disabilities and the elderly?	**1)** Yes **2)** No	Q9
Q10	Was the ballot box shown to be empty, sealed and placed in public view?	**1)** Yes **2)** No	Q10
Q11	What time did voting start? *(If after 8:00am or if never, contact the hotline number to submit Critical Incident Report)*	**1)** Before 7:00am **4)** After 8:00am ☞ **2)** 7:01am-7:30am **5)** Never ☞ **3)** 7:31 am-8:00am	Q11

☎ **SECOND REPORT** *(report immediately after the polling station close, before the counting)*

VOTING PROCESS *(Review these questions throughout the day and answer them at the close of polls)*
[If a critical incident occurs during voting, immediately complete a critical incident report and report to the hotline number!!]

Q12	Do you think the election officials at the polling station understand the regulation and procedure of the voting process?	**1)** Yes	**2)** No	Q12
Q13	Was there any intimidation/ a person tried to influence others to vote for one party around the polling station?	**1)** Yes ☞	**2)** No	Q13
Q14	Were any unauthorized people allowed in the polling station? *(If yes, who? _____)*	**1)** Yes	**2)** No	Q14
Q15	Was the indelible ink erasable?	**1)** Yes	**2)** No	Q15
Q16	How many voters came to the polling station with proper identity documents but failed to find their name on the	**1)** None **2)** Few (1 to 10) **3)** Some (11 to 50) **4)** Many (51 or more)	Q16

|	voters list?					
Q17	How many people were permitted to vote <u>without</u> showing an ID that matched a name on the voter list?	**1)** None	**2)** Few (1 to 10)	**3)** Some (11 to 50)	**4)** Many (51 or more)	Q17
Q18	How many times did the polling official <u>not</u> mark the voter's name on the list when they came to vote?	**1)** None	**2)** Few (1 to 10)	**3)** Some (11 to 50)	**4)** Many (51 or more)	Q18
Q19	How many people used an Identity Certificate for Electoral Purposes (blue form) to vote?	**1)** None	**2)** Few (1 to 10)	**3)** Some (11 to 50)	**4)** Many (51 or more)	Q19
Q20	How many people's fingers were <u>not</u> marked with indelible ink after voting?	**1)** None	**2)** Few (1 to 10)	**3)** Some (11 to 50)	**4)** Many (51 or more)	Q20

Q21	Was everyone in the queue at 3:00 pm permitted to vote?	**1)** No queue at 3pm	**2)** Yes	**3)** No *How many?* _	Q22

Q22	How many complaints (resolved and unresolved) were filed by party agents during voting? *(See Election Record-Form 1101)*	A. Number Resolved		Q 2 2
		B. Number Unresolved		

☏ THIRD REPORT *(report immediately after the counting)*

COUNTING PROCESS

Q23	Which political agents were present during the counting process?	**1)** CNP / **2)** FCP / **3)** RDP / **4)** CPP	**5)** KEDP / **6)** KAPP / **7)** CNRP / **8)** LDP	Q23
Q24	Were reasonable decisions made about valid and invalid votes?	**1)** Yes	**2)** No	Q24
Q25	Which party agents signed the Count Record (Form 1102)?	**1)** CNP / **2)** FCP / **3)** RDP / **4)** CPP	**5)** KEDP / **6)** KAPP / **7)** CNRP / **8)** LDP	Q25
Q26	Do you agree that the vote count recorded was correct?	**1)** Yes	**2)** No	Q26
Q27	Were election results (Form 1102) posted publicly outside the polling station?	**1)** Yes	**2)** No	Q27
Q28	What time did the whole process of counting of all ballots at the polling station end?	**1)** 3:00 – 5:00 pm / **2)** 5:01 – 6:30 pm	**3)** 6:31 – 8:00 pm / **4)** Beyond 8 pm	Q28
Q29	How many complaints (resolved and unresolved) were filed by party agents during counting? *(See Count Record-Form 1102)*	A. Number Resolved		Q 2 9
		B. Number Unresolved		

GENERAL ENVIRONMENT

Q30	At all times during setup, voting, or counting were you permitted to observe or use this form?	**1)** Yes	**2)** No ☞	Q30
Q31	In your opinion, did any PSC official display bias or preference to any political party in the implementation of their duties on election day?	**1)** Yes	**2)** No	Q31

Transparency International Cambodia

Critical Incident Form

(Complete <u>only</u> if incident occurs and report immediately by calling XXXXXXX)

Province		TI Region	
Commune		Observer #1 ID	
Village		Observer #1 Name	
Polling Station Code		Observer #2 ID	
Polling Station Location		Observer #2 Name	

