

# Community Legal Education Center Cambodia

## *How to Observe Elections and Follow up Complaints 2003*

For National Observers and Political Representatives

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## **A. Introduction**

The manual for filing complaints and resolving election disputes for the 2003 election of members of the National Assembly is a document for core trainers that is compiled in accordance with the Constitution of the Kingdom of Cambodia, the 1991 Paris Peace Accord, other laws in effect, in particular, the law, regulations and procedures on the election of members of the National Assembly.

This manual is uses common language, is concise, non-complicated, and easy to be understood and applied. It is designed for trainers or core trainers for training at any non-governmental organization or political party, or for training the common citizens or civil servants to become familiar with the procedures for filing complaints or objections and mechanism for resolving election disputes by the electoral bodies of all levels. When we clearly understand our rights and responsibilities, the Code of Ethics, the laws and regulations, and proper application in accordance with the procedures then the issues of violations, discrimination, and litigation will be reduced significantly, and the settlement of disputes will be more effective and fair.

This manual is a part of the assistance provided by the Community Legal Education Center for education and observation of electoral processes, the settlement of electoral disputes on the basis of fairness, non-partisanship and neutrality to enhance proper enforcement of the laws, regulations and procedures, and effective and fair settlement of disputes.

This manual is designed for use by those involved in the electoral processes, such as NGO core trainers, political parties, common citizens or civil servants of all levels.

The essence is that trainers must have a duty and responsibility to provide information and knowledge to the communities on the right application in accordance with the laws in effect, regulations and procedures, and other related issues. Finally, the Community Legal Education Center strongly hopes that the use of equal rights, the exercise of legal rights, the availability of good laws together with their rightful application, and the effective settlement of disputes will make the election more free and fair in a peaceful and democratic environment.

### **Training objectives**

The objectives of training on the procedures for filing complaints and settlement of disputes for use in the 2003 election of members of the National Assembly are to provide the training on the laws, regulations and procedures, and the right to initiate complaints or objections and the settlement thereof at the stage of voter registration and registration of political parties and candidates in the election, and during election campaigns, the polling and vote-counting. Training is targeted for core trainers of local non-governmental organizations sponsoring national election observers and other non-governmental organizations undertaking similar programs or involved in electoral activities, as well as for other political parties that have been properly registered with the Ministry of the Interior.

The training of electoral observers and representatives of political parties on how to observe and monitor electoral processes, to file complaints or objections and the settlement of such disputes is a first step of the application of electoral observation and monitoring programs and it also makes the enforcement of the laws, regulations and procedures more effective intended to achieve more satisfactory outcome for the Kingdom of Cambodia.

### **Training outcomes**

The outcomes expected from this training are:

1. Trainees will have a clear knowledge of the laws, regulations, and procedures for filing complaints or objections relating to the election of members of the National Assembly.
2. Trainees will be able to convey knowledge and experiences acquired during the training to other people about the way and their rights to initiate complaints or objections if such rights and freedoms are violated, or if they see the occurrence of any issue or irregularity in the election.

3. Trainees will be able to observe, monitor and prepare complaint reports relating to the election and electoral irregularities.
4. Trainees will be able to form an independent judgment based on an objective reality, the laws in effect, and assess the processes of resolving the election disputes and of a free, fair and credible election.

## **B. Election observation and complaints**

### **Why observe elections and complain?**

1. Observing election will help electoral observers and representatives of political parties to assess and check against the election results to see whether or not such results are obtained from a free, fair and credible election.
2. Observing elections will allow electoral observers to form an independent judgment based on a genuine objectivity, the laws in effect, and a fair and reasonable observation, not on a rumor. The Electoral observation will be useless if the observers do not know what to observe.
3. All political parties and electoral observers shall make every possible effort to establish an information network for sending information and complaint reports on time to their headquarters in Phnom Penh.
4. The deployment of electoral observers everywhere throughout the country will make the electoral authorities more prudent in the accomplishment of their duties and responsibilities in a transparent way in accordance with the procedures. In particular, the voters and political parties have confidence in the election results.
5. The recording and evaluating about how the procedures are applied and electoral disputes are settled is a major focus of the observation process of dispute settlement.
6. The major purposes to achieve in monitoring complaints and objections are:
  - a) To increase public confidence in the election processes.
  - b) To increase participation in modifying the laws, regulations, and procedures for resolving election disputes.
  - c) To enhance and provide knowledge of the election to everybody.
  - d) To achieve a fair settlement of election disputes under a right and peaceful way.
  - e) To reduce electoral irregularities, other sources of issues, intimidation, duress, disputes and violence.
  - f) To increase awareness and high accountability over the application of the rights and the laws relating to the settlement of disputes, and proper management and fair settlement of complaints and objections.

### **Rights and duties of political parties or representatives**

The political parties and candidates have, on an equal basis, the fundamental rights to participate in a free and fair election, including the rights to conduct election campaigns, the right to observe the polling and vote-count processes, the right to initiate complaints, and the right to accept the election results.

The legal representatives of political parties and candidates have the right to observe polling and vote-count processes, but they may not interfere with these processes, in particular, they may initiate complaints or objections in accordance with the procedures spelled out by the NEC if they think that the election is not free and fair.

- They have the right to observe the election process on behalf of their political party in order to ensure that the laws, regulations and procedures are respected.
- They have the right to see other documents.
- They have the right to make an objection against any breach of the law, regulations and procedures for which they have seen through their proper eyes.
- They have the right to sign some reports of the polling station and of the vote-count station.

The political parties or representatives may bring a complaint or an objection regarding any irregularities in the election processes.

They shall sign the form for filling in a complaint or an objection if they want such complaint or objection to be recorded in the report of that station.

Even though the election processes are conducted in a perfect way, the representatives of political parties still have a duty to prepare a report assessing the election results, in particular, report on the complaints or objections and the settlement thereof to their superiors at every level of hierarchy based on the real situation for which they have seen, but their report shall not be based on a rumor.

### **Principles of Laws**

Article 26 (new)

Each political party registered for the election may send two of its agents, a legitimate and a substitute, from among those who have the right to vote to participate and watch the polls at each polling office.

The party legitimate agent is allowed to enter the polling office and the vote-count office.

The substitute of the party agent is allowed to replace the party agent when he or she is absent. Each political party may change its party agent.

Article 28

The representatives of political parties running candidates in the election, of the national and international non-governmental organizations, and of other international and foreign countries, who observe the electoral processes, shall get official recognition from the NEC.

Article 102 (Paragraph 3)

National and international observers and party agents may participate as a witness in the vote counts.

Article 106 (Paragraph 3)

The vote-count report shall be signed by the Chairman and members of the polling office. Party agents may sign the vote-count report as a witness.

Article 108

Party agents, national and international observers may participate as a witness in the delivery or receipt of the polling and vote-count reports.

### **Rights and duties of electoral observers**

The Law on Election of Members of the National Assembly and the Code of Ethics have clearly specified the rights, roles and duties of national election observers, representatives of political parties, and of national and international organizations and other foreign countries participating in the election each year. The electoral observers, except those who have the right to vote at the polling office, will not be allowed to enter the said polling office unless they have been officially recognized by the National Election Committee.

## **Principles of Laws**

### **Article 27**

The National and international non-governmental organizations, other international organizations and foreign countries may send their representatives to participate in the election as an election observer.

### **Article 28**

The representatives of political parties running candidates in the election, of the national and international non-governmental organizations, and of other international organizations and foreign countries, who observe the electoral processes, shall get official recognition from the NEC.

### **Article 69 (new)**

All political parties, or the national and international non-governmental organizations, and other international organizations and foreign countries may send their representatives to participate as an election observer during the period of reviewing the lists of voters and voter registration in each year. Any such representatives must be accredited by the NEC.

### **Article 102 (Paragraph 3)**

National and international observers and party agents may participate as a witness in the vote counts.

### **Article 103**

The polling office shall be responsible for counting the ballots. Before opening the ballot box the Chairman of the polling office shall invite members of the polling office, party agents, and electoral observers to check the sealed paper and padlock and then open the ballot box in their presence.

### **Article 108**

Party agents, national and international observers may participate as a witness in the delivery or receipt of the polling and vote-count reports.

All electoral observers have the right to observe all activities regarding the registration of the political parties and candidates for the election, the election campaigns, the polling and vote-counts, computation of election results and their announcement, including the filing of complaints and settlements thereof. The electoral observers have to independently observe the election processes and get full cooperation from the electoral authorities, but they shall not impede or interfere with the conduct of election.

Even if the election processes are conducted in a perfect way, the electoral observers still have a duty to prepare a report assessing the election results, including a report on the complaints or objections and how they are settled to their superiors at every level of hierarchy. The information or report on electoral irregularities, disputes and complaints relating to the election might be distributed for exchanging views with other civil societies or within their working channels.

## **Rights and duties of electoral observers**

- a) They have the right to attend the hearings to rule on complaints or objections, and other issues relating to the election at the CEC, the PEC and at the NEC.
- b) They have the right to observe the marking, recording and computing the election results at the CEC, the PEC and at the NEC.
- c) They have the right to examine and check the final results with the preliminary results recorded during the vote-counts.

