

Finding and Recommendation

On The 2018 Monitoring Observation and Audit Voter List

Voter Registration Preparation

Voter list update and voter registration takes place annually. In 2018, the NEC took 18 days to conduct the registration for an estimated 9,908,243 eligible voters and involving an estimated 23,470 polling stations. The registration was carried out by 1,646 registration teams which are comprised of 3,292 short-term contract officers.

The establishment of estimate polling station and eligible voter rate for registration

New polling stations are established every year. In 2018, 327 new stations were established for the registration. The NEC had estimated that in 2018 there would be 489,963 new eligible voters. It is noted that among the 18 operational days, the daily registration rate was found to increase for four days (6th, 7th, 11th and 12th October) before and after the Pchum Ben Day public holiday. When compared, the 2018 registration rates of provinces are very similar. However, in 2017 registration rates differed from 2018 for some provinces because rate exceeded 100 percent of the NEC estimate for new eligible voters.

General environment for voter registration

The registration was carried out in accordance with NEC procedures and regulations. The NEC officially launched the registration at the commune level and then expand its efforts to service eligible voters at villages. Following the NEC's guidelines, registration teams allocated more time to operate registration at villages than at the commune office.

Three political parties joined the registration observation. They were the Cambodian People's Party, Cambodian Youth Party, and FUNCINPEC Party. Except COMFREL, none of members of the Situation Room for Elections did not participate in the observation. The Union of Youth Federations of Cambodia, a nation-wide network headed by Hun Many, a son of PM Hun Sen, also conducted observation.

Relevant stakeholders' awareness activities on voter registration was not very active or broad if compared to the 2016 registration. However, the NEC was found to more actively disseminate information in order to raise awareness through both state and private TV channels.

Voter Registration Observation

COMFREL deployed observers to 96 communes to observe the voter registration. The observation showed that the registration teams were doing their best in preparing registration schedule and making information available to keep citizens informed. The registration stations were situated in appropriate places to which eligible voters were able to access. The most of registration stations were observed to have opened for registration daily, following the schedule and with the presence of on-duty registration officers. However, it is noted that the daily registration rate was not high as it was in 2016.

2018 Voter List Audit

Audit of the 2018 voter list showed that 89 of 8,544,885 voters had fully duplicated data on the voter list. It had decreased if compared to 2017 when 961 voters had duplicated data.

26,739 of about 8.5 million voters were registered with a Khmer Identity Card and Identity Certificate for Registration (ICR) in which their issued number was found to have an irregularity. It is also noted that 95% of registered voters were registered with all three of the versions of Khmer Identity Card.

The audit has found that 91% of eligible voters residing in-country were registered and accurately included in the 2018 official voter list. The voter list is 95.6% accurate. Its accuracy is measured and confirmed with a verification based on matching voter data (name, sex, and birth year). In another 4.4% it was found that the voter's name was spelled differently but pronounced exactly the same. Consequently, those voters were disfranchised without a NEC issues a special measure for identity

verification of voters on Election Day. The voter list accuracy is improved if compared to the 2016 and 2017 voter lists.

The Voter List and Voting Registration Verification Recommendation

The regulations and procedures were edited for voter registration. They include 7 chapters and 55 articles, and each chapter was edited at some points. Compared to the other chapters, chapters 6 and 7, which pertain to voter list review and voter registration, had more points edited. Changes included:

- Voter list verification was to occur in the case of: deleting the names of deceased persons, voting rights temporarily taken away, district or communal migration, and editions to voter's name or voter's information.
- In chapter I, was now required to add the voting history of voter into the computer database after taking a photo of their national identification or code.
- It was not required to verify the voter list and voting registration for irregular cases such as registration without a national identification or without national identity and incorrect information for the registering voter.
- Initial voter list preparation and data verification were conducted by computer operators of the Department of Voter Data and Voter List Management.

As in other years, COMFREL provided recommendations to the NEC in order to improve the voter list and voting registration procedures. The recommendations were made after COMFREL found that some mechanism and procedure chapters were necessary, including the following:

A. General Recommendation

- Establish a legal mechanism or procedure for immigrants to be able to register and vote
- Encourage voting registration teams to stay focused and pay attention during the voter registration process to avoid technical errors or duplicated names.
- Encourage relevant actors to participate in educating people about voter registration procedures without any restrictions from authorities.
- Seek financial support for village chiefs and vice-village chief to inform people about voter registration without political partisanism.
- Encourage the NEC to expand the voter registration schedule in villages more than at the commune level.
- Encourage the NEC to work with the Ministry of Interior to verify the 3rd version of national identification to make sure that each person has only one set of data.
- Encourage the NEC to edit the national identification to ensure there is no duplicated ID numbers.

B. Evaluation of the Voter List and Voter Registration Regulations and Procedures, Recommendations:

On 05 September 2018, COMFREL submitted recommendations on the voter list and voter registration regulation and procedures to the NEC, after COMFREL consulted with other civil society organizations and elections experts. There recommendations are as follows:

B.1

1. Procedures and Registration Teams for Immigrants: ensure an effective procedure for immigrants in Thailand to be able to register along the Thailand-Cambodia border. The NEC should issue instructions to local authority indicating a policy of allowing a certified letter for voter registration that immigrants can use for voter registration which indicates they should have a day off. The Cambodia government should make a formal request to the Thailand government for allowing the Cambodian immigrant

workers to have a day off and provide an exceptional visa for them to travel to Cambodia for voter registration and voting.

