



"Pavlodar Regional  
Governance School"  
Social Foundation



**“ENHANCEMENT OF ELECTORAL AWARENESS AND  
INCLUSIVE DEMOCRATIC DEVELOPMENT OF THE  
KAZAKHSTANI SOCIETY”  
PROJECT**

**in collaboration with UNDEF**

**I AM A VOTER!**

**Pavlodar  
2011**

**I am free to choose my woman, my religion and my way,  
As to whore after the devil or a prophet, or a fay.  
Everybody has to make a choice.**

**I am free to pick my language for my prayer and my bride,  
Find my own swords for duel and my falchion for the fight,  
Everybody has to give a voice.**

**I am opting for my armor, staff and patches and my shield.  
With my own inner sensor I am measuring my guilt.  
Everyone's to pay for all the joys.**

**You are choosing on your own. I'm to make my own bet,  
Hardly good at making options, though having no pet.  
Everybody has to make a choice.**

**Y. Levitansky\***

\* Translated from Russian by I. Chepurnaya

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Information about the UNDP and United Nations Democracy Fund Project  
**“Enhancement of Electoral Awareness and Inclusive Democratic  
Development of the Kazakhstani Society”**

***Project Description***

Kazakhstan is the ninth largest country in the world, and its democratic development is represented by chairmanship of the OSCE in 2010. During almost 20-year history of Kazakhstan’s independence, its voting technology has been continuously developing and improving in accordance with legislation and international experience.

The Constitution of the Republic of Kazakhstan was adopted in 1995. It guarantees its citizens a right to vote, stating that “the people shall exercise power directly through a national referendum and free elections as well as delegate the execution of their power to state institutions.”

A relevant part of the project is enhancing Kazakhstani people’s interest in elections and preparing them for the 2011-2012 election campaign.

***Fundamental issue*** of the Project is a low electoral activity of the socially vulnerable population groups (such as women, unemployed youth, and people with disabilities) in exercising their right to vote guaranteed by the Constitution, caused by low awareness of the election procedures and limited ability to solve problems through deputies and legislative authorities as well as to become deputies themselves.

The Central Election Commission of the Republic of Kazakhstan reports the youth’s participation in elections is rather low. In 2007, only 7.5% of candidates in local Maslikhats were young people under 30 years old, and only 1.5% of the elected deputies belonged to this age group. This rate is very low considering the fact young people in the age range of 16-29 constitute more than one-third of all the adult Kazakhstan population.

The number of women accounts to only 17.3% of the regional Maslikhat and 10.9% of the oblast Maslikhats deputies, which is much lower in comparison with some European countries such as Denmark (27%), Finland (34%), Norway (42%), Sweden (46.3%), and France (48%).

Up till now, 484,000 people with disabilities accounting for 3% of the country population have been ever elected to any legislative authority. Moreover, due to limited abilities, these people face different challenges with registration, voting, and participating in election campaigns more than anyone else.

***Problem solving mechanism:*** The Project is aimed at integrating the elections into a wider democratic program by enhancing the electoral participation of the above mentioned groups of society and empowering the lately formed elected bodies.

The project’s uniqueness includes applying cutting edge information

technologies to educate electorate, such as interactive training, computer games, electronic voting, that in combination with legislation knowledge enable trainees to develop communication and leadership skills and ability to form personal political views.

**Target group of the Project:** people with disabilities, women, and unemployed rural youth.

**Project Scope:**

Seminars – trainings:

South Kazakhstan, Zhambyl, and Almaty oblasts, Shymkent city – 10 March, 2011;

Mangystau and Atyrau oblasts, Aktau city – 24 March, 2011;

Karaganda and Akmola oblasts, Karaganda city – April 2011;

North Kazakhstan and Akmola oblasts, Petropavlovsk city – April 2011;

East Kazakhstan oblast and Ust-Kamenogorsk city – May 2011.

**Project Partners:** UNDP Kazakhstan, Central Election Commission of the Republic of Kazakhstan, oblasts' territorial election commissions, and oblasts' Internal Affairs Departments.

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**Sustainability of the Project:** the results of the Project will be disseminated through Central Election Commission of the Republic of Kazakhstan. The increase in efficiency is expected to affect up to 10,000 people.

**Project Implementation Period:** I stage – August 2010 – September 2011;

II stage – November 2011 – August 2012.

***“I AM A VOTER!” manual*** is developed based on legislation of the Republic of Kazakhstan, materials of the Central Election Commission of the Republic, and international experience.

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## **Why is participation in elections so important?**

First, a right to vote is guaranteed by the Constitution.

Second, the election legislation enables us to participate in creating the future of our country. Our country's prosperity depends on us.

Third, each citizen's voice is important and can be heard.

By the age of 18 people are capable of weighing actions and behavior as well as bearing responsibility for personal decisions.

Making a choice is never easy, but that's what freedom means. Only free and independent individuals can be entitled to choose. It is up to you to decide whom to vote for.

## **Whom do we elect and who is advancing our interests today?**

The President of the Republic of Kazakhstan

Deputies of Mazhilis and Senate of the Parliament of the Republic of Kazakhstan

Maslikhat deputies

***The people shall be the only source of state power.***

*Article 3 of the Constitution of the Republic of Kazakhstan*

## **1. What are ELECTIONS?**

- 1. One of the most important democratic institutions;**
- 2. The main form of declaring people's will;**
- 3. A mechanism of the citizens' participation in governing the country;**
- 4. The most peaceful way of taking power;**
- 5. The right to vote and be selected guaranteed by the Constitution.**

The political system of our country, like any living organism, must be kept sustainable, i.e. resistant to both external (such as world crisis) and internal factors, and at the same time continuing to grow, develop, and regenerate.



What kind of regeneration can the political system get?

- reformation of political institutions;
- foundation of new parties and civic movements;
- reformation of the interaction between power branches;
- amendments to the Constitution;
- referendums on the principal issues of the country and its society development etc.

Elections have different impacts on life, both that of society and any individual:

- giving Kazakhstan citizens opportunity to exercise their constitutional right to participate in politics (to vote and be elected). Upon reaching the age of 18 we may really participate in governing our country;



- forming power institutions: we elect the President, the Parliament and Maslikhats deputies, and in the nearest future shall be able to elect self-administration bodies' deputies;
- controlling power institutions' affairs. All state authorities', Parliament's, and Maslikhats' activities should be transparent to society;
- development of diversity of opinions and common political will. By now, 10 political parties and several civic movements are registered in the Republic of Kazakhstan (the most well-known civic movement is "Nevada-Semipalatinsk" movement);
- measuring the parties' political heft, credibility, and ability to participate in modern politics. Results of elections not only signify the assessment of the party's program and its approval by Kazakhstani people, but also measure trustworthiness of the party's leaders. Why do the majority of citizens vote for the "Nur Otan" Party? Because it is lead by the President of the Republic of Kazakhstan Nursultan Abishevich Nazarbayev. That's how the voters explain their choice;
- establishing and preserving the reputation of the "democratic, legal state" within the country and in the international arena. Kazakhstan's chairmanship of the OSCE in 2010 is a testimony of the global community considering Kazakhstan as a developed and democratic state;
- extending people's political awareness and expanding their political participation etc. The more citizens realize their importance to the society and actively participate in political events, the stronger our state is.