## **Requirements for Electoral observers**

- a) They shall have the right to vote.
- b) They shall be trained in electoral laws, regulations, procedures, and the Code of Ethics for Electoral Observers.
- c) They shall be accredited by the NEC and/or through approval or certification of the PEC

## **Complaints and follow-up**

### **Definition**

What is a complaint? What is an objection?

#### 1.1 Complaint

A complaint made by a person, a political party or its representative to the electoral authorities or to other competent authorities in order to claim his her right that has been withheld, prevented or denied. For example, a person who is prevented from registering or interfered with his or her right to register on the list of voters shall bring a complaint to claim back his or her right to register (either by himself or herself or through his or her representative).

#### 1.2 An objection

An objection made by a person, a political party or its representative to the electoral authorities or to other competent authorities in order to object or express his or her disagreement with the decision or to invoke any act that breaks the laws, regulations and procedures or any activity that breaks the rights and responsibility committed by an official, individual or authority at any level. For example, a person who does not meet requirements for voter registration, but has his or her name placed on the lists of voters, he or she shall be the subject of an objection brought by any other person.

### **Types of complaints**

#### **Complaint against an individual who is not an official of an electoral organ**

Any person or a political party or its representative has the right to bring a complaint or an objection, either verbally or in any form of writing, or by filling in the Form-1202 prescribed by the NEC

- The complaint shall be filed within three days of the occurrence of the said event.
- If the applicant complains verbally or in any form of writing that is not in conformity with the terms outlined in the Form-1202, the electoral authorities shall instruct him or her to fill in the Form-1202.
- The complaint shall be referred in person to the electoral authorities.
- The person who brings the complaint shall apply his or her thumbprint and shall put the date on the complaint.
- The decision whether to accept or to deny the complaint or objection shall be made by filling in the Form-1203.
- The official in charge of receiving the complaint shall issue a receipt or a note certifying the receipt of the complaint, and shall refer it to the person concerned (or his or her representative) as evidence.

#### **Elements of acceptability of a complaint**

A complaint can be accepted if it contains:

1. Identity of the plaintiff
2. Legal ground of the complaint.
3. Compliance with the deadlines and formality for complaints prescribed by the law.

#### **Complaint against an official or a member of an electoral organ**

Any person has the right to bring a complaint or an objection, either verbally or in any form of writing or by filling in the Form-1202 of the NEC. The complaint shall be brought to the competent authorities of an electoral body within three days of the occurrence of the event, except the law specifies otherwise.

#### Remark:

All complaints against any breach of the law as outlined in Chapter 11 of the electoral law committed by an official or a member of an electoral organ at any level shall be handled and directed pursuant to the electoral laws, and the regulations and procedures of the NEC (Rule 11.12)

A complaint against a member of the Commune Council at the stage of voter registration shall be brought to National Election Committee.

At the state of voter registration, a complaint against an official in charge of voter registration shall be brought to the Commune Council (Rule 11.12).

A complaint against a member of a polling office or an official of the vote-count office shall be brought to the CEC.

A complaint against an official or a member the CEC shall be brought to the PEC.

A complaint against an official or a member the PEC shall be brought to the NEC.

A complaint against an official of the NEC shall be brought to the NEC Chairman.

A complaint against a member of the NEC shall be brought to the National Assembly pursuant to the provisions outlined in Article 15 of the electoral law.

A complaint shall be made in four copies of the Form-1202 (two copies for use during public hearing or meeting to rule on, a copy posted for public announcement and another copy delivered to the plaintiff).

### **C. Filing and Observation of Complaints**

#### **Characteristics of a complaint**

Each complaint shall specify the following information:

- Identity (name and address) of the plaintiff,
- Deadline and formality for bringing the complaint,
- Time and place where offence was committed,
- Nature of the offense,
- Subject of the complaint,
- If possible, specify the provisions of law that have been violated,
- Identity of the offender,
- Names and addresses of witnesses (if any),
- Other evidence or proof (if any).

#### Remarks

The role and action taken by the electoral authorities at the time they receive the complaint against any offense anticipated by the electoral laws, and the regulations and procedures of the NEC is to quickly consider its elements of acceptability, that are:

- Identity of the plaintiff
- Legal ground of the complaint.
- Compliance with the deadlines and formality for complaints prescribed by the law.

If the complaint bears the characteristics of a pure criminal offense anticipated by the Law on Election of Members of the National Assembly, the electoral authorities shall instruct the plaintiff to bring the it to the competent court (Chapter 11).

If the complaint remains within the categories of a serious criminal or misdemeanor offense anticipated by the laws, action shall be taken as above, and close cooperation shall be sought from the authorities in charge of maintaining the law and order during the election, in order to initiate an immediate investigation Chapter 11).

In the event of a commission of an offense outlined in Article 54 (new) and Article 124 (new) of the law on Election of Members of the National Assembly, the electoral authorities shall take action in accordance with the gravity of offence and impose fines pursuant to the law in effect. .

### **Who may initiate complaints?**

#### **At each stage of the election processes:**

##### **At the stage of voter registration**

###### Complaint to the Commune Council

###### Article 57 (new)

Any person, whose application for voter registration is rejected by the clerk of the commune, or his or her representative, may appeal in writing to his or her Commune Council not later than three (3) days from the date of notification of the rejection.

- The complaint shall be made in four copies by filling in the Form-1202,
- The Commune Council shall rule on the complaint in a public hearing in three (3) days from the date of receipt of the complaint.
- The decision of the Commune Council shall be made in three (3) copies of the Form-1203 (a copy of which shall be referred to the applicant or his or her representative, a copy to the National Election Committee, and keep a copy for a file).

###### Appeal to the National Election Committee

###### Article 60 (new)

Any person, whose complaint is rejected by the Commune Council, or his or her representative, may appeal in writing to the NEC not later than five (5) days from the date of receipt of the notification of the rejection.

- The appeal shall be made in two copies of the Form-1202,
- The NEC shall rule on the appeal in a public hearing in five (5) days from the date of receipt of the complaint [Article 61 (new)]
- The decision of the NEC shall be made in three (3) copies of the Form-1203 (a copy of which shall be referred to the applicant or his or her representative, a copy to the Commune Council, and keep a copy for a file).

###### Appeal to the Constitutional Council

###### Article 62 (new)

Total number of complaints and objections, may appeal in writing to the Constitutional Council in five (5) days from the date of receipt of the notification of the rejection.

- The appeal shall be made in two copies of the Form-1202.
- The Constitutional Council shall rule on the appeal in a public hearing in ten (10) days from the date of receipt of the complaint [Article 62 (new)/ paragraph 5 ]
- The decision of the Constitutional Council is final (without appeal).

##### **At the stage of posting the preliminary lists of voters**

###### Complaint or objection to the Commune Council and hearing to rule on

###### Article 64 (new)

Any person may, within 5 days of the posting of the preliminary lists of voters, complain in writing to his or her Commune Council about the omission of his or her name from the list of voters, or may object to the registration or the retention of the name of another person on the list of voters, if such registration or retention of the name is not in accordance with the law.

The person concerned may bring a complaint or an objection to the Commune Council either verbally, or in any form of writing, or by filling in the Form-12202 of the NEC (four copies for a complaint, and five copies for an objection).

- The Commune Council shall rule on the complaint or objection in a public hearing in three (3) days from the date of receipt of the complaint or objection.
- The decision of the Commune Council shall be made in three (3) copies of the Form-1203 (a copy of which shall be referred to the applicant or his or her representative, a copy to the National Election Committee, and keep a copy for a file).

Remark: Requirements for a Complaint or an Objection

The person who bring the complaint or objection shall clarify in writing that he or she has substantial evidence or witness regarding the registration or the retention on the list of voters of the name of any individual who is not qualified to vote, such as:

- 1) that person is not a Cambodian nationality,
- 2) that person is under 18 years old,
- 3) that person has not his or her residence in the commune in which he or she votes,
- 4) that person is serving a prison term,
- 5) that person is an insane person or remains under a guardianship certified by a competent institution,
- 6) That person has his or her name enrolled in more than one place,
- 7) That person came to register, but his or her name does not appear on the preliminary list of voters of the relevant polling office,
- 8) That person has his or her name placed on the list of voters, but his or her name and related data inserted on the list of voters are unclear.

Appeal to the National Election Committee

- The applicant, or his or her representative, may bring a complaint or an objection in writing to the NEC against the decision made by the Commune Council, in five (5) days from the date of receipt of the notification of the rejection, by filling in the Form-1202 (two copies for a complaint, and three copies for an objection).
- The NEC shall rule on the appeal in a public hearing in five (5) days from the date of receipt of the appeal. The decision of the NEC shall be made in three (3) copies of the Form-1203 (a copy of which shall be referred to the applicant or his or her representative, a copy to the Commune Council, and keep a copy for a file).

Appeal to the Constitutional Council

- The applicant, or his or her representative, may bring a complaint or an objection in writing to the Constitutional Council against the decision made by the NEC, in five (5) days from the date of receipt of the notification of the rejection, by filling in the Form-1202 (two copies for a complaint, and three copies for an objection).
- The Constitutional Council shall rule on the appeal in a public hearing in ten (10) days from the date of receipt of the appeal [Article 66 (new)]. The decision of the Constitutional Council is final (without appeal)

**During the election campaigns**

Procedures for resolving disputes spelled out by the NEC regarding any breach of the electoral law and/or the regulations and procedures during the election campaigns are provided for by the Law on Election of Members of the National Assembly. The election campaigns shall be a process by which political parties and candidates for the election convey their political platforms to the voters. Every political party and candidate shall avoid using threats, intimidation, or violence against the citizens,

other political parties or candidates, and shall not incite their supporters or voters to use threats, intimidation or violence against other parties or candidates.

