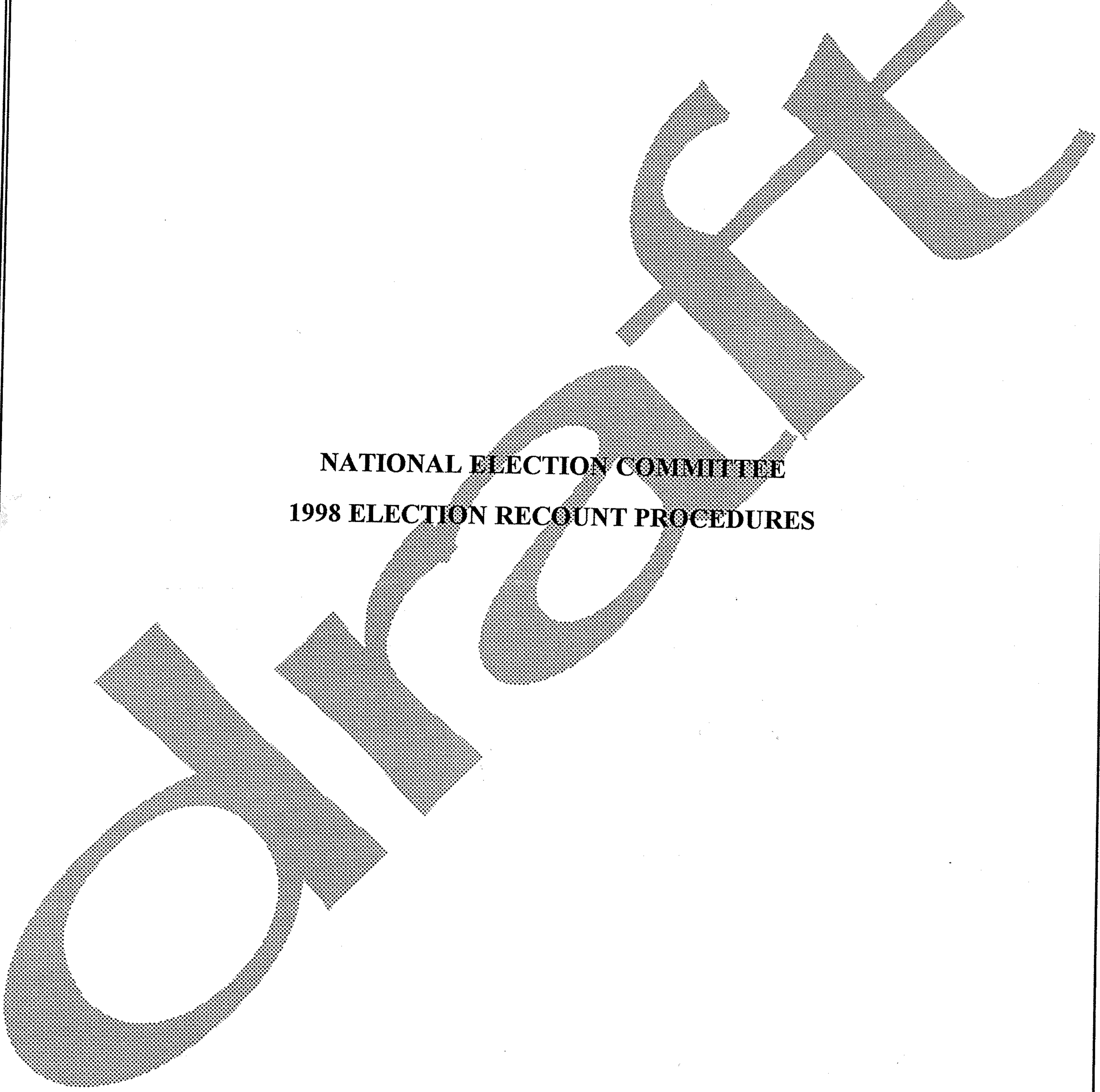


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NATIONAL ELECTION COMMITTEE**  
**1998 ELECTION RECOUNT PROCEDURES**



**NATIONAL ELECTION COMMITTEE**  
**1998 ELECTION RECOUNT PROCEDURES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Appointment of Recount Sub Committee.**

The National Election Committee (NEC) establishes a Recount Sub Committee comprised of the following four members of the NEC to conduct recounts and related investigations as required for any Province, Commune, Counting or Polling Station within the Kingdom of Cambodia:

- 1. The Vice Chairman;
- 2. The Chairman of the Sub Committee on Legal Services;
- 3. The Chairman of the Sub Committee on Education; and
- 4. The Chairman of the Sub Committee on Operations

**Mandate, Responsibilities and Duties.**

The Recount Sub Committee shall have the following powers, responsibilities and duties:

- 1. To recount ballots as may be required for Counting or Polling Stations, Communes or Provinces;
- 2. To check, verify, alter, approve, disapprove and / or confirm the results of the election reported and to amend relevant statements as required;
- 3. To order the investigation of, and / or to investigate any irregularities discovered during the course of any recount;
- 4. To investigate any complaints or other issues referred to the Sub Committee by the NEC;
- 5. To determine if the election in any Polling Station, Commune or Province ought to be canceled and to recommend to the NEC that a new election be held; and
- 6. To set out the recount procedures the Recount Sub Committee shall use.