Therefore, elections are rather frequent phenomenon in political and social life. They affect all the government levels and have impact on all the spheres of social life. Elections in a

democratic state enable its citizens to deselect unwanted President or deputies and replace them by the credible candidates.

Elections are often compared with a protection valve, through which people let off the steam of their dissatisfaction, and which serves to prevent political “boiler-pot” from overheating and bursting.

Elections are the instrument of transition to democracy. In states where primarily free elections principles are used, they proved to be the best instrument of democratization. Elections provide citizens with the most peaceful transition to democracy.

Elections leave the political violence out. Reformation of state power implemented through elections doesn't involve any bloodshed, deaths, collapse etc.

We often witness people or opposition leaders, dissatisfied with current state power, who require parliamentary or presidential elections to be held. Whereas in Italy any government's failure may result in its resignation or election of the new government.

Elections are the most important step towards democracy: they either declare democratic regime in the country or help to commence intensive democratization of the political system.

The role of elections is a principal factor of democratic sustainability and efficiency. Implementation of the main principles of free elections depend on the electoral process management, which conforms to certain legal norms and regulations of the Constitution and the Election Legislation.

## 2. Legal sources of the election legislation

***“It is our common duty to conduct the elections in strict compliance with the law”***

*N.A. Nazarbayev, the President’s Message to the Nation “To competitive Kazakhstan, competitive economy, competitive nation”, Astana, 19 March 2004*

Legal sources of the election legislation are the following.

The Constitution of the Republic of Kazakhstan is a framework for developing its electoral politics and electoral system (for more details see page 32);

the Constitutional Act “On Elections in the Republic of Kazakhstan” (for more details see page 42);

the Law of the Republic of Kazakhstan “On Local Government and Self-Government”;

regulatory legal acts of the Central Election Commission of the Republic of Kazakhstan, and other acts regulating social relations arise in the field of elections.



People are the only source of state power in our country. People exercise power through a national referendum and free elections as well as delegate the execution of their power to state institutions.

The supreme law of the Republic of Kazakhstan qualifies referendum and free elections as principal instruments of declaring the people’s power, which enable citizens to participate in managing their state’s affairs, elect their representatives, or be elected to government authorities.

Past few-year-experience of the election commissions’ activities

shows that elections have become an integral part of the Kazakhstan's political life. We witness different parties keenly strive for the parliamentary seats, and candidates compete for the Maslikhat deputy mandates. It's a natural phenomenon; what matters, is the regulations and procedures to be duly observed. We are focused on our regulations to conform to the universally accepted world standards with the preservation of our national peculiarities and historical traditions.

Nowadays election process in Kazakhstan affects almost all the government levels and is being developed, reformed, and improved along with all the political system of the country.

*There's no enmity between the  
solidary people.*

*(Kazakh proverb)*

### **3. Electoral system of the Republic of Kazakhstan**

Electoral system is a fundamental regulator of elections. It sets up general frameworks for the elections and creates ways of counting mandates (government positions) on the basis of the number of votes. The main focus of the electoral system is to represent the people's will and establish viable and efficient government authorities.

The electoral system of the Republic of Kazakhstan is a way to prepare the elections of the President of the Republic of Kazakhstan, deputies of Mazhilis, Senate of the Republic, and deputies of Maslikhats, regulated by the Constitution of the Republic and the Constitutional Act "On Elections in the Republic of Kazakhstan".

The above mentioned frameworks of electing the President of the Republic of Kazakhstan, deputies of Mazhilis, and local representative bodies, are regulated by the constitutional legal norms, all of which form the electoral law.

#### 4. What is the election legislation?

The definition of “electoral legislation” in legal literature is applied both in subjective and objective meanings.

The objective meaning of the electoral legislation is a set of legal rules, regulating:

- 1) *the citizens’ participation in elections* of the members of representative bodies or government officials;
- 2) *preparing and holding the elections*;
- 3) *relations between electors and their elects*.



The subjective meaning of the electoral law is each individual citizen’s right to participate in elections of the members of any representative body or any government official.

Let’s examine it in detail.

The electoral law is divided into two different subjective rights:

right to participate in voting (a right to vote), i.e. *the voting power*,

right to be elected, i.e. the *eligibility*, or the right of the citizen of the Republic of Kazakhstan to be elected the President of the Republic of Kazakhstan, deputy of the Parliament of the Republic, Maslikhat or a member of other local self-administration body.

The passivity means you are not the one who is voting (though nobody can be deprived of this right), but you’re voted for.

Article 4 Item 1 of the Constitutional Act of the Republic of Kazakhstan states that “The universal election franchise - the right of citizens of the Republic of Kazakhstan to participate in elections upon reaching the age of eighteen irrespective of the birth origin, social, official capacity, sex, race, nationality, language, religion, place of residence, etc..”



However, the law of the Republic of Kazakhstan restricts the

following categories of citizens who are not allowed to participate in elections:

citizens under age of 18 years old;

citizens recognized by the court as legally incapable, including the citizens kept in places of confinement under the court sentence.

Only the court's recognition of a citizen as legally incapable can be a reason for the right deprivation. There is no any other state authority entitled to limit the election franchise of the citizens for any reason. For example, in investigatory isolators and isolators of the temporary detention, the polling stations are formed. Citizens kept in these places execute their constitutional right (*Article 23 Item 3 of the Constitutional Act "On Elections in the Republic of Kazakhstan"*).

Voting eligibility of the Republic of Kazakhstan has also limits:

- A citizen is eligible to run for the President of the Republic of Kazakhstan if she is a citizen by birth, no less than forty years old, with a perfect command of the state language, who lived in Kazakhstan for not less than past fifteen years.
- A citizen who has been a citizen of the Republic for not less than five years, reached the age of thirty, has a higher education, work experience of not less than five years, has been a permanent resident for not less than three years on the territory of the respective oblast, major city or the capital of the Republic may become a deputy of the Senate. A citizen of the Republic of Kazakhstan may become a deputy of Mazhilis upon reaching the age of twenty-five.

A person with a prior conviction, which is not cancelled or withdrawn by the statutory order, **cannot be** a candidate for the President of the Republic of Kazakhstan, deputy of the Parliament of the Republic of Kazakhstan, Maslikhats, and for the members of local self-administration bodies (Article 4 Item 4 of the Constitutional Act "On Elections in the

Republic of Kazakhstan”).