The Law on Election of Members of the National Assembly has provided for acts and provisions regarding the natures of offenses as specified by Article 124 (new) and 132 (new) of the law.

Almost all offenses that might occur during the election campaigns have been provided for by the law, and the formalities for imposing penalties are also anticipated by the Criminal Procedure Law

### **Formalities of a complaint and its settlement**

Offenses anticipated in Chapter 7 of the Law on Election of Members of the National Assembly are specific criminal offenses. Any person or his or her representative or other persons involved or having such right shall initiate complaints in accordance with the criminal procedures.

### **Principles of Laws**

Whoever, through the use of force, intimidation, or physical assault or threat, affects the free exercise of the right to vote and to stand as a candidate for the election, or impedes the free and lawful operation of the election, shall be punishable with one-year to three-year confinement (Article 64 of UNTACT Penal Code for use in Cambodia)

The principle regarding the supremacy of the judiciary says that the authority of the judiciary shall be granted to the Supreme Court and to lower courts of all sectors and levels [Article 138 (new) of the Constitution of the Kingdom of Cambodia] The supreme court is the representative of the judiciary and has the highest power.

A complaint regarding the prevention or the deprivation of the basic right to vote of the citizens shall be subject to the court jurisdiction and the National Election Committee or other competent institutions shall remit such cases to the courts.

The election campaign period shall last thirty (30) days and all activities of the electoral campaigns shall be finished twenty-four (24) hours before the polling day.

The Law on Election of Members of the National Assembly does not provide for the formalities and the deadlines for initiating and settling complaints, thereby we must apply the principle regarding the division of powers during the election campaigns.

The principle regarding the division of powers specifies that the judiciary shall deal with all lawsuits including administrative ones.

The offenses anticipated by Article 124 (new) of the Law on Election of Members of the National Assembly as illustrated below are unique, and might occur at every stage of the election processes. At this stage of the election processes, a complaint against any breach of the law or the Code of Ethics for political parties shall be resolved by the election commissions of all levels up to the National Election Committee, and from this level upward, the person involved may appeal against such ruling to the courts, the Constitutional Council, or to other competent institutions the parties think suitable for resolving such complaint. According usual practices applied by the NEC, the period for lodging a complaint is three days from the date of receipt of the notification of the rejection.

#### Principles of Laws

##### Article 124 (new)

Regardless of any possible criminal penalty, whoever or a political party, that has committed any of the following offenses, shall have his or her name struck off the list of voters, his or her candidacy or that of his or her party cancelled by the NEC and/or shall be fined from five million (5,000,000) Riels to twenty-five million (25,000,000) Riels:

- Uses force or violence or intimidation against any eligible citizen in order to deter him from registering on the list of voters and in the register of voters.

- Incites his or her supporters or voters to commit offenses, threats, or violence against another candidate or political party;
- Uses duress, threats, or coercion to obtain a promise to vote for a candidate or a political party he or she desires;
- Uses force or violence to prevent eligible voters from voting or standing as a candidate;
- Prevents candidates and supporters of a political party from conducting the election campaign as it has been scheduled.
- Uses force, violence, threats, or insults so as to intimidate and confuse the voters, or to undermine the credibility of the election or the secrecy of the voting;
- Disrupts the polling process;
- Disrupts the vote-count process;
- Disturbs the polling;
- Offers incentives, in kind or in cash, in order to buy votes.

As a principle, whenever the electoral laws or the procedures of the NEC fail to anticipate clearly how, when and where to institute a complaint or an objection, the procedures of the court shall be applied. Moreover, most of offenses outlined above are of a pure criminal nature and provided for by the Penal Code of Cambodia.

### **During the polling and the vote-counts**

#### **During the polling**

Polling shall last for one day. Voting shall start at 7 a.m. in the morning and end at 3 p.m. in the afternoon except otherwise directed by the NEC.

On the polling day, each voter must vote at the polling office where his or her name is on the list of voters for each polling office

Electoral observers, party agents and officials of the polling office shall present themselves at each polling office. At this stage, the persons who play the most important role are representatives of political parties, known as the party agents. On the polling day, any complaint involving the election, in particular, any election irregularities shall be brought to the Chairman of the polling office, and the Commission for the Polling Office, shall immediately settle such complaint or objection.

### **Principles of Laws**

#### Article 101

If a party agent finds that the polling is irregular, he or she may object or complain to the Chairman of the polling office.

The modalities for bringing objection or complaint shall be determined by regulations and the rules of procedure.

The CPS shall settle the complaint or objection.

The decision of the polling office will not be valid unless it is made within its jurisdiction and if the polling is regular.

If the party agent persists on objecting or complaining, the polling office shall record such objection or complaint in a minute form, which shall be co-signed by the objecting or complaining person.

Questions: What acts constitute an election irregularity or a serious election irregularity? Give examples?

### **During the vote-count**

At this stage of the election processes, the law requires the person involved to **immediately** lodge the complaint to the Chairman of the CEC. And in the event of disagreement with the ruling of the CEC, appeal shall be **immediately** brought to the NEC.

The problem posed here is what does it mean by *immediately*. According to usual practices by the NEC, **immediately** means any duration of time not exceeding twenty-four hours from the occurrence of the said event or from the date of receipt of the notification of the rejection. If this duration expires, then the deadline for such purpose will also expire. NEC procedures fail to say clearly about this time limit.

### **At the stage of announcing the preliminary results of the election**

At this stage of the election processes, only two institutions have to resolve complaints or objections regarding the announcement of the preliminary results of the election, namely the National Election Committee and the Constitutional Council.

### **Principles of the Law**

#### Article 114

Within seventy-two (72) hours of the announcement of the preliminary election results, all political parties that have been registered for running candidates in the election may file a complaint against all or part of the election results directly either to the NEC or to the Constitutional Council by indicating irregularities caused by the commissions, or members of the commissions, the date and place of the irregularities, the names and addresses of witnesses, and other documents or evidence.

### **Explanation of some key terms**

*Any person or whoever* means every citizen (a resident, an employee, an employer, a national election observer, a party agent, an official, a Buddhist monk, and other priests).

*Person concerned* means the person who initiates complaint or objection, or the plaintiff

*Representative or agent* means the person to whom the right to bring complaint or objection is assigned by the plaintiff. A representative or an agent shall be a person who has the right to vote, and might include a lawyer.

### **Who has the right to monitor a complaint or an objection?**

National and international election observers, and the agents of each political party have the right to monitor, observe, and prepare a report about the filing of a complaint or an objection and the settlement thereof at each stage of the election processes and at each level of the adjudicating bodies. Each citizen, in particular, those who have the right to vote, even though he or she is not a professional election observer, can play an important role in watching electoral irregularities or other activities that happened in his or her area and can report either verbally or in any form of writing to the competent institutions or through electoral observers or party agents in whom he or she trusts.

### **Persons who have the right to monitor**

- National election observer is a national or foreign member of a local association or non-governmental organization or of a foreign one invited by a local organization and accredited by the National Election Committee.
- International election observers have the right to monitor and observe at every stage of the election processes and draft a report to assess the election processes whether or not the election is free, fair and valid.
- International election observer is an observer of an international non-governmental organization or of a foreign country invited by the Royal Government of Cambodia and accredited by the National Election Committee.

- National and international election observers have the right to monitor and observe at every stage of the election processes, in particular, when a complaint is brought. They should help the voters fill in the complaint forms if they find difficulty in so doing.
- The political parties or representatives have different rights and responsibilities from those of national and international election observers. The rights, role and duties of the political parties or representatives are fully granted in watching and monitoring the election processes, the right to initiate complaints or objections, and the right to deny the election results.

The law and procedures do not specify clearly about the persons who have the right to follow up the filing of complaints or objections and the settlements thereof, but the law has only provided for the rights of the political parties or representatives by simply saying that the political party or representative and every citizen has the right to initiate a complaint or an objection.

Monitoring the filing of complaints or objections and the settlement thereof at each stage of the election processes is generally the duties and responsibilities of the plaintiff or his or her representative, of political parties or representatives, and of national and international election observers, in particular, the election authorities of all levels shall have a duty and responsibility for the right application pursuant to the electoral laws in effect and the regulations and procedures, in order to manage the filing of complaints or objections and the settlement thereof in an effective way.

The monitoring of the filing of complaints or objections and the settlement thereof at all levels of the Election Commissions up to the Constitutional Council is a means to make the officials, or competent authorities or bodies in charge of resolving election disputes more aware with a high accountability over the settlement of disputes in a fair and transparent way.

#### **D. Filing of complaints or objections and settlement**

##### **To whom complaints or objections are filed**

The electoral laws, regulations and procedures have specified the competence and the election commissions of all levels as a body having the rights, duties and responsibilities over the organization and conduct of elections under a free, fair and credible environment.