2. Political Agent (Chapter 5): The ban should include the capital council, district council, city council, commune council, village chief, village assistant and armed force from being political agents in accordance with article 5.1.5. Moreover, the article should include the village protector as well since it was not mentioned.
3. Daily Voter List Statistic Verification (Article 6.11): The Department of Data and Voter List Management deleted all old information data on computers that were given to voter registration teams, by registration teams to avoid duplicated names getting on the voting list, and preventing duplicated names being sent to the Department of Data and Voter list Management. The NEC should verify voter information, including both old data and new data, before releasing a first voter list in order to ensure that one person has one name on the voter list.
4. Voter List Audit or Voter List Verification (Chapter 3): The NEC should provide the voter list (PDF in soft copy not hard copy) which is able to transform into monitoring data (Name, Sex, Birth of Date, Birth Place and Polling Station) input into a database that political parties and civil society can use to conduct the audit for providing information back to the NEC about voter list quality and irregularities.
5. The Complaints Monitoring and Solutions for the Voter List: (Chapter 7)
 - Strengthen direct complaint procedures for people: according to citizen feedback, the NEC should provide support by writing complaints for citizens authorized to submit complaints themselves rather than depending on a representative. Article 7.2.1 and Article 7.2.9 deal with the submitting and accepting of complaints for solution regarding the first updated voter list of chapter 7. In accordance with Article 7, it is crucial to have a mechanism for voter list verification, in order to identify which names have been deleted and which person's right to vote may be taken away. The NEC should guarantee a particular mechanism for promoting or mobilizing people to comply. The mechanism that requires people to write down their own complaint or use a representative is restricting the participation of in exercising their political rights as the majority of voters in rural area have no ability to write their complaint. On the other hand, it's normally seen that the political parties play a role as complaint representative. This causes political partisanship and negatively effects people's political rights.
 - Complaint effectiveness reforms: establish and monitor complaint mechanisms at the NEC and commune council levels. This policy should be to to monitor every complaint regarding the voter list, especially cases that involve a violation of chapter 10 which deals with representative election law. Any violation in particular with punishment and depriving voters of their voter rights should be thoroughly investigated
 - The Independence of the Reconciliation Meeting and Final Decision Committee: Establish a formal mechanism to ensure the independence of reconciliation committee. In current practice, the commune council is the reconciliation committee, and the members of this committee are partisan and in favor of settling complaints. Thus, they are not independent and reliable.
 - Promote transparency and participation in hearings: the NEC's hearings, especially the brief hearings, should be held publicly for discussion and debate, and choose a convenient place and time for promoting public participation.

B.2 The support and strengthening mechanism on the NEC's duty and ability with Authority and relevant stakeholders:

1. Certified Document of National Identity: the NEC should develop the policies regarding invalid national identity as set out in article 6.4.6.1, to let people who hold invalid ID be able to register. Moreover, the NEC should also suggest to the Ministry of Interior to provide National Identification and Birth Certificate to all voting aged people (100%).

2. Voter Education: The NEC should educate authorities, such as capital, province, city, district, commune and village authorities, to support, facilitate and collaborate with relevant actors including political parties, media, local NGOs and International NGOs that are recognized and accepted by the NEC to educate people about the election. The provinces that have should be focused on for providing education are Banteay Meanchey, Battambang, Kompong Cham, Kompong Thom, Kompot, Koh Kong, Kratie and Siem Reap since they have a smaller number of people going to register for voting when compared to 2017.
3. Voting Mechanism at the National Level: The NEC should introduce a national mechanism to share information, intervene on small conflict regarding voter registration and correct irregularities that may result from malpractice by the authorities. NEC officials, political party members, permanent committee members, representative of nongovernmental organization and committee should join together to ensure a mechanism for election monitoring, and this mechanism should be implemented at both national and provincial levels, under the competency of the NEC.

B.3 The Law Amendment on Representative Election for Immigrant Participation:

According to the article 150 of Cambodian Constitution, the NEC must ensure free and fair elections based on democratic principle of multiple parties. Moreover, in article 42, the NEC has full authority and responsibility to guarantee that the election is free and fair and take necessary action. Besides, the NEC has to send a report to parliament based on article 43. However, the report should include the problem of voter registration for immigrant voters and Cambodian diplomats working abroad.

Experts did monitor the NEC's report and invited the NEC, the Ministry of Interior and election expert to discuss the problem and propose solutions. The parliament should support making an amendment on parliamentary election law to provide voting rights to immigrant, so that the NEC could organize with Thailand for the voter registration process. Collaboration with Thailand for immigrant and Cambodian diplomats and immigrants could serve as a means to build up the capacity for ensuring voting rights to Cambodians in other countries afterwards. This amendment would mandate the NEC to provide registration/polling stations in Cambodia embassies, consulates, and some place available near immigrant factories, or in 10 out of 80 workplaces of immigrant workers. The voter registration timeline should include weekends.