Age restrictions of the eligibility in the Republic of Kazakhstan are by no means exclusive antidemocratic sanctions. Such worldwide spread restrictions are reasonable.

*For example, in Japan only citizens reached the age of 25 and 30 can run for the House of Representatives and House of Chancellors respectively. In France only a citizen reached the age of 23 and 35 can become a deputy of the National Assembly and Senate respectively (Election Legislation in the Republic of Kazakhstan: Guidance for Research and Practice. Astana, 2009, pages 45-46).*

One of the advantages of democracy is exclusion from the election legislation a legal norm depriving of the eligibility the citizens whose administrative violations took place within one year prior to registration (for example, driving violation etc.).



## 5. Principles of the election legislation

Electoral system and election legislation of the Republic of Kazakhstan demonstrate people's sovereignty, since citizens form the country's supreme representative bodies.

Elections serve their social purposes based on certain principles.

Group of principles 1: the principles of election legislation define the status of every citizen involved in elections.

### 1. The universal election franchise (suffrage) principle

All the citizens of the Republic of Kazakhstan reaching the age of eighteen, irrespective of their birth origin, nationality, sex, race, social, official capacity, language, religion, etc., hold the election franchise eligibility.



*Some countries have practiced property qualification and some other restrictions (or conditions under which citizens were given the election franchise and eligibility) for a long time. Such restrictions were imposed on poor people, women (nowadays only in Kuwait women are not allowed to participate in elections), blacks (in the USA this restriction was eliminated only in 50s-70s).*

### 2. The equal franchise (suffrage) and eligibility principle

Voters participate in elections on equal basis, and each voter has one vote per ballot. It is understood that the citizen's property, official status, and any other characteristics can't affect franchise execution. Each voter may be only included in one voters' list and vote within certain election station poll just once. Candidates (running for the President or a deputy) also have equal opportunity. Equality means approximately equal number of electoral districts necessary for the votes to have about equal weight in the deputy election.

### 3. Secrecy of voting principle

Each voter when executing the right to vote must be provided with the conditions, under which neither the members of the election commission, nor any other individuals will know against or for who the vote was given.

It is secured by the secret voting, special polling booths, voting bulletins' unique ID numbers, sealing the ballot boxes, severe penalty for the election secrets disclosure etc. All these measures are designed to guarantee a possibility to make a free choice, protect the citizens against any possible persecution or bribery.

Secret voting principles in many countries' law have been approved fairly recently. In France, they were declared in 1789, but enacted only in 1871. Great Britain started practicing secret voting just after the Gladstone's reforms in 1872, whereas till then open or oral voting used to be held.

#### 4. The direct suffrage (election franchise) principle

The President, deputies of Mazhilis of the Parliament and Maslikhats, members of other local self-administration bodies of the Republic are elected by citizens directly. There are no agents between the voters and candidates.

The indirect suffrage (election franchise) means the voters, i.e. the Republic citizens who are deputies of Maslikhats, elect deputies to the Senate of the Parliament.

Group of principles 2: general principles of elections.

#### 1. Freedom of elections, or the voluntary participation principle

Nobody is allowed to exert any pressure (political, administrative, psychological, social, and economic) on the voter neither to make him/her participate or not participate in elections nor vote for any certain candidates.

#### 2. Alternative candidates

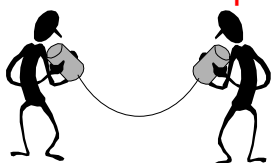
The very term "elections" involves various alternatives. In case there's only one candidate (or party) to vote for, only the voters' approval or

disapproval can be implicated, but not the elections in the true sense of the word.

### 3. Frequency and regularity of elections

Since 2007, the 5-year electoral cycle has been functioning: the elections for the President are held every 5 years; the elections for the deputies of the Senate of the Parliament – every 6 years; deputies of Mazhilis of the Parliament – 5 years; deputies of Maslikhats – 5 years.

### 4. Competitiveness of the elections



Different political forces have equal opportunities to strive for the voters' loyalty during the elections, familiarize with their election agenda, advantages, and competitors' disadvantages etc.

Only when all the principles are observed, the elections are deemed democratic. Otherwise, there's the risk of the elections getting invoked into antidemocratic activities.

## 6. Electoral systems

Currently there are two fundamental types of electoral systems: majority (alternative) voted system and proportional (representative) system. Proportional (representative) system, unlike majority (alternative) one, is not based on the majority votes, but on the proportion between the votes collected and mandates won. Any combination of the two types forms a mixed voting system.

In the majority system elections (fr. majorite – majority) the electors vote for certain one-member or multiple-member electoral districts candidates. In the proportional representation system voters give their voice rather for certain political parties and their lists than for certain candidates.

Both approaches have their own advantages and disadvantages.

The advantage of the majority system is simplicity. The candidate who receives *the majority of votes* is elected.

The disadvantage of majority system is presented by the risk of some social groups' interests not being represented by the elected bodies. It makes some political groups dissatisfied by the unfair results of elections, and the authority formed by the majority principle accepts such a disbalance.

Thus, the emergence of political pluralism makes proportional system more preferable.

The fact that the seats gained in elections by different political parties are proportional to their heft and credibility is the advantage of the proportional (representative) system.

In Kazakhstan both approaches have been practiced since 2007.

Mandates of deputies of Mazhilis of the Parliament of the Republic are distributed on the basis of the parties' lists between the political parties having collected not less than **7 percent** of votes.

Prior to the elections parties form and publish the lists of their most respected and well-known members. As a rule, the party leaders open those lists. Sometimes one leader, supported by many people, adds credibility to the other members included in the lists.

It doesn't mean making a list is just specifying well-known names. The very sequence of the candidates in the list is very important to the party. Why?



In different countries, listing is based on two rules:

the rule of “*free (flexible) listing*”;

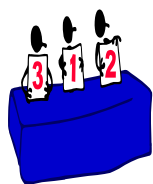
the rule of “*fixed (non-flexible) listing*”.

In our country, “fixed” listing is practiced. It means, we either vote for the list in whole or don't vote at all, BUT may not amend the list offered by the party (for example, swap the candidates or include other candidates' names).

Such strict requirements to the voters are justified by the rule that in case a party gets one quota, the first candidate in the list is considered to be elected; if a party gets two or more quotas, the second, third etc. candidates are considered to be elected as well.

Thus, only the party that received more than 7percent of votes carries Mazhilis elections, whereas for the Senate elections the *majority (alternative)* approach is applied.

Whoever received **more than 50 percent of votes** is considered to be elected. If none of the candidates collect enough votes, re-elections are held, in which two candidates who collected the majority of votes are elected.



***In Maslikhat elections, the candidate who received the majority of votes is elected.***

The number of participating voters is also relevant.