##### **Institutions and authorities in charge of resolving election disputes are:**

The Constitutional Council,  
 The National Election Committee (NEC),  
 The Provincial-Municipal Elections Commissions (PEC)  
 The Communal Election Commissions (CEC),  
 The Commissions for the Polling Stations (CPS), or  
 The Courts.

Remarks: Rights and responsibilities of the National Election Committee  
 Article 16 (new):

The National Election Committee shall be responsible for planning, organizing and conducting national elections. The NEC shall have full powers to exercise its competence. The rights, powers, duties, and responsibilities regarding planning, organizing, conducting and controlling the elections include:

Take all necessary measures to ensure that the elections are free and fair, through the use of a secret balloting.

Propose and enforce measures to maintain security, and the law and order during the election period.

Resolve the electoral complaints or objections through holding public hearings, except those that fall under the court jurisdictions.

The purpose of the electoral law is to determine the procedures for governing electoral disputes and the settlement thereof and to impose penalties on the perpetrators. All acts anticipated by the electoral laws and committed by any person who is not an official of an electoral commission shall be governed by and resolved pursuant to the provisions of the electoral laws, and the regulation and procedures of the NEC.

### **Where to file complaints or objections**

Any person or political party or representative shall file a complaint or an objection to the Electoral Commissions of all levels from the lowest to the highest, namely from the Commission for the Polling Station (the CPS) to the Communal Election Commission (the CEC) to the Provincial-Municipal Election Commission (the PEC) to the National Election Committee (the NEC) and finally to the Constitutional Council or to the courts for all instances involving serious criminal or misdemeanor offenses.

**The filing of a complaint or an objection shall be made to the Election Commissions of all levels or to other competent institutions having a duty to resolve such complaints or objections.**

### **During the election campaigns**

The persons who have the right to bring a complaint or an objection during the election campaigns are political parties or representatives. If the violation of the electoral laws or an election irregularity is observed or seen by the public, any person witnessing such event may report directly to political parties or representatives.

- Complaint or an objection shall be filed to the CEC within three days of the occurrence of the event.
- Appeal against the ruling of the CEC shall be filed to the PEC within three days of the notification of the rejection of the complaint or objection.
- Appeal against the ruling of the PEC shall be filed to the NEC within three days of the notification of the rejection of the appeal.
- Appeal against the ruling of the NEC shall be filed immediately to other competent institutions from the date of receipt of the rejection of the appeal.

### **During the polling and the vote-counts**

1. If a party agent finds that the polling is irregular, he or she may object or complain to the Chairman of the polling office (Article 101):
  - The Commission for the Polling Station shall settle the complaint or objection immediately.
  - If the party agent persists on objecting or complaining, the polling office shall record such objection or complaint in a minute form, which shall be co-signed by the objecting or complaining person.
  - The decision of the polling office will not be valid unless it is made within its jurisdiction and if the polling is regular.
2. If a complaint or an objection is made against an official of an election commission of any level, the person concerned or his or her representative, the political party or its agent, electoral observer or any person shall bring it to an Election Commission of the next level (Chapter 11, Rule 11.2 of the Procedures)
3. If there is a complaint against the election results or against serious irregularities, the PEC shall rule on such complaint immediately in a public hearing, and shall refer its ruling to

the NEC by being enclosed with the consolidated polling and vote-count reports [Article 111(new)]

4. If the complaining person is not satisfied with the ruling made by the PEC, that person or his or her representative shall appeal against such ruling immediately to the NEC.

Remarks

If there exists a serious violation of the electoral laws, or the regulations and procedures of the NEC, or an offense of a serious criminal or misdemeanor nature, every person, political party or its representative, shall bring a complaint against such violation or act immediately either directly to the electoral authorities or to the competent authorities at his or her place so as proper action will be taken immediately.

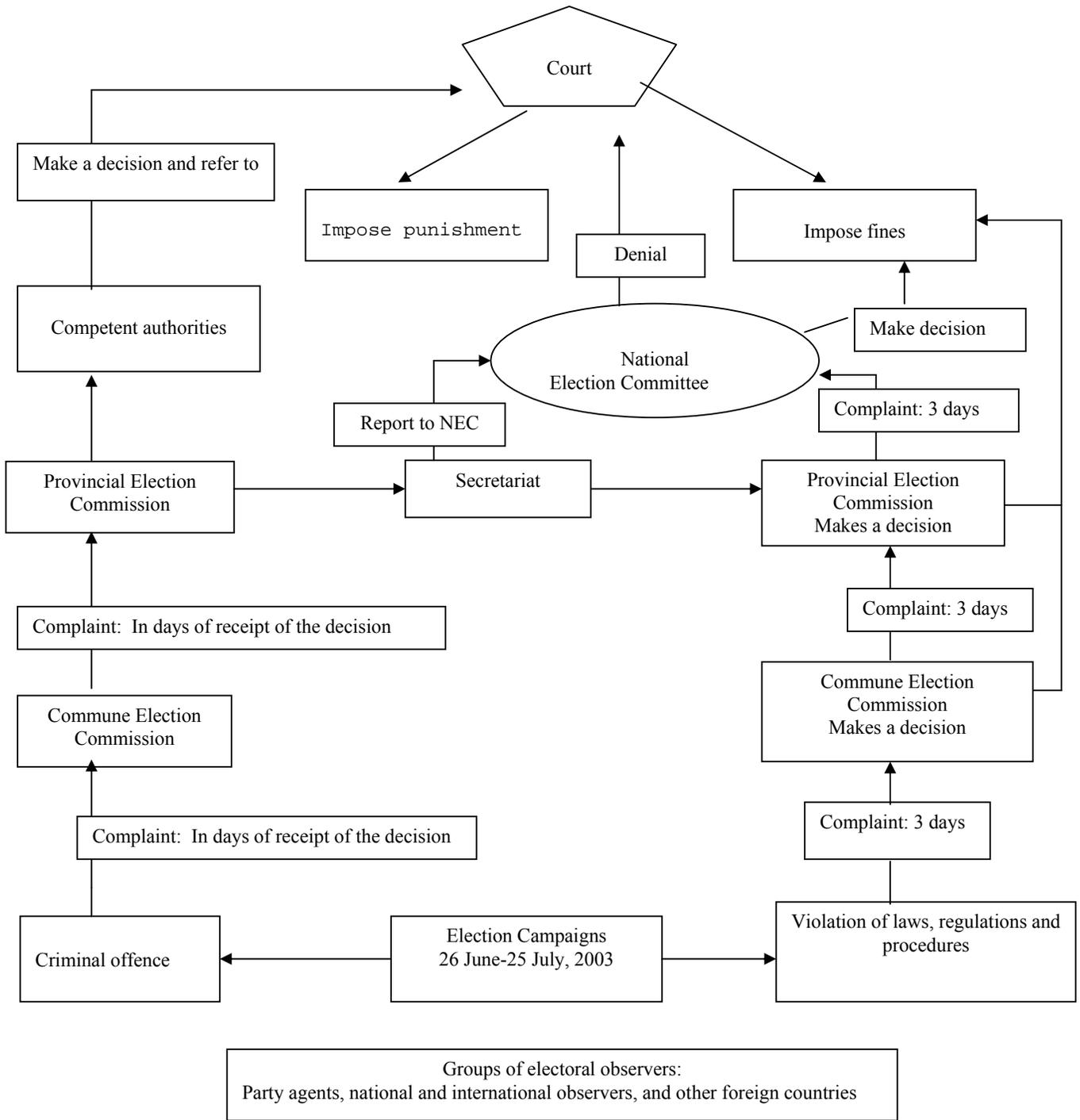
Moreover, if any person is not willing to confront the filing of a complaint or an objection, he or she shall immediately report to the party agent or to the electoral observer at his or her place so as they will be able to file the complaint or objection in accordance with the form prescribed by the NEC.

For every complaint or objection brought to the CEC, the PEC, the NEC and to other competent institution, the person who brings it shall get a receipt from each of these bodies as evidence that the complaint or objection has been already accepted by the said institution.

