

Proposed amendments of the constitution on article 76 and creation of New Chapter 15 on the National Election Commission

Article 76

The National Assembly shall comprise at least 120 members.

The number of members of the National Assembly shall be allocated to reflect the proportion of the number of voters in each constituency.

The members of the National Assembly shall be elected by a universal, free, equal, direct suffrage and secret ballot.

The persons who have rights to stand as candidates for members of the National Assembly are. Khmer citizens of both sexes, who have the right to vote, are at least 25 years of age and have Khmer nationality by birth, have the right to be candidates to the National Assembly.

The conduct of the elections shall be determined by the electoral law.

New Chapter 15 on the National Election Commission

Article 150. The National Election Commission (NEC) shall have authority and responsibility over ensuring that the election of members of National Assembly, and of capital, provincial, district councilors, commune/Sangkat councilors and other elections required by law are free, fair, and conducted with integrity by secret ballot according to multi-party democratic principles.

Article 151.

The National Election Commission shall be composed of nine members (9) with a mandate of five (5) years. Members of the National Election Commission shall be selected and/or replaced through the Permanent Commission of the National Assembly with openness and transparency.

Among applicants for the composition of the National Election Commission, the political party(ies) leading the Royal Government shall select four (4) applicants, the non-ruling political party(ies) with seats in the National Assembly shall select four (4) applicants and one (1) applicant shall be selected

by the consents of the political parties with seats in the National Assembly while all nine applicants shall be submitted to the Permanent Commission of the National Assembly.

The members of the National Electoral Commission shall be appointed by Royal decree prior to the election period upon approval by an absolute majority of member of the National Assembly at the request of the Permanent Commission of the National Assembly.

If there are only the ruling political parties, all parties in the Royal Government shall select applicants for the National Electoral Commission in proportion to the number of seats of the each party in the National Assembly.

In case of failing to prepare the new composition of the National Election Commission, the existing National Election Commission shall continue its mandate.

Article 152.

The Chairperson and Vice Chairperson shall be selected upon endorsement of an absolute majority of the members of the National Electoral Commission.

The Chairperson, Vice Chairperson and members of the National Election Commission must meet the following criteria:

- Be Khmer citizen at birth
- Hold a bachelor's degree
- Possess work experience of at least ten (10) years in the field of elections, justice, human rights, law, administration, social affairs or diplomacy
- Not be a member of Parliament, judge, member of the Royal Government or any position in the Armed Forces, member of political parties and non-governmental organizations currently in office or a sibling, child or spouse of the leaders of the political parties with seats in the National Assembly.
- Sign a pledge and announce the pledge publicly committing to strengthening the electoral process to be free, fair and conducted with integrity, respect for ethics, avoiding all conflicts of interest, fighting against corruption and standing for impartiality, and to not to be a member of a political party within two years of end of his/her mandate.

Article 153.

The National Election Commission shall be independent, neutral and transparent in the implementation of their electoral duties.

The NEC shall have its own autonomous budget package adopted by the National Assembly.

Members of the National Election Commission shall enjoy parliamentary immunity in implementing their functions and tasks.

The motion of censure against the members of the National Election Commission is the competence of the National Assembly. The National Assembly can invite the members of the National Election Commission for a clarification on the capacity of member(s) of the National Election Commission by using the same procedure as it uses for the Royal Government.

Article 154.

During the election period, The National Election Commission shall have the authorities and be responsible for the procedure, and regulation, management of the elections, and solving election disputes, and issue decisions to address decisions and activities of the state institutions and the Royal Government that have an impact on free and fair elections.

The National Election Commission shall be responsible directly for the supervision and conduct of voter registration and the voter list.

Not more than three (3) days after the final result announcement of the National Assembly election, the National Election Commission shall prepare a list of the members of the National Assembly, at least one hundred and twenty (120), and submit it to the king.

The National Election Commission shall establish a committee for electoral justice with separate roles, responsibilities and authority that is responsible for resolving electoral disputes.

The organization and functioning of the National Election Commission shall be stipulated in the National Assembly Election Law.