

KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE

N°:129/001/2007

Of January 02, 2007

Decision

N°: 091/002/2007 CC.D

Of January 05, 2007

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- Seen Preah Reach Kram N° CS/RKM/0498/06 of April 08, 1998 on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/1297/06 of December 26, 1997 on the Elections of the Members of the National Assembly;
- Seen Preah Reach Kram N° NS/RKM/0902/017 of September 17, 2002 on the Amendment of the Law on the Elections of the Members of the National Assembly;
- Seen Preah Reach Kram N° NS/RKM/0606/019 of June 27, 2006 on the Amendment of the Article 13 (N) of the Law on the Elections of the Members of the National Assembly;
- Seen the decision of the Constitutional Council N° 047/002/2002 CC.D of September 06, 2002;
- Seen the decision of the Constitutional Council N° 079/006/2006 CC.D of June 16, 2006;
- Seen the letter N° 001 NA dated December 29, 2006 from H.E. NGUON NHEL, Acting President of the National Assembly, requesting the Constitutional Council to review the constitutionality of the Law on the Amendment of the Law on the Elections of the Members of the National Assembly, letter received by the Secretariat General of the Constitutional Council on January 02, 2007 at 15:30;

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the National Assembly and the Senate have correctly implemented the procedures stipulated in the Article 113N for examining and adopting the Law on the Amendment of the Law on the Elections of the Members of the National Assembly;
- Whereas the request of H.E. NGUON NHEL, Acting President of the National Assembly, is in accordance with the Article 140 (N) of the Constitution and the Article 16 of the Law on the Organization and the Functioning of the Constitutional Council, and therefore admissible;
- Whereas the form of the elaboration of the Law on the Amendment of the Law on the Elections of the Members of the National Assembly has nothing contrary to Constitution;

- Whereas the Article 3 is amended into the Article 3 (N) by deleting the phrase “*on Sunday of the 8th week before the end of the 5th year of the National Assembly Legislature*” and by adding “*the date of the elections shall be determined and announced by the Prime Minister upon the request of the Minister of Interior*” “*the election of the Members of the National Assembly shall be held for only one day on Sunday*” and by putting the phrase “*except in any following situation*” into the new paragraph. The other provisions are entirely retained in their original substance;
- Whereas the Article 49 (N) is amended into the Article 49 (N) (two) by adding a paragraph “*In the year when there is a general elections, the National Election Committee can decide on the date and the period of the review of the name lists, the voters’ registration, and the validation of the other electoral lists. The National Election Committee can extend the period of the review of the name lists and the voters’ registration to fifteen (15) days at the most.*” The other provisions are retained;
- Whereas the Article 73 is amended into the Article 73 (N) by adding a paragraph “*The formalities for the complaints or objections during the electoral campaigns and the complaint settlements shall be determined by the rules and procedures. The Constitutional Council shall have the competence of the final decision.*” Others provisions are retained;
- Whereas the Article 120 is amended into the Article 120 (N) by deriving its provisions from the Article 31 of the Law on the Elections of the Senators, but the word “**Senators**” is changed to “**Members of the National Assembly;**”
- Whereas all the provisions in the Articles one and two of the Law on the Amendment of the Law on the Elections of the Members of the National Assembly has nothing contrary to the Constitution;

Decides:

Article 1 : The Law on the Amendment of the Law on the Elections of the Members of the National Assembly adopted by the National Assembly in the 5th session of its 3rd legislature on December 15, 2006 and entirely approved by the Senate in the 2nd plenary session of its 2nd legislature on December 25, 2006 is declared constitutional.

Article 2 : This decision made in the plenary session of the Constitutional Council in Phnom Penh on January 05, 2007 shall be final without recourse, shall have authority over all the instituted powers as stipulated in the Constitution and shall be published in the “Journal Officiel”.

Phnom Penh, January 05, 2007
For the Constitutional Council
The President

Signed and Sealed BIN CHHIN