Questions:

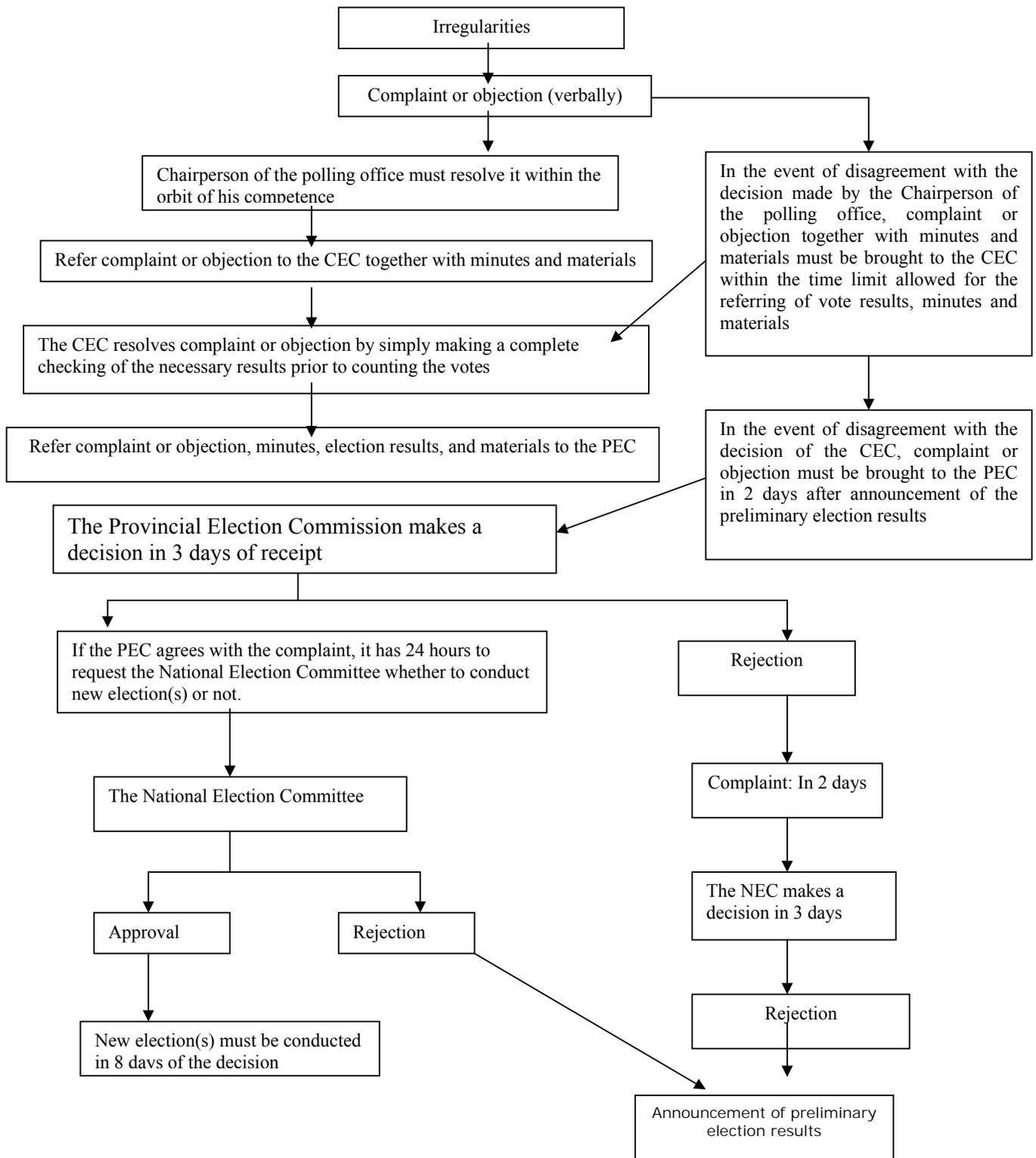
- In Cambodia, are there any national and international organizations that sponsor the election observation? What are they?
- Are there any organizations or institutions that monitor complaints or objections relating to the elections and the settlements thereof?
- Do the voters have the right to observe and follow up a complaint or an objection?

**The filing of complaint or objection and the settlement thereof relative to the violation of laws, regulations and procedures during the election campaigns**

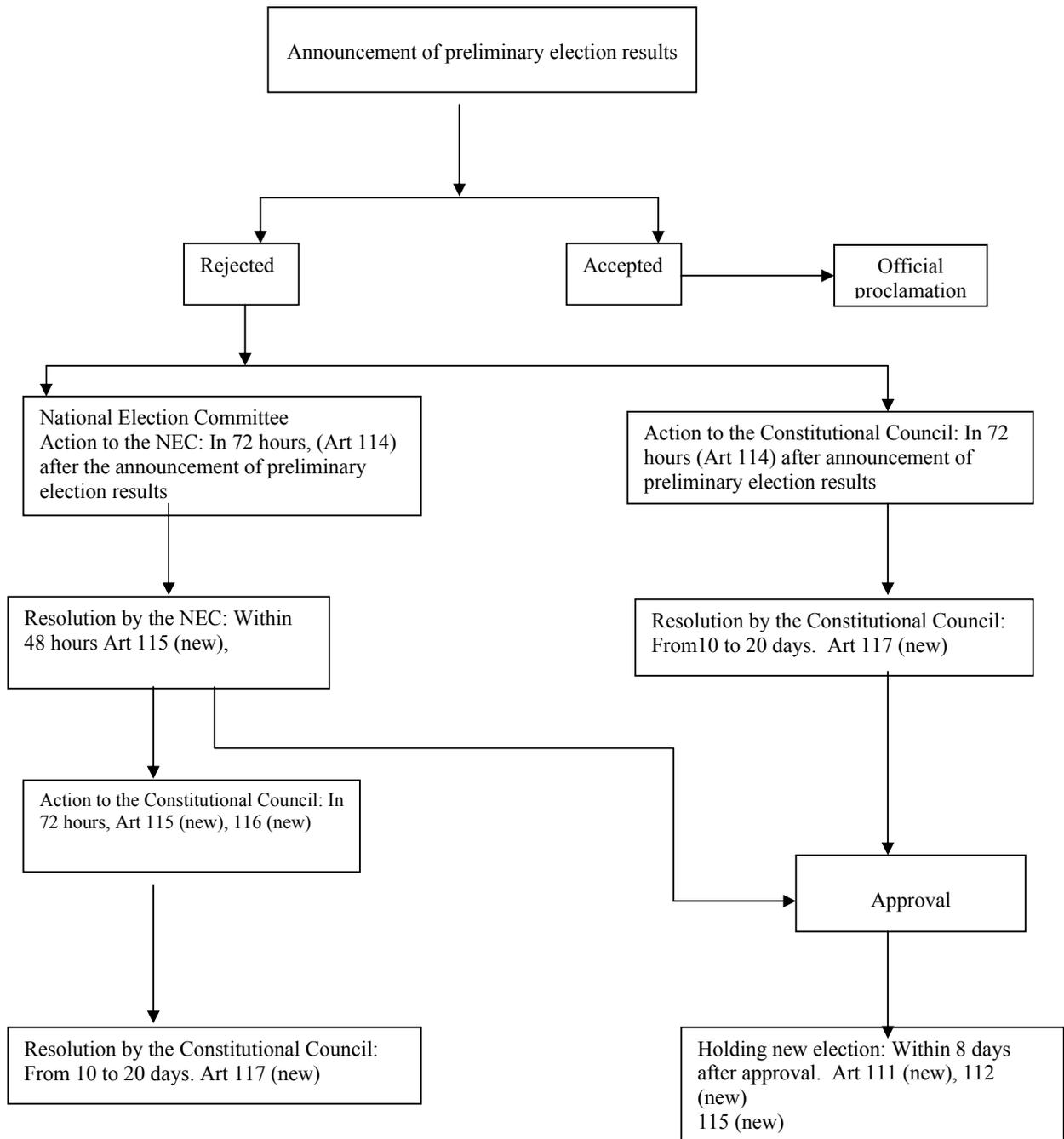


Remark: At this stage the decision of the NEC is final. In this case, if the person concerned, the political party or its representative is not satisfied with the ruling made by the NEC, he or she may appeal against such ruling to other competent institutions.

**Resolving complaints or objections at the stages of voting and vote-counting  
(Art 101-117 (new))**



**Procedures and duration for resolving complaint or objection after the announcement of preliminary election results**



**E. APPENDIX -- Different forms for recording complaints and objections.**

**Form-1202 for Filling in Complaints or Objections**

**1. Form-1202 of the NEC**

The Form-1202 of the NEC is a form for filling in complaints or objections regarding the election of the members of the National Assembly. If there exists a serious violation of the electoral laws, or the regulations and procedures of the NEC, or a serious offense at any stage of the election processes, every person, political party or its representative may complain verbally or in any form of writing or by filling in the Form-1202 of the NEC. The complaint or objection shall be brought to the electoral authorities.

The Form-1202 is used by the person who brings complaint or objection to the Commune Council, the CEC, the PEC, the NEC and to the Constitutional Council. The Form-1202 of the NEC is broken down into six main parts:

1. The Code sign of the electoral commission and the identity of the plaintiff,
2. The nature and code number of the complaint or objection,
3. The subject of the instance: ⊕ a complaint or ⊕ an objection
4. Reasons for complaining or reasons why the objection is brought (use the back of the form is more writing is needed).
5. Signature or thumbprint of the plaintiff,
6. Receipt of the complaint or objection and notification of the time, date and place of the hearing.

**Instructions:**

In order to file a complaint or an objection, user of the Form-1202 is required to carefully fill in the Form with all necessary information, because some parts of the form shall be filled in by the plaintiff, others by the electoral authorities. For example, the plaintiff or the person who brings the complaint cannot know the code number of the complaint. Part 6 of the Form-1202 shall be filled in by the officials or electoral authorities.

**2. Instruction regarding the filling-in of the NEC Form-1202**

In this space, the plaintiff shall fill in the name and code numbers of the PEC and of the the polling station

In this space, the plaintiff shall fill in the name and code numbers of the CEC. the date of filing the complaint and his or her ID card number

**National Election Committee**  
1. Identity of election commission and of the plaintiff

Name, provincial code number		Name/ commune code number	
Polling station code number		Date of complaint	
Plaintiff's name		ID card number	
House #	Street/Village	Commune	District
Province/Municipality			
Voter	Party agent	Political party	Miscellaneous

In this space, the plaintiff just make a ✓ in a box in accordance with a complaint or an objection, and may choose only one, a complaint or an objection

In this space, the plaintiff must write down clearly his or her permanent address.