In the Republic of Kazakhstan, elections are considered to be held even if less than fifty percent of the present electors have taken part in them.

*“Democracy is always a work in progress. Even the great democracies of the West have not yet fully integrated their minorities into the political process. We haven’t fully succeeded either... To achieve this goal we must simplify our election legislation... Just as people have the right to vote, they also have the right not to vote, if they wish so. Even in established democracies like the United States, voter turnout can fall below fifty percent. The will of those who chose to vote cannot be undone by those who chose not to”, our President Nursultan Abishevich Nazarbayev says (Address of the President of the Republic of Kazakhstan N. Nazarbayev to the people of Kazakhstan “On the Situation in the Country and Major Directions of Domestic and Foreign Policy: Democratization, Economic and Political Reform for the New Century”, September 1998).*

It reflects our focus on honest and representative elections, where democratic principles of freedom and equality rule.

## **7.Warranties of freedom of elections**

Besides different principles of the election legislation and regulations of the election procedure, the law of the Republic of Kazakhstan sets also material, organizational, and legal guaranties of freedom of elections.

Thus, candidates from the date of their registration and till publication of the election results have a right to be released from work, military service, and military trainings, and get reimbursed the amount of the average salary. The time of the candidates' participation in elections is included in the years of service in the specialty area in which they worked till the day of registration.

During the period mentioned above candidates cannot be dismissed from their work, transferred to other work or position without their consent, etc.

The candidates running for the President, deputies of the Parliament since the date of their registration and till publication of the results of elections cannot be arrested, be subject to a forcible arrest or penalties under administrative law levied judicially, be detained, which means that during this period candidates are enjoying their immunity.

State authorities summon their efforts to secure freedom of elections. The ballot day and the day preceding it are declared as working days for the courts and services of the Prosecutor's Office. The law-enforcement bodies must assist election commissions in ensuring the public order, freedom of elections, and other activities.

Despite of public relations in the field of elections being rather highly regulated, democracy processes cannot be imagined without any further improvement of the election legislation reflecting the level of the country's development.

The electoral system improvement is one of the most urgent objectives of political development of Kazakhstan young democracy. A very important role in this process is played by our President N. Nazarbayev,

who has been implementing consistent policy of liberalization of these relations. As early as 1998, our country's President said free and fair elections are the core of any democracy. Exactly this role they are to play in our democracy, since elections campaign is where the people may express their opinion.

*If the people talk, they talk to the  
point  
(Kazakh proverb)*



## **8. Election commissions system**

Elections cannot be self-organized, it's a complicated process. Government must warrant free declaration of the voters will and their active involvement into the process. Election commissions organize elections. They are responsible for preparation and holding of elections, securing and implementing the election legislation, and controlling its observance. Election commissions are the state election bodies.

By the President's order local election commissions since 2001 have been elected by the corresponding Maslikhats.

Why was this decision taken?

Since elections are the democracy instrument, election commissions must be formed in a democratic way, i.e. with the people's involvement. We can say elections are the people's concern and government should only assist in preparing and conducting them. The principal direct way of the people's involvement in preparing and holding elections is establishing election commissions by representative bodies – Maslikhats.

Such way of establishing election commissions strengthens their legitimacy, elections, and Maslikhats formed through them.

Election commissions represent many political forces expressing interests and opinions of different social groups, and contributing to the wide and active civic participation in election campaigns.

The election commissions' term of office is 5 years. Decisions of election commissions are obligatory for execution by all state bodies, organizations, local self-administration bodies, and also by the officials of their corresponding territory.

## **9. Electoral districts and polling stations**

The system of territorial election districts is designed for conducting elections.

The election districts are formed with consideration of the administrative and territorial division of the Republic and approximately equal number of voters (number of voters disparity should not exceed 15% of the average number of voters).

The election districts are formed by the Central Election Commission and territorial election commissions.

Polling stations are designed for conducting voting and vote count.

## 10. Voting procedure

### *The Voting Ballot*

Direct declaration of the voters will is reflected in a ballot paper. It's the main document of elections.

The ballot paper includes all the registered candidates with indication of their last names, first names, and patronymics in the alphabetic order of the state language.

The ballot paper for voting for political parties includes the names of political parties in the order defined by a random drawing (the drawing is conducted by the Central Election Commission).



The ballots are delivered to the local election commissions *no later than one day before the elections*. The premises where the ballots are kept are sealed and handed over for protection of the law-enforcement bodies.

Ballot-papers are distributed to voters based on the voters' lists after providing an identity verification document.

### *Voting procedure*

*Time and place of voting* are set up by law.

Voting on Elections of the President of the Republic of Kazakhstan, elections of deputies of Mazhilis of the Parliament and Maslikhats, and members of other local self-administration bodies are conducted *from seven o'clock (7 a.m.) till twenty o'clock (8 p.m.) of local time*.

Local commissions have the right to establish other time for the beginning and end of voting. In this case, voting *cannot begin before six o'clock (6 a.m.) and end after twenty two o'clock (22 p.m.)*. Non-compliance to the rule is deemed infringement of the election legislation.

Voting is conducted in specially allocated premises equipped with the required number of polling booths for secret voting. Places should be arranged for issue of ballots and ballot-boxes must be presented.

Ballot-boxes must be arranged in such a way that voters approach to

them so that they inevitably have to pass through the polling booths for secret vote.

Observers, proxies, and representatives of mass media should be given an opportunity to watch the ballot-boxes.

The local election commissions *open the voting stations one hour prior to the beginning of voting*. The chairman of the election commission checks the ballot-boxes thirty minutes prior to the beginning of voting for availability or absence of ballots in them, integrity of ballot-boxes, and seals on the ballot-boxes.

*One of the fundamental rules of the voting procedure* states that each voter votes personally. Transfer of the right to vote as well as voting for others is not allowed.

The voter puts a mark in an empty box to the right of the surname of the candidate for whom he/she votes.

It is impermissible to put down any marks in the ballot with a pencil and make any changes to it.

#### *Vote count results*

Determination of the results of voting is the closing stage of elections. Vote count is done separately for each candidate and each political party.



Counting of votes begins *at twenty o'clock (8 p.m.) of local time* after the announcement of the chairman of the commission of the end of voting.

Before opening the ballot-boxes all the unused ballot papers are counted and cancelled (liquidated).

Only then ballot-boxes may be opened.

After opening the ballot-boxes, the election commission based on the number of the ballot papers determines:

- 1) The total number of the voters who participated in voting;
- 2) A poll per each candidate and per each political party;
- 3) The number of the ballots recognized invalid;

4) The number of the ballots received by the local election commission;

5) The number of the cancelled (liquidated) ballots.

The following ballots are recognized invalid:

1) with an unestablished format;

2) those that lack signature of the member of the corresponding election commission;

3) those where more than one candidate or more than one political party was marked;

4) those where it is impossible to determine voters' will.