A.	**Did you witness the incident/ irregularities?**	1. I witnessed the incident/ irregularity 2. I arrived just after the incident/ irregularity happened 3. The incident were reported to me by someone else
B.	**When did the incident occur?**	Time: _____
C.	**Where did the incident occur?** *[full address]*	

D.	**Type of incident/ irregularities** *Choose one that apply*	**1)** TI observer denied access to the PS	**5)** Active Campaigning	**9)** Illegal transport of voters *(tick which type)*: ☐ Government ☐ Unlicensed ☐ Commercial
		2) Violence	**6)** Vote Buying/Bribery	
		3) Chaos	**7)** Partisan PSC	
		4) Intimidation or harassment	**8)** Voting halted	**10)** Other *(explain)* _____

E.	**Who was involved in the incident**	1) Voter	5) Party supporter (party: _____)
		2) Candidate	6) Police/military
		3) Election Official	7) Others *(please explain)*
		4) Party Agent (party:_____)	

F.	**In your opinion, how many voters/votes were affected by this incident?**	1) None	2) Few (1-10)	3) Some (11-50)	4) Many (51 or over)	5) Unknown

G.	**Did any party agent raise a complaint to PSC about the incident?**	1) Yes	2) No

H.	**Detailed explanation:** Please provide a brief description of the concrete facts regarding each incident, including **who** participated (their position and affiliation), **what** happened (type of incident), **how** did it happen, and the sequence of events. Indicate other individuals, such as local or international observers or candidates' agents, who also witnessed the incident (and their contact information if possible). Use other side of the form if necessary.	

Transparency International Cambodia
Count Record Form – July 28, 2013

Province	
Commune	
Village	
Polling Station Code	
Polling Station Location	

Record underline official underline figures and underline report immediately underline after the Chairman of the PS stamps the Count Record Form 1102underline !!underline

Enter all numbers below in three digit format using Latin numbers

A	Total number of ballots received at the polling station				A
B	Total number of spoiled ballots				B
C	Total number of unused ballots				C
D	Total number of voters that participated				D
E	Total number of ballots in the ballot box				E

F	Total number of votes for Cambodian Nationality Party (**CNP**)				F
G	Total number of votes for FUNCINPEC Party (**FCP**)				G
H	Total number of votes for Republic Democracy Party (**RDP**)				H
I	Total number of votes for Cambodian People's Party (**CPP**)				I
J	Total number of votes for Khmer Economic Development Party (**KEDP**)				J
K	Total number of votes for Khmer Anti-Poverty Party (**KAPP**)				K
L	Total number of votes for Cambodia National Rescue Party (**CNRP**)				L
M	Total number of votes for League for Democracy Party (**LDP**)				M
N	Total Number of Valid Ballots				N
O	Total Number of Invalid Ballots				O
P	Total Number of Ballots in Ballot Box				P

We have checked and we are sure that the information recorded in this form matches with the official Count Record Form 1102 Observer 1 name		Witnesses (choose 2 out of 3)	Polling Station Chief	Political Party	Other Observer
		Name :			

Signature		Position/ Org.:			
Observer 2 name Signature \		Signature:			

Appendix 5: SBO Frequently Asked Questions

Sample Based Observation
2013 Cambodia National Assembly Elections
Frequently Asked Questions

1. **Who is Transparency International Cambodia?**
    Transparency International Cambodia (TI-C) is an official Chapter of Transparency International with a mission to work together with individuals and institutions at all levels to promote integrity and reduce corruption in Cambodia. TI-C will observe the elections to increase transparency and accountability during the election process and to deter and report irregularities and political corruption on the Election Day. The election observations will be conducted according to the strict the principles of impartiality and accuracy. TI-C conducts this election monitoring in collaboration with the Coalition for Integrity and Social Accountability (CISA) a leading NGO coalition of more than 30 organisations committed to promote accountability, transparency, integrity, equality and justice. TI-C is a member of the Global Network of Domestic Election Monitors and an endorser of the UN-supported Declaration of Global Principles for Nonpartisan Election Monitoring.

2. **What is election observation?**
    The job of administering an election is not easy, and often mistakes are made. Each election process will have strengths and weaknesses. Election observation is a process of watching, recording and assessing elections by witnessing the process by local observers or organizations. An observer watches the process in order to determine whether it is held in accordance with the law.

3. **What is Sample Based Observation?**
    TI Cambodia will be conducting a special form of observation called Sample-Based Observation (SBO). SBO is election observation that uses a statistical approach. Instead of observing in every one of the more than 19,000 polling stations in Cambodia, election observers will observe the whole process of voting and counting but only in a representative sample. This means instead of observers concentrated in one place or another, observers are distributed proportional to the number of polling stations across the country. This sample methodology works just like a malaria test: the doctor only takes a little blood – not the whole blood – to know if a patient has malaria.