### 3. Form for filling in complaints or objection the NEC (Form-1202)



#### National Election Committee

##### 1. Identity of election commission and of the plaintiff

Name, provincial code number		Name/ commune code number	
Polling station code number		Date of complaint	
Plaintiff's name		ID card number	
House #	Street/Village	Commune	District
Province/Municipality			
Voter	Party agent	Political party	Miscellaneous

##### 2. Nature and code number of a complaint or an objection.

Provincial code number	Commune Code Number	Polling station code number	Complaint code number
Complaint		Objection	

3. The subject of the instance:  a complaint or  an objection: -----  
-----

##### 4. Reasons for complaining or reasons why the objection is brought (use the back of the form is more writing is needed):

a/ -----  
b/ -----  
c/ -----  
d/ -----

##### 5. Signature or thumbprint of the plaintiff:

Based on my knowledge, I am willing to clarify that I have proper reasons to bring a complaint or an objection, and have decided to exercise my right to bring such a complaint or objection to the Commune Council, or to competent electoral commissions of all levels or to the Constitutional Council.

----- Date: ---/---/-----  
Signature or thumbprint

##### 6. Receipt of the complaint or objection and notification of the time, date and place of the hearing.

The complaint or objection is accepted at -----  in the morning or at -----  in the afternoon of the (day) ----- (month) ----- (year)----- by  the Commune Council,  the Commune Election Commission,  the Provincial-Municipal Election Commission,  the National Election Committee,  the Constitutional Council, within  or beyond  the time limit allowed by the electoral laws, regulations and procedures of the NEC.

The complaint or objection is rejected because it is filed beyond the time limit allowed by the electoral laws, regulations and procedures of the NEC.

The complaint or objection is accepted within the time limit allowed by the electoral laws, regulations and procedures of the NEC. The meeting to rule on or the hearing to settle the said complaint or objection is scheduled to be conducted at the following date, time and place:

Date of the meeting or hearing: / /	Duration:
Place:	Complaint Code number:

----- Sealed -----  
Chairman of the Commune Council or of an Election Commission Secretary or an election official or any detailed official

Form-1202 to be filled in by the person who brings a complaint or an objection to the Commune Council, the Commune Election Commission, the Provincial-Municipal Election Commission, the National Election Committee, and to the Constitutional Council.

Part # 2 of the Form: The official in charge of accepting the complaint or objection shall fill in this part.

Part # 3 of the Form: The plaintiff shall write down clearly the subject of the complaint or objection.

Part # 4 of the Form: The plaintiff shall invoke the complaint or objection based on reasonable grounds.

Part # 5 of the Form: The plaintiff shall insert the date where the complaint or objection is filed, sign it or apply his or her thumbprint on it.

Part # 6 of the Form: The official in charge of accepting the complaint or objection shall fill in this part of the complaint or objection with all necessary information, such as complaint code number (as above), and other important data as follows:

- Date of receipt of the complaint or objection (time, in the morning or in the afternoon?)
- Level of election Commission that received the complaint or objection?
- Was the complaint or objection received within or beyond the time limit allowed for such purpose?
- The complaint or objection is rejected because -----
- The complaint or objection is accepted within the time limit allowed for such purpose----

## **How to monitor complaints or objections**

### **1-Establishing an efficient information network.**

The presence of party agents and election observers for watching the election processes during the whole day is not enough. It is important for the party agents and electoral observers to record all complaints and objections brought by the persons, political parties or party agents, and draw up a report on time for their superiors.

Even though the resources of their organization are limited they are still able to establish an efficient information network for sending reports or other important information from the party agents or electoral observers who are working permanently at each district or provincial office. The key issue is that each political party or organization shall appoint staff for their district or provincial office in order to send information to their headquarters on time.

#### **1.1 Some works to be accomplished**

- The appointment of at least one staff for each district and provincial office.
- The recruitment and training of electoral observers to be deployed at each polling office and vote-count office.
- Make sure that a staff is appointed at each level in order to monitor the filing of complaints or objections and the settlements thereof.
- The deployment of electoral observer at each polling office and vote-count office.
- The organization of observation strategy and report form for each level.
- Deadline for effective sending of report on time.
- Assessment of the election processes and evaluation of the election results.

#### **1.2 How to monitor the filing of complaints or objections**

Every complaint or objection brought by any persons, political parties or party agents shall be brought directly to the election commissions of all levels from the lowest to the highest, or directly to other competent institutions or to the courts.

Electoral observers, political parties or party agents who work at each polling office in the commune or at provincial/municipal office and at their headquarters in Phnom Penh shall have a good relationship with the election commissions of all levels in order to record data and prepare a report about the filing of complaints or objections and the settlements thereof at each level.

For monitoring complaints or objections, the electoral observers or political parties shall establish a system of accountability and efficient information network in order to collect data and information at each level:

- At the commission for the polling stations, it is the duty of the official in charge of the polling office.
- At the commune election commission, it is the duty of the official in charge of the commune/district.
- At the provincial-municipal election commission, it is the duty of the official in charge of the province and municipality.
- At the National Election Committee and the Constitutional Council, it is the duty of the official in charge of the main headquarters.

The electoral observers who work on a permanent basis at each level of the election commission or at the main office shall collect information received and send it on time to the headquarters. Each of these officials shall cooperate with their partners, in particular, the political parties or party agents in order to monitor the complaints or objections and the settlements thereof by maintaining a good cooperation with the authorities of the election commissions of all levels.

Remark:

The electoral observers are free to meet or talk with a political party, a candidate, an electoral official, and a voter if the subject of their talk is not for the pros and cons of any political party.

**Observation effectiveness**

The observation of the way by which the election processes are conducted, the role and duties of the electoral authorities are implemented, and the complaints or objections are settled, and the prevention of all acts that might occur at any stage of the election processes are the main objectives to be achieved by electoral observers. Some strategies will help the electoral observers to consider and apply their duties successfully:

- The deployment of electoral observers as numerous as possible at all places where irregularities often occur.
- Produce more documents and manuals for educating the citizens, the persons who have the right to vote, political parties and candidates so as they will have a clear knowledge of their right and duties, and proper remedies when their rights are violated.
- Other involved organizations and institutions shall play a role as a coordinator between the citizens, the voters, and the protesters for the political parties in reporting such violations
- Filing complaints or objections relating to the elections, watching to see how they are settled, in particular, and helping the citizens to write their complaints or objections (by properly filling in the Form-1202).
- Watching how the electoral laws, and the regulations and procedures of the NEC are applied, and preventing violence, threat, intimidation, or duress etc, through investigation, and peaceful and efficient settlement.

The international organizations sponsoring electoral observation in Asia and in the world have pointed out that there are some important factors that might enhance election observation programs more effective, including:

- Identification of clear goal and specific objectives.
- Proper organization and division of labor.
- Management and allocation of financial and human resources, and other means.
- The use of effective information network.

In order to achieve their goal and objectives, the organizations sponsoring electoral observation shall consider the following questions:

- What are the issues at stake or requirements in the election processes?
- Are these issues relating to violence?
- Are these issues relating to vote buying or to a bribe?
- Are these issues relating to vote rigging?
- Do the laws, regulations and procedures cause these issues?

The electoral observers are free to make reports about their findings and conclusions relating to their observation and referred to their organization. Such freedom shall not include an independent statement made by any election observer to any media regarding his or her own conclusion about the election processes and results made at his or her own discretion.

Remark:

After the election processes are in full completion, all electoral observers should provide a report in writing to the National Election Committee about their findings and conclusion of the election processes.

## **The Collection of Information and Data regarding Complaints**

In order to get specific data and adequate information on the complaints and objections brought at each stage of the election processes, the electoral observers, political parties and agents shall use a form for monitoring complaints or objections, known as the Form-A, in order to record detailed information thereon. A Form-A can be used for recording an instance brought in accordance with the Form-1202 and Form-1203 of the NEC. The Form-A contains a number of questions to be filled in by the official in charge of reviewing and filling in the forms:

- Who institutes the complaint or objection (the plaintiff or his or her representative)?
- What is the nature of the instance?
  - A complaint?
  - An objection or?
  - Any other forms of instances?
- Against whom the objection is brought (the defendant)?
  - An electoral official?
  - A party agent?
  - An election observer?
  - A civil servant?
  - A citizen?
- What are they complaining about (subject of the complaint)?
- How does the settlement of the complaint or objection result in?
  - Do the competent authorities agree with the complaint?
  - Do they direct a reconciliation, a meeting to rule on or a hearing of the case?
  - Do they reject the complaint or objection?
  - Is appeal is made against such ruling?
  - Do the competent authorities fail to take any action at all?

The electoral observers and party agents shall use the Form-A to record detailed information about the complaints or objections at each level of the Election Commission, at the NEC and at the Constitutional Council. After recording information on the Form-A, the electoral observers shall assess existing information and data in consolidated forms (Form-B, Form-C, Form-D, Form-E, and Form-F) for each level of the Election Commissions. (See instructions below and Appendix 1).