The announcement of the results of elections are published in mass media.

## **11. Checklist for the voter**

- 1. Do you represent some social group?**
- 2. Are you not aloof?**
- 3. Are you proactive?**
- 4. Are you dynamic?**
- 5. Are you a citizen of the Republic of Kazakhstan?**
- 6. You have the right to vote!**
- 7. You have the right to be elected!**
- 8. Your vote can make a difference!**

In accordance with the Constitution of the Republic of Kazakhstan and Constitutional Act “On elections in the Republic of Kazakhstan”

one has the right to:

1. Vote and be elected (*Article 33 Item 2 of the Constitution of the Republic of Kazakhstan*).
2. Voluntary participate in elections (*Article 3 Item 3 of the Law on elections in the Republic of Kazakhstan*).
3. Voluntary participate in voting upon reaching the age of eighteen (*Article 4 Item 1 of the Law on elections in the Republic of Kazakhstan*).
4. Participate in elections, have only one vote, and vote personally (*Article 5 Item 1, Article 41 Item 1 of the Law on elections in the Republic of Kazakhstan*).
5. Appeal decisions and actions (omissions) of an election commission to a higher election commission and/or a court within ten days following such a decision or action (omission) (*Article 20 Item 9 of the Law on elections in the Republic of Kazakhstan*).
6. Be included in the electoral registry in the place of one’s residence (*Article 24 Item 3 of the Law on elections in the Republic of Kazakhstan*).

7. Get familiarized with the electoral registry lists of electors fifteen days prior to the ballot day, and also check correctness of the data about the voters introduced in them (*Article 26 Items 3 of the Law on elections in the Republic of Kazakhstan*).
8. Get familiar with the borders of the electoral districts (county constituencies) published in mass media (*Article 22 of the Law on elections in the Republic of Kazakhstan*).
9. Appeal against omissions or non-inclusion, wrong inclusion in the list or exclusion from the list (*Article 26 Item 4 of the Law on elections in the Republic of Kazakhstan*).
10. Participate in pre-election campaigns (*Article 27 Item 1 of the Law on elections in the Republic of Kazakhstan*).
11. Donate to the candidates and political parties' election funds (*Article 92-1 Item 2 of the Law on elections in the Republic of Kazakhstan*).
12. Be notified about the decision of the territorial or district commissions to change the time for the beginning and end of voting (*Article 38 Item 1 of the Law on elections in the Republic of Kazakhstan*).
13. Be notified no later than ten days prior to the ballot day about the time and place of voting (*Article 38 Item 2 of the Law on elections in the Republic of Kazakhstan*).
14. Vote in the place of residence if one is unable to come to the polling station because of poor health or taking care of an ill member of one's family (*Article 41 Item 6 of the Law on elections in the Republic of Kazakhstan*).
15. Be assisted by a person whom you trust when filling in a ballot (*Article 42 Item 1 of the Law on elections in the Republic of Kazakhstan*).
16. Get familiar with the minutes on the election results of the

polling station (*Article 43 Item 8-2 of the Law on elections in the Republic of Kazakhstan*).

**17.** Get familiar with the official summary list on the results of votes' counting made on the basis of the minutes received from the divisional (local) election commissions (*Article 43 Item 8-2 of the Law on elections in the Republic of Kazakhstan*).

**18.** Appeal in the court and services of the Prosecutor's Office on the issues of conducting the voting and infringements of the law on elections (*Article 49 of the Law on elections in the Republic of Kazakhstan*).

**For any further questions or information  
do not hesitate to contact the Central Election Commission,  
territorial election commissions or divisional election commissions**



## 11-1. Checklist for the voter

### *How to make a choice?*

Find out who is nominated.

Get familiar with candidates' agendas.

Decide who is going to assert your rights.

Attend the meeting of the candidates with the voters.

Make your choice – vote!

### *How to participate in voting?*

Find out if you're included in the voters' list at the election district of your registered residence.

If you are not included, you have the right to appeal against non-inclusion in the list of electors.

### *What are you to do at the ballot day?*

Come to the electoral district from 7 a.m. till 8 p.m. Make sure you have your ID card with you!

If the voting involves ballot papers, find your name, put your signature in the list of voters, and get a ballot.

Fill in your paper ballot.

Drop your filled-in paper ballot in the ballot-box.

In case of electronic voting register by scanning the bar-code of your ID card, and get a terminal for voting.

In a polling booth make your choice using the electronic ballot.

Memorize and write down the figures, encoding your vote, to be able to investigate how your vote was considered in elections.

After leaving the booth, give your electronic ballot to a member of the election commission.

## **12. KAZAKHSTANI ELECTORAL SYSTEM DEVELOPMENT**

### **It is interesting**

Since the times of Mongolian Invasion, long before joining Russia, Kazakh people along with their traditions and rituals used to have some written rules and acts regulating general aspects of their society and its institutions' activities. "The Yassa of Chingiz Khan" was the main source of law. "The Great Conqueror" set up the rules for obtaining the khan rank.

For example, according to Yassa the "Golden Horde's" will was the only source of the supreme power right. "Kurultay" meeting of tsareviches and elite representatives was the highest direct declaration of the "Golden Horde's" will. Any "Altan Urga" member, considered honorable by the majority of the "Golden Horde's" representatives and approved by the "Kurultay", could've become khan.

Set of Kazakh laws "Zhety Zhargy", which fragments were handed down a legend, and extracts kept in folk materials, also stipulated the elections of khans in the presence of the crowd of people and prominent chingizids. Khan used to be elected from Chingiz Khan's descendants, sultans-chingizids - "ak suyeks". As a rule, elections were held in August, when the cattle were more fat. People were getting ready for the autumn migration and winter encampment. In accordance to the ancient tradition representatives of three zhuzhes attended elections of Kazakh khans. The main meetings (maslikhats) were held on the Martuba hill near the town of Sairama (current South Kazakhstan oblast).

"Rules on the Siberian Kyrgyz", dated 1822, was one of the first laws adopted after Kazakhstan joined Russia. The Rules set up time and place of holding elections as well.

According to the Rules, auls were governed by foremen, volosts by sultans, and districts by senior sultans. Court proceedings in auls and volosts were performed by honorable Kyrgyzs (Kazakhs) called biys.

Foremen, representing the very Kyrgyzs (Kazakhs), were elected for

the term of three years and approved by the district Board, having two Russian and two honorable Kyrgyz (Kazakh) representatives. Each district had such Board. Kazakh representatives were elected to the district Board by biys and foremen for the term of two years. Same foreman could be elected for several terms. Elections of foremen were conducted in auls orally by the majority vote.