**Legal Authority.**

Article 16 of the Law on the Election of the National Assembly gives the NEC “ (...) full right to implement its duties (...) as follows:(...)

- 3. making regulations, procedures and guidelines for the election process within the framework of applicable laws; (...)
- 14. organizing and managing the polling, counting of ballots, determination of the results of the poll, and announcement of the results of the election; (...)
- 23. seeing that the conduct of the election is in accordance with the laws, regulations and procedures;
- 24. deciding on all complaints relating to the election, except for complaints that fall under the jurisdiction of the courts;
- 25. preventing and checking election irregularities;
- 26. implementing other tasks permitted or required by laws and regulations. ”

Articles 111 to 116 of the Law on the Election of the National Assembly empower ther NEC to:

- 1. Validate the results of an election or organize a new election;
- 2. Give recognition to the results of the election if there have been no serious irregularities;
- 3. Determine complaints about the results of the election after the provisional results are announced through a public hearing process.

The following procedures are founded and rely on the provisions, powers and authority cited above.

**Notice and Attendance.**

- 1. The Sub Committee shall give all registered political parties contesting the election in the Province concerned, reasonable Notice of the time and place of the Recount or Hearing of any matters.

1  
2 These political parties shall have the right to attend any Recount or Hearing and to be heard on  
3 the issues in question and to witness any Recount.

4 2. International and National Observers shall also receive Notice of Recounts and Hearings and shall  
5 have the right to observe all proceedings on all issues.

6 3. The Sub Committee shall have the right to compel the attendance of any person, under subpoena  
7 if required, and to make findings of contempt for non-appearance. The laws and procedures of  
8 the Kingdom of Cambodia shall apply in these circumstances.

9 4. The Sub Committee shall have the power to hold in contempt any person who disrupts the  
10 Recount or Hearing and to apply any penalty permitted under the Laws of the Kingdom of  
11 Cambodia with respect to civil proceedings.

### 12 13 **General Procedures.**

14 The Sub Committee shall generally follow Annex X of the Regulations made pursuant to the Law on the  
15 Election of the National Assembly concerning The Public Hearing Process.

### 16 17 **Specific Procedure.**

18 1. The Vice Chairman of the NEC shall Preside at all Recounts and Hearings of the Sub Committee.

19 2. The decision of the majority of the Members of the Sub Committee is the decision of the Sub  
20 Committee. In the case of a tie vote the Chairman shall have a second vote.

21 3. For the purpose of recounting ballot papers and associated activities the Sub Committee shall  
22 specifically have the right to determine if it shall:

23 1. Conduct a full Recount of all ballots cast in a Station, Commune or Province;

24 2. Conduct a partial Recount. For example, the Sub Committee may recount rejected  
25 ballots only, or the ballots of only one or more, but not all, Counting Stations;

26 3. Conduct a random Recount of ballots from various randomly selected ballot envelopes.

4. When the Sub Committee has determined the nature of the Recount to be completed, that is, either a full, partial or random Recount, the Recount shall proceed as follows:

1. The Sub Committee may command the services of Polling or Counting Station Commissions, Commune Election Commissions and Provincial Election Commissions as well as the staff, in consultation with the Secretary General of the National Election Committee.
2. The Sub Committee shall cause to have opened the envelopes containing used and invalid ballots and shall verify the counts reported or alter the counts reported as required. This process may only require a viewing and the simple count of the contents of the ballot envelopes, or other more precise counting methods, in the manner determined by the Sub Committee.
3. The election documentation shall be validated or altered as required.
4. The ballot envelopes and bags with the required documentation shall be resealed in the manner prescribed by the regulations in the large tamper evident bags.
5. The Sub Committee shall assure that all observers and political party agents have a full and unobstructed view of the ballots being recounted.
5. The Sub Committee shall hear and determine all issues, arguments and objections raised during the Recount or Hearing by the political party agents present or their counsel.
6. Appeals against decisions of the Sub Committee are to be made to the Constitutional Council.

**Determinations.**

The Sub Committee shall submit all decisions and results of Recounts in writing to the NEC. The NEC shall arrange for the publication of these decisions as required.