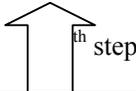
## **Consolidated Forms for Complaints or Objections**

- Form-B is used for recording the number of complaints and objections brought to the Commissions for the Polling Stations or to the Commune Election Commissions.
- Form-C is used for recording the number of complaints and objections brought to the Provincial-Municipal Election Commissions.
- Form-D is used for recording the number of complaints and objections brought to the National Election Committee.
- Form-E is used for recording the number of complaints and objections brought to the Constitutional Council.
- Form-F is used for recording the number of complaints and objections brought and resolved at the Commissions for the Polling Stations, the Commune Election Commissions, the Provincial-Municipal Commune Election Commissions, the National Election Committee, and at the Constitutional Council.

These forms are used for computing the number of complaints and objections brought to each level of the Election Commissions. This information is collected based on the data recorded on the form for monitoring complaints and objection or Form-A.

The electoral observers and party agents who use the Form-B, Form-C, Form-D, Form-E, and Form-F shall record the number of complaints and objections they follow at their places. The electoral observers shall maintain good cooperation with the electoral authorities of all levels, the organizations sponsoring election observation and political parties in order to obtain maximum information and data from them.

**The stages of monitoring complaints and objections brought at each level of the Election Commissions.**

<p>Headquarters, organizations, or political parties</p>	<p style="text-align: center;"><u>Monitoring results</u></p> <p>As a final result, electoral observers and political parties shall compute the total number of complaints and objections throughout the country by using the Form-F, and then they will be able to make a final judgement on the overall settlements of complaints and objections made by the electoral authorities of all levels and other competent authorities. The results and assessment made on their findings might show how effective the electoral disputes are resolved. Such results shall be announced to the public</p>		
<p>National level</p>	<p>Political parties or party agents and electoral observers who work at the national level shall monitor complaints and objections brought to the Constitutional Council by using the Form-E and by checking against the results computed from all Forms-D referred to them by their representatives at the national level (the NEC).</p>	<p>4<sup>th</sup> step</p>	<p>Constitutional Council</p>
<p>National level</p>	<p>Political parties or party agents and electoral observers who work at the national level shall monitor complaints and objections brought to the National Election Committee by using the Form-D and by checking against the results computed from all Forms-C referred to them by their representatives at provincial-municipal level (the PEC).</p>	<p>3<sup>rd</sup> step</p>	<p>National Election Committee</p>
<p>Provincial-Municipal level</p>	<p>Political parties or party agents and electoral observers who work at the provincial-municipal level shall monitor complaints and objections brought to the Provincial-Municipal Election Commission by using the Form-C and by checking against the results computed from all Forms-B referred to them by their representatives at commune level (the CEC).</p>	<p>2<sup>nd</sup> step</p>	<p>Provincial-Municipal Election Commissions</p>
<p>Commune level</p>	<p>Political parties or party agents and electoral observers who work at the each polling office shall monitor complaints or objections brought to and resolved by the Commune Election Commissions by using the Form-A to draw up information on the complaints and objections brought and send a report to their office at provincial-municipal level (the PEC) by using the Form-B.</p>	<p>1<sup>st</sup> step</p>	<p>Commune Election Commission</p>

## Form for monitoring complaints and objections (Form-A)

1. Name and function of the plaintiff					
2. Complaint code number					
3. Against whom the complaint is brought?	Make a ✓ in the space below			Indicate function	
	Electoral official				
	Party agent				
	Electoral observer				
	Civil servant				
	Common citizen				
	Others				
4. When did the event occur?					
5. Where did the event occur?					
6. What is the nature of the instance?	A complaint?		An objection?		Other?
7. What is the subject of the instance?					
8. Is the instance filed in a correct way?	In a correct way		Not in a correct way		
9. How does the instance result in?	Approved		Meeting to rule on		
			Reconciliation		
	Rejected		Appeal		
	No action taken		Appeal		
	Others				
10. Give reasons provided by the Commune Election Commission on the settlement of complaint if any?					
11. Action taken by the Commune Election Commission if any?					

Filled in by: ----- Signature -----

Place of observation: ----- Date: -----

### Instructions on how to fill in the Form-A

The Form-A is used for recording detail of each complaint or objection. A sheet of Form-A is used for recording an instance brought to the Commission for the Polling Station or to the Commune Election Commission and is drawn from the Form-1202 and Form-1203.

In order to fill in the Form-A properly, the following steps must be taken into account:

- Record the name of the person who brings the complaint just at the right place on the form: a voter, a party agent, a political party or a common citizen.
- Record complaint code number
- Record the person against whom an instance is brought: The Form-A cites a number of choices, including an electoral official, a party agent, an electoral observer, a civil servant (a police, a local authority), a citizen or any other persons. Other detail on such a person shall be recorded, such as a civil servant, and the political party for which the agent represents
- Record the date and time where the event occurred.
- Record the place where the event occurred.
- Record the nature of the instance:
  - An objection is made in order to object or to express disagreement with the decision or to invoke any act that breaks the laws, regulations and procedures or any activity that breaks the rights and responsibility committed by any person, for example, a person who does not meet requirements for voter registration, but has his or her name placed on the lists of voters, he or she shall be the subject of an objection brought by any other person.

- A complaint is made in order to claim his or her right that has been withheld, prevented or denied, for example, a person who is prevented from registering or interfered with his or her right to register shall bring a complaint to claim back his or her right to register (either by himself or herself or through his or her representative).
  - Other instances mean you can record the nature or subjects of other related instances, such criminal or civil instances that might occur at each stage of the election processes and do not remain under the jurisdictions of the Commissions for the Polling Stations, the Commune Election Commissions, the Provincial-Municipal Election Commissions, and the National Election Committee. You can record all types of instances.
7. Record the subject of the instance brought by an electoral official, a party agent or a political party, or a voter, about what they are complaining.
  8. Record whether the complaint or objection is brought in a correct way.
  9. Record how the settlement of a complaint or objection results in, such as:
    - The complaint or objection is approved or rejected by the Commission for the Polling Station, or by the Commune Election Commission.
    - Appeal is made after the complaint or objection is approved or rejected.
    - If the complaint or objection is approved, any reconciliation is made between the parties involved?
    - No action is taken at all (for example, the complaint is lost or none of the activities is achieved), or
    - The complaint or objection might achieve other results.
  10. Record the reasons given for the settlement of complaint or objection if any.
  11. Record the activities of the Commune Election Commission and of the Commission for the Polling Station in response to the complaint or objection brought.
  12. Finally, you must write down your name, place, signature and date

### **The advantages of the reports**

The result of the observation is a partial result of the entire election processes. This result can increase accountability of the electoral authorities or change their attitude regarding the enforcement of the electoral laws, regulations and procedures, as well as procedures for resolving electoral disputes at every stage of the election processes.

The results obtained through observation can be used when needed and are esteemed as a part of the effort made to ensure the rights of the political parties, candidates, and voters regarding the accessibility to an informed choice in the processes of a free and fair election. These results might include the finding on how the electoral laws, regulations and procedures, as well as procedures for resolving electoral disputes are applied by the electoral commissions of all levels.

The electoral observers usually publicize the results of their observation through any kinds of reports. Such reports can record all events relating to the conduct of election, as well as activities and achievements made by every organization and institution in the election processes. Moreover, these reports can help the election observers compare the past elections with the ongoing election. These reports reflect other importance and help shape the electoral laws, regulations and procedures, in particular the establishment of an efficient and fair mechanism for resolving electoral disputes.

**APPENDIX 1 –Form A-- Total number of complaints and objections**

Total number of complaints and objections brought to the Commune Election Commissions-Form-B

Please write down the total number of complaints and objections brought at your place against the persons shown in the columns:

Drawn from Form-A	Electoral officials	Party agents	Electoral observers	Civil servants	Common citizens	Others	Total
1. Objections							
2. Complaints							
Total number of instances brought to the CEC							
3. Instances rejected because of non-compliance with formalities							
4. Instances of wrong subject or jurisdictions							
5. Instances brought and resolved at the CEC							
6. Instances brought to and rejected by the CEC							
7. Instances rejected by the CEC and appeal to the PEC							
8. Instances for which actions not taken by the CEC							

Filled in by: ----- Signature -----  
 Place: ----- Date:-----

### **Form-B-- Instructions regarding the computation of complaints and objections brought to the Commune Election Commissions-**

This form is used for computing the number of complaints and objections brought at the Commune Election Commissions. This information is compiled by using data drawn from the Form-A for monitoring complaints and objections at each polling office. Organizations sponsoring election observation and party agents should fill in this form with the total number of complaints and objections brought to the CEC at their place.

In order to fill in this form properly, the following steps must be taken into account:

A. First, you should remember that you are requested to provide the number of complaints and objections brought against different people shown in the columns, and the corresponding numbers in each of these columns, namely (a) electoral officials, (b) party agents, (c) electoral observers, (d) civil servants (for example, a police, a local authority), (e) common citizens and (f) other people. Finally you must add up the total number of complaints and objections shown in each of these columns.