The sultan rank used to be inherited; the sultans' right to govern volosts used to be descended to sultans' family members or relatives. Nevertheless, it had to be approved by the community, which had the right to elect another sultan according to their own traditions. Senior sultan used to be elected by the sultans for the term of three years.

The way of electing biys set up by the Rules and further regulations was the following: *“only Kyrgyzs (Kazakhs) of good morals no younger than twenty-five years old, famous for their integrity and knowledge of national laws and traditions, and neither convicted nor being on remand, may be elected to the biys”*. Biys used to be elected by the people for the term of three years, simultaneously with elections to the volosts governors, and approved by the oblast military governor.

After the February Revolution in 1917 and power succession to the Interjacent government, Kazakh intellectuals, middle class representatives, and public persons had high expectations on the Interjacent government, searching for the ways of creating Kazakh nationality, standing for Kazakhstan autonomy from Russia, and independent government.

As a result of these political activities, the “Alash” party was established (*in 1917 in Orenburg at the Kazakh Congress*). According to the number of votes received by the Constituent Assembly in November 1917, the “Alash” party was **the eighth among the sixty parties** existing in Russia back then.

With the declaration in 1917 in Orenburg of the Kazakhstan national autonomy and foundation of the “Alash Orda” government headed by A.

Bukeykhanov, the election legislation was changed.

Thus, all citizens irrespective of their sex and origin were given the election franchise and eligibility. Elections to the deputies of legislative authorities must be implemented by direct, equal, and secret voting.

However, it hasn't been put into practice. In October 1917 the "Alash Orda" government was liquidated, and in March 1918 Soviet government was set up in Kazakhstan.

### **Soviet electoral system**

Along with the annihilation of the old wheels of state, new government created its own bodies – Councils, Revolution committees etc.

In July 1919 Council of People's Commissars passed the Decree "On the Revolution Committee on Governing the Kyrgyz Territory". In Kyrgyz auls and volosts, all the citizens reached the age of 18 by the elections date, attributed to a certain aul or residing in it, or staying in it more than one year, were given the right to vote.

As early as a year after adoption of the "Declaration of the Kyrgyz (Kazakh) ASSR Workers' Rights", citizens exploiting hired labor *were deprived of the right to vote*.

General elections management in the Republic was entrusted to the People's Commissariat for Internal Affairs of KASSR, whereas direct governing was imposed on governorate and district executive committees. They also used to approve the election commissions membership.

Till 1936, the Soviet law on elections almost totally excluded the freedom of elections (which is no wonder, as it was the Committee for Internal Affairs who managed elections), having set up explicit discrimination by warranting the right to vote only to those who "procured means of living by the productive and socially useful work", soldiers, and disabled people.

In 1936 all the adult population of the SSSR, i.e. all the Kazakhstan

citizens who reached the age of 18 got the right to participate in elections and be elected, while all the property and social restrictions were abolished.

However, none of the changes in the election legislation touched upon the very core of the subject – the voting process. Still, the voter faced ineffective elections of the only available candidate; the class-specific approach was still applied to the elections of candidates for deputies. In such environment all the democratic norms of the soviet election legislation, set up by the Constitution, were meaningless.

### **First steps towards independent Kazakhstan**

The old soviet election legislation wasn't adjusted to the real competitive environment, contained many defects, and hence, favored misapplication. New political system invoked new laws on elections.

The fact that the deputies of the Supreme Soviet were discharged of work within the term of their deputy activities was one of the legal innovations. It was a step towards establishing a professional Parliament.

Since 1989, one-fourth of the Supreme Soviet of KASSR (supreme authority) was formed by the non-governmental organizations.

In March 1990, first democratic elections to the Supreme Soviet of KASSR of the 1st convocation were held. More than two thousand candidates participated in pre-election for 360 deputy mandates (about 6 candidates per mandate). People's participation countrywide was accounted for 84%.

Later on, the institution of the elections of the supreme representative body deputies represented by the NGOs was abolished due to emergence of new parties and public associations in the political arena.

Hence, Kazakhstan citizens were given a real option.

***On the 24<sup>th</sup> of April 1990, the law “On the introduction of the position of the President of Kazakh SSR and on making additions to***

### ***the Constitution of Kazakh SSR” was passed.***

According to the law, the first President of Kazakh SSR was elected by the Supreme Soviet for the term of six years.

By the Act of the Kazakh SSR Supreme Soviet dated on 24 April, 1990 the election of the first President of sovereign Kazakhstan was adopted. Nursultan Abishevich Nazarbayev became the first President.

First nationwide elections of the President of Kazakh SSR were appointed for the 1<sup>st</sup> of December 1991, and N.A. Nazarbayev was elected again.

### **The stages of the reforms of electoral system of sovereign Kazakhstan**

With the adoption of the first Constitution of sovereign Kazakhstan on the 28<sup>th</sup> of January 1993, the first stage of the reform of electoral system of sovereign Kazakhstan was accomplished.

The Constitution of 1993 declared the people as the only source of state power and specified a set of positions to be elected by citizens on the basis of universal, equal and direct suffrage by secret ballot:

- 1) Supreme Soviet (the only legislative and supreme representative body);
- 2) The President – the Head of the country leading the integrated executive power system of the Republic (jointly with the vice-president);
- 3) local representative bodies.

In December 1993, the Code on Elections in the Republic of Kazakhstan was passed.

The elected bodies system was adjusted to the state structure of Kazakhstan declared by the Constitution of 1993 as a **“half-presidential” republic**. Just like the Constitution, it had the explicitly transit nature: transit

from the soviet state fallen into oblivion to a new democratic state.

During that period, the command system of ruling the country had just collapsed, whereas new democratic system had just been established, and it was very important to preserve the state sustainability and achieve quick pace of reforms.

Strong central power was needed, which with the people's support would take the responsibility for the country's fate. Hence, the President's power was required.

The power to nominate the members of the Central Election Commission was delegated to the President of the Republic, whereas local election commissions were elected by the local executive bodies.

In 1995, the President of Kazakhstan on the basis of the power granted to him by the Supreme Council, adopted the Constitutional Act "On the Republic Referendum", regulating in detail the terms of preparing and holding referendum. In particular, the Supreme Council, the President, Cabinet of Ministers of the Republic of Kazakhstan as well as the groups of citizens (not less than 200 thousand people), were given the right to initiate referendum. With the adoption of this constitutional act the legal mechanism triggered democratic participation of citizens in governing the country on the top-priority issues by dint of direct voting was created.

One of such issues was solved by the Kazakhstani citizens on the 29<sup>th</sup> of April 1995, when through the Republican referendum with the presence of 538 Kazakhstan and foreign observers, 95.46% of the electors participated in the referendum for the prolongation of the power of the President of the Republic of Kazakhstan till the 1<sup>st</sup> of December 2000.

