



គណៈកម្មាធិការដើម្បីការបោះឆ្នោតដោយសេរី និងយុត្តិធម៌នៅកម្ពុជា (គ.ប.ស.យ) Committee for Free and Fair Elections in Cambodia (COMFREL)

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Voter Registration and the Voter List Are Still a Challenge in Cambodia

The fundamental purpose of a voter-registration system is to facilitate the right to cast the ballot – to ensure that only the people entitled to vote in a given jurisdiction can do so, and that they are able to vote only once. Voter lists may not be essential to accomplishing that purpose, but they are almost universally recognized as the preferred method in the United States. North Dakota is the only exception, replying identification documents instead of voter registration. Voter lists may also be used for other purposes. For example, electoral administrators can use the lists to determine suitable locations for siting polling stations, to measure voter turnout, and so forth. Political parties and candidates also use the lists for campaign-related activities. However, the pattern of voter-registration practices has developed to maintain oversight and serve the public interest.

The establishment and exercise of the voter registration system is necessary to obtain specific data about how many eligible voters are on the registration list. There are two different kinds of voter registration systems. One voter registration system burdens voters with the duty to register and check their name regularly, while the other system assigns the responsibility for registration to the state, which has the obligation to ensure that the data of eligible voters is transferred automatically into registration lists, and that voters are informed clearly about the process.

In Cambodia, voter registration and the voter list have put the burden on the citizens. Recently, this has caused trouble and led to thousands of voters losing the right to vote in the last elections, in 2007 and 2008. Today, this system is still a problem, a major concern, and has become a hot issue as preparations are making for the Commune Council Elections in 2012 and the National Assembly Elections in 2013, which requires immediate reform.

According to the National Assembly Elections Law, every year from October 1st to December 31th, the National Election Committee (NEC) is required to organize and conduct actual voter registration (only 1-20 October), as well as update the registration list. Since the last Commune Council Elections in 2007, stakeholder confidence in elections has declined. During the National Assembly Elections in 2008, irregularities occurred in voter registration and the cleaning of the voter list, even though there were some efforts to improve them.

Recently, on November 30th, 2010, senior officers of the NEC stated in a press conference that the NEC received 22 complaints during voter registration and the checking of the voter list. Most were filed by people and representatives of political parties against members of commune councils for violations of the law and the joint regulations of the NEC and Ministry of Interior, while the rest of the complaints were brought against the preliminary voter list. Based on a report from the NEC issued on the same date; counting from October 1st to 23rd, 2010, there were approximately 389,730 new registrations in all 1,621 communes in Cambodia, which was more than expected (319,193 people). 176,149 names were deleted from the registration lists and 37,680 were edited, the report added. The total of voters

approximate 8.543.283 in the 2010 voter lists, however there is still concern on quality of the voter list.

COMFREL's survey on evictee voter registration in 2010 found that 7.79% suggested that evictees should not be required to produce residence documents. The remainder gave no comment. 72.13% of evictee voters went to register at their official residence. 11.89% found their names on the 2009 voter list, and especially their name, sex, and age are correct and match their original identification document. For 63.11 % of respondents, their information is not completely correct, meaning that among their name, address, sex and age, at least one does not match their identification documents but these people are still able to vote according to the guidance of the NEC. In contrast, 25 % of evictees couldn't find any information at all on the 2009 voter list, meaning that they lost their right to vote completely.

The research on Disabled Women's Participation in Politics 2010 studied on disabled women in Kampong Speu province, Kampong Cham province, and Phnom Penh municipality. COMFREL, Handicap International Federation (HIF) and the Cambodian Disabled People's Organization (CDPO) found out that the main obstacle for disabled women in registering and voting in the last National Assembly Election was discouraging and discriminatory attitudes at the local level, a lack of ease in the process of registration, a lack of ability and facilitation to get to register and vote, and insufficient access to information and knowledge related to voter registration. As a result, 29% of disabled women responded that their names were not listed in the 2008 voter list.

Both political parties and civil society organizations that work for elections have noticed that some commune clerks and commune chiefs, in implementing the duty to register and delete voter names, are biased or discriminate against people who are known to be not supported the ruling party. The regulation which requires voters to check their name on registration lists every year is also a problem in that it is a burden to voters rather than registration officials (Commune chief, commune clerk, and NEC) who should be responsible in cases where there is a loss of the right to vote. Many people complain that even when they requested that their name or some data be corrected, later, their name and data were still not correct. A research report of COMFREL showed that during the 2008 National Assembly Elections, there were approximately 440,000 eligible Cambodian voters (most of whom voted in 2003 and 2007) who could not vote because they could not find their name in the list or locate the polling station. Some political parties are concerned about irregularities in the issuing of form 1018 (a document used to register and vote when a voter lacks ID or their ID is incorrect in comparing against the voter list). In this case, there are accusations from the opposition parties that previously some commune chiefs issued form 1018 to people who are not eligible to vote. In these same cases, the NEC was unable to provide statistics about the number of 1018 forms issued in the 2008 elections.