    SBO is known as one of the most effective methods for evaluation of elections. Sample-Based Observation enables the election observation organization to describe the quality of the Election Day process more accurately. SBO data is gathered by local observers through direct observation of the voting and counting processes in the polling station.

4. **How is SBO different from traditional election observation?**

Traditional observation involves recruiting, training, and deploying accredited non-partisan observers to keep watch over voting and counting processes at selected polling stations on Election Day.

Similarly, *SBO observation* involves recruiting, training, and deploying accredited non-partisan observers to keep watch over voting and counting processes at polling stations on Election Day. However, SBO departs from traditional observation due to two main factors:
- The way in which the observed polling stations are selected
- The way in which the data on the voting process is transmitted by observers

5. **What is the goal of TI Cambodia's SBO Observation?**
   TI Cambodia is utilizing SBO methodology to observe Cambodia's 2013 elections in order to promote free, fair, peaceful, credible and legitimate elections for all Cambodians. By providing timely, precise and representative information on the conduct of voting and counting, SBO can help deter possible manipulation and enhance the confidence of the public and political contestants in the process.

6. **What are the benefits of SBO?**
   SBO can serve to: deter possible manipulation or mistakes at the polling station; and enhance transparency in the process by providing more timely, precise and representative information on the conduct of voting and counting.

7. **How does SBO provide more accurate information on the conduct of voting and counting?**
   With SBO, observers are deployed to a more representative group of polling stations (a sample) carefully selected by a sampling expert. The sample of polling stations is a statistically representative of all Cambodia. Proportional by province, for example, ensures that the percentage of polling stations in the sample for each province is equal to the percentage of total polling stations for each province. Therefore, the distribution of observers is proportionate to the percentage of polling stations in each province. The result of this carefully chosen distribution is that overall picture of voting and counting provided is more accurate.

8. **What is the SBO sample size?**
   The sample includes approximately 400 polling stations located across all of Cambodia. These are sampled polling stations in every province of the country.

9. **What is a representative sample?**
   A representative sample is a statistically significant sample of something you are trying to measure, whether it's a country's level of unemployment or, in this case, the quality of the voting and counting process. Representative samples form the basis of the science of statistics. They are relied on by Governments and corporations every day to measure things. When Governments measure things like unemployment, they don't find every person who is unemployed before they announce an unemployment rate. Rather they get take samples of unemployment in all areas of a country and from those they calculate the actual level of unemployment in the country. To be representative, the sample must be designed according

to statistical principles – that means using appropriate statistical methodology to measure voters behavior.

10. Has the Election Commission approved TI Cambodia's use of the SBO methodology?
The Electoral Commission is aware that TI Cambodia will be conducting SBO in 2013. Official approval does not need to be given to TI Cambodia to conduct SBO, however, it is important they are aware of TI Cambodia's activities. Furthermore, all TI Cambodia observers are accredited by the National Election Commission for Election Day observation.

11. Is a SBO the same as an exit poll?
No, a SBO is not an exit poll. An exit poll involves asking voters for whom they voted. TI Cambodia Observers do not ask voters for whom they voted. TI Cambodia observers simply record the conduct of voting and counting in the polling station, as well as the vote count in that station.

12. What's the difference between this and other surveys?
This is not a survey. Public Surveys rely on people's opinions on the quality of the election or of how they would vote. SBO relies on facts, like the conduct and events in the polling station and the official results of voting.

13. Does a SBO involve observers counting ballots?
No, TI Cambodia observers do not count the ballots. Only the election officials count ballots. TI Cambodia observers observe the voting and counting process and then record the official vote count as announced by the polling station officials.

14. How confident is TI CAMBODIA in the findings of the SBO methodology?
Statistics are a powerful and proven tool to draw accurate conclusions about a larger population based on a random sample of observations. All statistics have a margin of error. This is because statistics are only able to estimate the true result. The margin of error is based on the sample size, but is independent of the percentage of polling stations sampled. The final margin of error for the SBO will only be known when the information is collected from polling stations, but it will be within statistically accepted standards and will likely be between one and two percent.

The confidence level applied to SBO is at least 95 percent, and this is very high and is accepted by statisticians around the world.

15. Why should journalists report this?
We believe the public has the right to know the quality of the election. We also believe it's the job of journalists to provide important and accurate information as soon as it becomes available. The SBO is not perfect, but it is extremely reliable and very accurate. Remember, no system of voting and counting votes is perfect. Some votes are always lost, weather and other factors can disrupt the polls in some places. A SBO is best way of getting the picture of what happened across the country.

