

**KINGDOM OF CAMBODIA**  
**Nation Religion King**



**The Constitutional Council**

**CASE**

N° 140/003/2008

Of April 30, 2008

**Decision**

N° 097/002/2008 CC.D

Of May 12, 2008

**The Constitutional Council**

- Seen the Constitution of the Kingdom of Cambodia;
- Seen Preah Reach Kram N° CS/RKM/0498/06 of April 08, 1998 promulgating the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0107/005 of January 31, 2007 on promulgating the Law the Amendment of the Law on the Organization and the Functioning of the Constitutional Council;
- Seen the April 30, 2008 letter N°460N.A. of Samdech Akka Maha Ponhea Chakrei HENG SAMRIN, President of the National Assembly, requesting the Constitutional Council to review the constitutionality of the Law on the Elections of the Capital City, Provincial, Municipal, District and Khan Councils, adopted by the National Assembly on April 02, 2008 at the 7<sup>th</sup> Session of its 3<sup>rd</sup> legislature and approved by the Senate on April 29, 2008 at the 4<sup>th</sup> Plenary Session of its 2<sup>nd</sup> Legislature, letter which the Secretariat General of the Constitutional Council received on April 30, 2008 at 05:10 pm;

**Having heard the rapporteur,**

**Having deliberated in compliance with the law,**

- Whereas the National Assembly and the Senate have duly implemented the procedures stipulated in Article 113 (New) of the Constitution for adopting the Law on the Elections of the Capital City , Provincial, Municipal, District and Khan Councils;
- Whereas the National Assembly has duly implemented the procedures stipulated in Article 140 (New) paragraph 2 of the Constitution and

Article 16 (New) of the Law on the Amendment of Law on the Organization and the Functioning of the Constitutional Council promulgated by Preah Reach Kram N° CS/RKM/0107/005 of January 31, 2007. The aforementioned request for review, submitted to the Constitutional Council, is therefore admissible;

- Whereas the form in drafting and adopting the Law on the Elections of the Capital City, Provincial, Municipal, District and Khan Councils is in compliance with the Constitution;
- Whereas all provisions of the Law on the Elections of the Capital City, Provincial, Municipal, District and Khan Councils consisting of 6 chapters and 92 articles are in compliance with the Constitution;

**Decides:**

**Article 1** : The Law on the Elections of the Capital City, Provincial, Municipal, District and Khan Councils, adopted by the National Assembly on April 02, 2008 and thoroughly reviewed by the Senate on April 29, 2008, is declared to be consistent with the Constitution.

**Article 2** : This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on May 12, 2008, shall be final, without recourse, shall have authority over all the instituted powers as stipulated in the Constitution and shall be published in the Royal Gazette.

Phnom Penh, May 12, 2008

**For the Constitutional Council  
The President,**

**Signed and Sealed: EK SAM OL**