In a meeting, announcing the temporary results of voter registration in 2010 and the updated voter list at the headquarters of the NEC on October 12th, 2010, some MPs, political party representatives, and NEC representatives really showed their will to correct the system for preparing the voter list to avoid losing names, duplicate names, and to reduce the time people spend checking their name in the list. Participants recommend that a way should be found to computerize the registration process and the resulting voter list. The NEC replied that Cambodia is not able to modernize the voter registration system to use high tech at this time because the NEC lacks the budget to buy modern equipment. COMFREL is making an effort to develop comments to improve elections in cooperation with local branches of NGOs and some relevant stakeholders through research, voter list audits, workshops and Forums on Elections and Democratic Space (FOREDS). Experts from UN and International Organizations commented that Cambodia could change the voter registration system to manage data and voter identification more clearly, such as by photo and/or biodata (following the practice of Bangladesh, Thailand, the Philippines, or Malaysia) which would require approximately 10 million US dollars.

One recommendation related to deleting voter list names is: commune councils must have enough confirming documents before updating or deleting the name of voters who moved to other communes or

died. Also, since elections are conducted every 5 years, during the election period the NEC need to cooperate with the commune chief, two members of the commune council (who come from different political parties), the commune clerk, and local authorities responsible for preparing voter registration. During election year, the period for updating the voter list should be extended to 120 days, so people have more time to register, check, and correct data in the voter list. The NEC should appoint its staff as director/manager of the process of voter registration. A national campaign must be conducted to disseminate registration information and encourage voters to register, check their names, and correct information in the voter list, in the case that the data doesn't match personal identification documents. This campaign could be conducted by the NEC, political parties, government, civil society organizations and/or election stakeholders. Moreover, election monitoring organizations and political parties could be more active to deploy observers and do the work of observing the process of registration and updating the voter list in all communes.

Independent non-government organizations must continue to do an audit of the voter list in order to provide accurate information on the voter list prior to the beginning of voter-registration and updating the voter list, especially in the election year. The information on the voter list (name, date of birth, sex) should be double-checked with the personal identification card issued by the Ministry of Interior (Mol). The NEC should use this information to confirm and update the voter list. However, the NEC should have its staff communicate with voters at the local level to receive complaints, and facilitate them editing and updating their name.

If the audit finds the accuracy of the voter list is under 90 % (due to incorrect data such as double names or ghost names) the NEC must cooperate with the commune chief, two members of the commune council (who are from different parties), the commune clerk, and local authorities, in order to clean the voter list.

The procedure for cleaning the voter list must be reformed. The NEC should use the voter list which was used in the last elections and find the names of voters who didn't vote. So, the NEC should focus only on the people who did not vote, no need to pay attention to people who did vote.

Each voter should have a voter information notice (VIN) for handling major obstacles that may happen at the polling station, such not being able to find their name or polling station. The voter information notice should be laminated and contain information especially about the polling station and the voters' permanent polling center. Voters should keep voter information notices with the same care as they would keep other ID. Voter information notices can be changed in the case that voters move to another commune or polling station. The NEC should prepare a changeable voter list in case any polling stations have a problem (for example, alphabetical, voters' code, polling station code), and voters should be informed of those changes. Moreover, due to other major obstacles that prevented citizens from voting, such as being unable to find their name or polling station (56% of respondents) and the approximately 9% of voters who didn't receive their voters information notice (VIN), the process of distributing VINs should be conducted by the NEC in better cooperation with the commune chief, two commune council members (from two different parties), the commune clerk, and local authorities, as recommended by voters. These authorities must ensure that all voters who are in the voter list receive their VIN.

On April 15th, 2010, the NEC and Ministry of Interior (Mol) established a mixed Technical Working Group to oversee the possibility of improving the system of controlling the identification documents that are accepted to register and vote. The working group has conducted workshops to discuss issues of voter-registration, the voter list, and update voter list every year, and as a result many recommendations have been raised. The working group between the NEC and Mol has been highly appreciated, and has proposed the possibility of implementing some recommendations including; expanding the voter-registration period, reforming the procedure of issuing temporary identification documents (form 1018), and residence documents (form 1019), as well as the possibility of extending the use of many expired ID cards - for the next

elections until 2013. However, in the Forum on Elections and Democratic Space/FOREDS participants proposed that Cambodian ID cards should be a permanent document, such as in Malaysia, which issues permanent ID cards to the citizens.

The Technical Working Group (NEC and MoI) discussed the possibility of reforming identification document form 1018 to be strictly controlled and managed better than before, including putting the numbers in sequence, using a photo, and releasing information and reports on the issuing of this document. However, COMFREL suggested that the status of temporary identification documents should be changed into card (like form of voter card). This card can be used for voting only twice- a single round of the; Commune Council Election and National Assembly Election. The number of voters who have no Cambodian ID card can be realized by checking voter data.

In conclusion, the reform of voter-registration, updating the voter list (including deleting voter's names), and providing identification documents (Cambodian ID card) are the most important matters in promoting respect for electoral rights, ensuring the right to vote, and free and fair elections.