16. Where else has the SBO methodology been used?

Domestic observer groups around the world routinely use the SBO methodology to promote electoral integrity. SBO was first used by Citizens Movement for Free Elections (NAMFREL) in the Philippines in 1986. It has since been employed to varying degrees by observer groups in numerous countries, including: Bulgaria, Chile, Croatia, Guyana, Indonesia, Nigeria, Madagascar, Malawi, Montenegro, Nicaragua, Panama, Peru, Sierra Leone, Uganda, Ukraine, Zambia, Zimbabwe, and the recent presidential election in Kenya.

Appendix 6: Map of SBO Deployment Locations[10]

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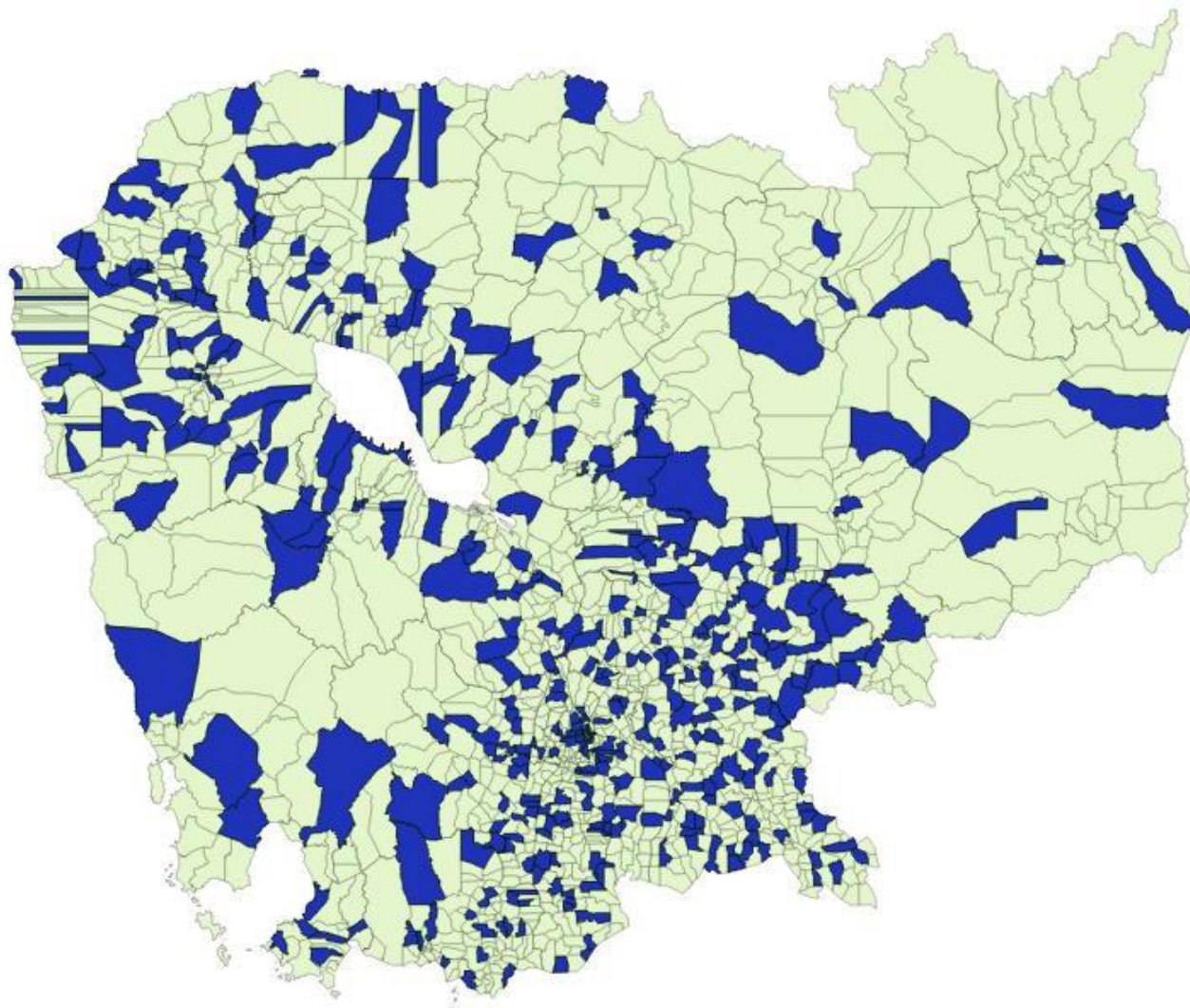
[10] Map based on unofficial shape files as official shapefiles for current commune boundaries are not publicly available. Due to recent administrative boundary changes, five sampled communes in Siem Reap, Pursat, Banteay Meanchey, Battambang and Preah Vihear are not shown.