### 13. FORMATION OF CURRENT ELECTORAL SYSTEM

Current electoral system of Kazakhstan was adopted through an all-nation referendum on the 30<sup>th</sup> of August 1995 of the current Constitution of the Republic of Kazakhstan, which definitely established ***presidential government***.

In accordance with the new Constitution, members of the Central Election Commission started to be elected by Mazhilis of the Republic of Kazakhstan as advised by the President of the Republic. Hence, the supreme representative body started to participate directly in forming the central election authority.

*Two-house Parliament* consisting of Mazhilis (the lower house, which deputies until 2007 were elected by all-nation voting) and Senate (the upper house, which deputies are elected by the Maslikhats of oblasts, Astana, and Almaty cities) is one of the innovations of the Constitution of 1995.

In 2004, fundamental changes were made to the Legislation “On Elections in the Republic of Kazakhstan”:

election commissions are formed at the political parties’ suggestion;

7%-barrier is settled for parties getting in the Parliament;

the terms of office of the President, Mazhilis of the Parliament, Maslikhat deputies’ were changed;

general electoral period of five years was set;

the first President has the right to run for the President unlimited number of times;

Mazhilis of the Parliament of the Republic of Kazakhstan is elected on the basis of the party lists under the system of the proportional representation;

the Parliament forms the government;

it is permissible to establish non-governmental election funds;



“Sailau” automatic information system is applied.

*ANNEXES*

**NATIONAL ANTHEM**  
**OF THE REPUBLIC OF KAZAKHSTAN**  
Lyrics by Zhumeken Nazhimedanova, Nursultan Nazarbayev  
Music by Shamshi Kaldayakov

Алтын күн аспаны,  
Алтын дән даласы,  
Ерліктің дастаны,  
Еліме қарашы!  
Ежелден ер деген,  
Даңқымыз шықты ғой.  
Намысын бермеген,  
Қазағым мықты ғой!

*Refrain:*

Менің елім, менің елім,  
Гүлің болып егілемін,  
Жырың болып төгілемін, елім!  
Туған жерім менің – Қазақстаным!

Ұрпаққа жол ашқан,  
Кең байтақ жерім бар.  
Бірлігі жарасқан,  
Тәуелсіз елім бар.  
Қарсы алған уақытты,  
Мәңгілік досындай.  
Біздің ел бақытты,  
Біздің ел осындай!

*Refrain:*

Менің елім, менің елім,  
Гүлің болып егілемін,  
Жырың болып төгілемін, елім!  
Туған жерім менің – Қазақстаным!

**CONSTITUTION**  
**OF THE REPUBLIC OF KAZAKHSTAN**  
*(extracts)*

The Constitution was adopted at the republican referendum on 30 August, 1995.

*We, the people of Kazakhstan, united by a common historic fate, create a state on the indigenous Kazakh land, considering ourselves a peace-loving and civil society, dedicated to the ideals of freedom, equality and concord, wishing to take a worthy place in the world community, realizing our high responsibility for the present and future generations, proceeding from our sovereign right, accept this Constitution.*

**Section I. GENERAL PROVISIONS**

**Article 1**

1. The Republic of Kazakhstan proclaims itself a democratic, secular, legal and social state whose highest values are an individual, his life, rights, and freedoms.

2. The fundamental principles of the activity of the Republic are public concord and political stability; economic development for the benefit of all the nation; Kazakhstani patriotism and resolution of the most important issues of the affairs of state by democratic methods **including voting at an all-nation referendum or in the Parliament.**

**Article 2**

1) The Republic of Kazakhstan is a unitary state with **a presidential form of government.**

**Article 3**

1. The people shall be the only source of state power.

2. The people shall exercise power directly through an all-nation referendum and free elections as well as delegate the execution of their power to state institutions.

3. Nobody shall have the right to appropriate power in the Republic of Kazakhstan. Appropriation of power shall be persecuted by law. The right to act on behalf of the people and the state shall belong to the President as well as to the Parliament of the Republic within the limits of the constitutional powers. The government and other state bodies shall act on behalf of the state only within the limits of their delegated authorities.

4. The state power in the Republic of Kazakhstan is unified and executed on the basis of the Constitution and laws in accordance with the principle of its division into the legislative, executive and judicial branches, and a system of checks and balances that governs their interaction.

#### **Article 4**

1. The provisions of the Constitution, the laws corresponding to it, other regulatory legal acts, international treaty and other commitments of the Republic as well as regulatory resolutions of Constitutional Council and the Supreme Court of the Republic shall be the functioning law in the Republic of Kazakhstan.

2. The Constitution shall have the strongest juridical power and direct effect on the entire territory of the Republic.

3. International treaties ratified by the Republic of Kazakhstan shall have priority over its laws and be directly implemented except in cases when the application of an international treaty shall require the promulgation of a law.

4. All laws, international treaties of which the Republic is a party shall be published. Official publication of regulatory legal acts dealing with the rights, freedoms and responsibilities of citizens shall be a necessary condition for their application.

#### **Article 5**

1. The Republic of Kazakhstan shall recognize ideological and political diversity. Merger of public and state institutions and the formation

of political party organizations in state bodies shall not be permitted.

2. Public associations shall be equal before the law. Illegal interference with the state affairs of public associations and the state with affairs of public associations, imposing the functions of state institutions on public associations, and financing of public associations by the state shall not be permitted.

3. Formation and functioning of public associations pursuing the goals or actions directed towards a violent change of the constitutional system, violation of the integrity of the Republic, undermining the security of the state, inciting social, racial, national, religious, class and tribal enmity, as well as formation of unauthorized paramilitary units shall be prohibited.

4. Activities of political parties and trade unions of other states, religious parties as well as financing political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations shall not be permitted in the Republic.

5. Activities of foreign religious associations on the territory of the Republic as well as appointment of heads of religious associations in the Republic by foreign religious centers shall be carried out in coordination with the respective state institutions of the Republic.

#### **Article 7**

1. The state language of the Republic of Kazakhstan is Kazakh.

2. In state institutions and local self-administration bodies Russian is officially used on equal grounds along with the Kazakh.

3. The state shall promote favourable conditions for the study and development of the languages by the people of Kazakhstan.

### **Section II. THE INDIVIDUAL AND CITIZEN**

#### **Article 10**

1. Citizenship of the Republic of Kazakhstan shall be acquired and

terminated as prescribed by law, shall be indivisible and equal regardless of the grounds of its acquisition.

2. A citizen of the Republic of Kazakhstan under no circumstances may be deprived of citizenship, of the right to change his citizenship, and may not be exiled from the territory of Kazakhstan.

3. Dual citizenship of a citizen of the Republic shall not be recognized.

#### **Article 11**

1. A citizen of the Republic of Kazakhstan may not be extradited to a foreign state unless otherwise stipulated by international treaties of the Republic.