B. Keep in mind that the first thing to do is to write down the number of complaints and objections in each column, such as:

1. Number of complaints brought
2. Number of objections brought
  - Record the total number of complaints and objections brought at the CEC.
3. Record the total number of complaints and objections rejected because of non-compliance with formalities.
4. Record the total number of complaints and objections of wrong subjects or jurisdictions
5. Record the total number of complaints and objections brought and resolved at the CEC, (such as approved, or reconciled etc.).
6. Record the total number of complaints and objections rejected at the CEC.
7. Record the total number of complaints and objections rejected at the CEC and for which appeals are made to the PEC.
8. Record the total number of complaints and objections for which actions are not taken at all by the CEC.

C. Finally, you must write down your name, place, signature and date

Total number of complaints and objections brought and for which appeals are made to the Provincial-Municipal Election Commissions-Form-C  
 Please write down the number of complaints and objections brought at your place against the persons shown in the columns:

Complied at the PEC	Electoral officials	Party agents	Electoral observers	Civil servants	Common citizens	Others	Total
1. Objections							
2. Complaints							
Number of appeals made to the PEC							
3. Instances rejected at the CEC because of non-compliance with formalities and for which appeals are made to PEC							
4. Appeals brought to and resolved at the PEC							
5. Appeals brought to and rejected by the PEC							
6. Appeals rejected by the PEC and appeals to the NEC							
7. Appeals for which actions not taken by the PEC							

Filled in by: ----- Signature -----  
 Place: ----- Date:-----

### **Form-C--Instructions regarding the computation of complaints and objections brought to the Provincial-Municipal Election Commissions-**

This form is used for computing the number of appeals brought to the Provincial-Municipal Election Commissions. This information is compiled by using data drawn from the Form-A for monitoring complaints and objections at each polling office. Organizations sponsoring election observation and party agents should fill in this form with the total number appeals brought to the PEC at their place.

In order to fill in this form properly, the following steps must be taken into account:

A. First, you should remember that you are requested to provide the number of complaints and objections brought against different people shown in the columns, and the corresponding numbers in each of these columns, namely (a) electoral officials, (b) party agents, (c) electoral observers, (d) civil servants (for example, a police, a local authority), (e) common citizens and (f) other people. Finally you must add up the total number of complaints and objections shown in each of these columns.

B. Keep in mind that the first thing to do is to write down the number of complaints and objections in each column, such as:

1. Number of complaints brought and for which appeals are made to the PEC.
2. Number of objections brought and for which appeals are made to the PEC.
  - Record the total number of complaints and objections brought and for which appeals are made to the PEC.
3. Record the total number of complaints and objections rejected at the CEC because of non-compliance with formalities and for which appeals are made to the PEC.
4. Record the total number of appeals brought to the PEC and resolved by it.
5. Record the total number of appeals brought to the PEC and rejected by it.
6. Record the total number of appeals rejected at the PEC and for which appeals are made to the NEC
7. Record the total number of appeals brought to the PEC and for which actions are not taken at all by the PEC.

C. Finally, you must write down your name, place, signature and date

Total number of complaints and objections brought and appeals are made to the National Election Committee-Form-D

Please write down the number of complaints and objections brought in your place and for which appeals are made to the National Election Committee

Complied at the NEC	Electoral officials	Party agents	Electoral observers	Civil servants	Common citizens	Others	Total
1. Objections							
2. Complaints							
Number of appeals made to the NEC							
3. Instances rejected by the PEC and for which appeals are made to NEC							
4. Appeals brought to the NEC and agreed by it							
5. Appeals brought to the NEC and rejected by it							
6. Appeals rejected by the NEC and for which appeals are made to the Constitutional Council							
7. Appeals for which actions not taken by the NEC							

Filled in by: ----- Signature -----

Place: ----- Date:-----

**Instructions regarding the computation of complaints and objections for which appeals are made to the National Election Committee -Form-D**

This form is used for computing the number of appeals brought to the National Election Committee. This information is compiled by using data drawn from the Form-A for monitoring complaints and objections at each polling office. Organizations sponsoring election observation and party agents should fill in this form with the total number appeals brought to the NEC at their place.

In order to fill in this form properly, the following steps must be taken into account:

- A. First, you should remember that you are requested to provide the number of complaints and objections brought against different people shown in the columns, and the corresponding numbers in each of these columns, namely (a) electoral officials, (b) party agents, (c) electoral observers, (d) civil servants (for example, a police, a local authority), (e) common citizens and (f) other people. Finally you must add up the total number of complaints and objections shown in each of these columns.
  
- B. Keep in mind that the first thing to do is to write down the number of complaints and objections in each column, such as:
  - 1. Record the number of complaints brought and for which appeals are made to the NEC.
  - 2. Record the number of objections brought and for which appeals are made to the NEC.
  - 3. Record the total number complaints and objections brought and for which appeals are made to the NEC.
  - 4. Record the total number of appeals rejected by the PEC and for which appeals are made to the NEC
  - 5. Record the total number of appeals brought to the NEC and resolved by it.
  - 6. Record the total number of appeals brought to the NEC and rejected by it.
  - 7. Record the total number of appeals rejected by the NEC and for which appeals are made to the Constitutional Council
  - 8. Record the total number of appeals brought to the NEC and for which actions are not taken at all by the NEC.
  
- C. Finally, you must write down your name, place, signature and date

Total number of complaints and objections brought and for which appeals are made to the Constitutional Council -Form-E  
Please write down the number of complaints and objections brought in your place and for which appeals are made to the Constitutional Council

Complied at the Constitutional Council	Electoral officials	Party agents	Electoral observers	Civil servants	Common citizens	Others	Total
1. Objections							
2. Complaints							
Number of appeals made to the Constitutional Council							
3. Instances rejected by the NEC and for which appeals are made to the Constitutional Council							
4. Appeals brought to the Constitutional Council and agreed by it							
5. 4. Appeals brought to the Constitutional Council and rejected by it							
6..Appeals for which actions not taken by the Constitutional Council							

Filled in by: ----- Signature -----  
Place: ----- Date:-----

### **Instructions regarding the computation of complaints and objections for which appeals are made to the Constitutional Council -Form-E**

This form is used for computing the number of appeals brought to the Constitutional Council. This information is compiled by using data drawn from the Form-A for monitoring complaints and objections at each polling office and compiled directly from the Constitutional Council. Organizations sponsoring election observation and party agents should fill in this form with the total number appeals brought to the Constitutional Council.

In order to fill in this form properly, the following steps must be taken into account:

A. First, you should remember that you are requested to provide the number of complaints and objections brought against different people shown in the columns, and the corresponding numbers in each of these columns, namely (a) electoral officials, (b) party agents, (c) electoral observers, (d) civil servants (for example, a police, a local authority), (e) common citizens and (f) other people. Finally you must add up the total number of complaints and objections shown in each of these columns.

B. Keep in mind that the first thing to do is to write down the number of complaints and objections in each column, such as:

1. Number of complaints brought and for which appeals are made to the Constitutional Council.
2. Number of objections brought and for which appeals are made to the Constitutional Council.
3. Record the total number complaints and objections brought and for which appeals are made to the Constitutional Council.
4. Record the total number of appeals rejected by the NEC and for which appeals are made to the Constitutional Council.
5. Record the total number of appeals brought to the to the Constitutional Council and resolved by it.
6. Record the total number of appeals brought to the Constitutional Council and rejected by it.
7. Record the total number of appeals brought to the to the Constitutional Council and for which actions are not taken at all by it.

C. Finally, you must write down your name, place, signature and date

### Complaint Report Form

This form is used for recording the total number of complaints and objections brought. Organizations sponsoring election observation and party agents should fill in this form by recording the total number complaints according to the following columns:

Place Province/Municipality	Plaintiff			Total	Brought against		Category of instance		Continued →
	Voter	Party agent	Whoever		Electoral officials	Others	Complaint	Objection	

→	Settlement at lower level				Appeals to the NEC			Appeals to the Constitutional Council			Total
Continued	Approved	Rejected	Reconciled	Lost	Approved	Rejected	Total	Approved	Rejected	Total	

### **Instructions regarding the computation of complaint report (Form-F)**

This form is used for computing the number of complaints and objections brought all over the country. Organizations sponsoring election observation and party agents should fill in this form with the total number of complaints and objections brought at their respective place by filling in the appropriate columns and rows the number of complaints and objections brought at each level of the election commission. These data shall show the accurate numbers of complaints and objections handled at the CEC, the PEC, and the NEC and at the Constitutional Council.

In order to fill in this form properly, the following steps must be taken into account:

1. Show the place where information is collected
2. Record the number of complaints and objections brought by different people shown in the columns, such as a vote, a party agent (including complaints and objections brought by political parties) or the public.
3. Add up the total number of complaints and objections brought.
4. Record the total number of complaints and objections brought against different people shown in the columns, namely electoral officials and other people (party agents or the public).
5. Record the total number of instances brought according to each category (number of complaints brought and number of objections brought).
6. Record the total number of complaints and objections resolved at the CEC and at the PEC in accordance with what the settlements thereof might result such as approved, rejected, reconciled, or lost.
7. Record the total number of appeals made to the NEC and to the Constitutional Council and the numbers of appeals approved or rejected.
7. Record the total number of complaints and objections rejected at the CEC and for which appeals are made to the PEC.
8. In the last column, record the total number of instances brought by checking against the number of subtotals thereof in each column.

C. Finally, you must write down your name, place, signature and date