2. The Republic shall guarantee its citizens protection and patronage outside its boundaries.

#### **Article 12**

1. Human rights and freedoms in the Republic of Kazakhstan shall be recognized and guaranteed in accordance with this Constitution.

2. Human rights and freedoms shall belong to everyone by a virtue of birth and are recognized as absolute and inalienable. They define the contents and implementation of laws and other regulatory legal acts.

3. Every citizen of the Republic bears rights and responsibilities owing to his citizenship.

4. Foreigners and stateless persons in the Republic shall enjoy rights and freedoms as well as bear responsibilities established for the citizens unless otherwise stipulated by the Constitution, laws, and international treaties.

5. Exercise of a citizen's human rights and freedoms must not violate rights and freedoms of other persons or infringe the constitutional system and public morals.

#### **Article 13**

1. Everyone has the right to protect his rights and freedoms with all means not contradicting the law including self-defense.

2. Everyone has the right of judicial defense of his rights and freedoms.

3. Everyone has a right to qualified legal assistance. In cases stipulated by law, legal assistance shall be provided free of charge.

#### **Article 14**

1. Everyone is equal before the law and court.

2. No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, religion, convictions, place of residence, or any other circumstances.

#### **Article 15**

1. Everyone has the right for life.

2. No one has the right to arbitrarily deprive a person of life. The law shall establish the capital punishment as an extraordinary measure for especially grave crimes and grant the sentenced person the right to appeal for remission.

#### **Article 16**

1. Everyone shall have the right to personal freedom.

2. Arrest and detention shall be allowed only in cases stipulated by law and only with the sanction of a court or prosecutor of law. The detained person shall be provided with the right to appeal. Without the sanction of a public prosecutor a person may be detained for a period no more than seventy-two hours.

3. Every person detained, arrested, and accused of committing a crime shall have the right to the assistance of a defense lawyer (defender) from the moment of detention, arrest or accusation.

#### **Article 17**

1. A person's dignity shall be inviolable.

2. No one must be subject to torture, violence or other treatment and cruel punishment humiliating human dignity.

### **Article 18**

1. Everyone shall have the right to inviolability of private life, personal or family secrets, protection of honor and dignity.

2. Everyone shall have the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph, and other messages. Limitation of this right shall be permitted only in the cases and according to the procedure directly established by law.

3. State bodies, public associations, officials, and the mass media must provide every citizen with the possibility to obtain access to documents, decisions, and other sources of information concerning his rights and interests.

### **Article 19**

1. Everyone shall have the right to determine and indicate or not to indicate his national, party, and religious affiliation.

2. Everyone shall have the right to use his/her native language and culture, to freely choose the language of communication, education, instruction, and other activities.

### **Article 20**

1. The freedom of speech and creative activities shall be guaranteed. Censorship shall be prohibited.

2. Everyone shall have the right to freely receive and disseminate information by any means not prohibited by law. The list of items constituting state secrets of the Republic of Kazakhstan shall be determined by law.

3. Propaganda of or agitation for the forcible change of the constitutional system, violation of the integrity of the Republic, undermining the state security, and advocating war, social, racial, national, religious,



class and clannish superiority as well as the cult of cruelty and violence shall not be allowed.

#### **Article 21**

1. Everyone who has a legal right to stay on the territory of the Republic of Kazakhstan shall have the right to freely move within its territory and freely choose a place of residence except in cases stipulated by law.

2. Everyone shall have the right to leave the territory of the Republic. Citizens of the Republic shall have the right to freely return to the Republic.

#### **Article 22**

1. Everyone shall have the right to freedom of conscience.

2. The right to freedom of conscience must not specify or limit universal human and civil rights and responsibilities before the state.

#### **Article 23**

1. Citizens of the Republic of Kazakhstan shall have the right to freedom of forming associations. The activities of public associations shall be regulated by law.

2. The military, employees of national security, law-enforcement bodies, and judges must abstain from membership in political parties, trade unions, and actions in support of any political party.

#### **Article 24**

1. Everyone shall have the right to freedom of labor, and the free choice of occupation and profession. Involuntary labor shall be permitted only on a sentence of court or in the conditions of a state of emergency or martial law.

2. Everyone shall have the right to safe and hygienic working conditions, to just remuneration for labor without discrimination, as well as to social protection against unemployment.

3. The right to individual and collective labor disputes with the use

of methods for resolving them, stipulated by law including the right to strike, shall be recognized.

4. Everyone shall have the right to rest. Working labor agreements stipulating the length of working time, days-off and holidays, and paid annual leave shall be guaranteed by law.

### **Article 32**

Citizens of the Republic of Kazakhstan shall have the right to peacefully and without arms assemble, hold meetings, rallies, demonstrations, street processions, and pickets. The use of this right may be restricted by law in the interests of state security, public order, protection of health, rights and freedoms of other persons.

### **Article 33**

1. *Citizens of the Republic of Kazakhstan shall have the right to participate in the government of the state's affairs directly and through their representatives, to address personally as well as to direct individual and collective appeals to public and local self-administrative bodies.*

2. *Citizens of the Republic shall have the right to elect and be elected into public and local self-administrations as well as to participate in an all-nation referendum.*

3. The right to elect and be elected, to participate in the all-nation referendum shall not extend to the citizens judged incapable by a court as well as those held in places of confinement on a court's sentence.

4. Citizens of the Republic shall have the equal right to serve in a public office. The requirements for candidates for public offices shall be conditioned only by the character of the office duties and shall be established by law.

### **Article 34**

1. Everyone must observe the Constitution, legislation of the Republic of Kazakhstan and respect the rights, freedoms, honor and dignity of other persons.

2. Everyone must respect the state symbols of the Republic.

### **Article 36**

1. Everyone must observe the Constitution, legislation of the Republic of Kazakhstan and respect the rights, freedoms, honor and dignity of other persons.
2. Everyone must respect the state symbols of the Republic.

## **Section III. THE PRESIDENT**

### **Article 40**

1. The President of the Republic of Kazakhstan shall be the head of state, its highest official determining the main directions of the domestic and foreign policy of the state and representing Kazakhstan within the country and in international relations.
2. The President of the Republic shall be the symbol and guarantor of the unity of the people and the state power, inviolability of the Constitution, rights and freedoms of an individual and citizen.
3. The President of the Republic shall ensure by his arbitration concerted functioning of all branches of state power and responsibility of the institutions of power before the people.

### **Article 41**

1. The President of the Republic shall be elected by universal, equal and direct suffrage under a secret ballot for a seven-year term in accordance with the constitutional law by the citizens of the Republic who have come of age.
2. A citizen of the Republic shall be eligible for the office of the President of the Republic of Kazakhstan if he is by birth not younger than forty and has a perfect command of the state language and has lived in Kazakhstan for not less than fifteen years.
3. Regular elections of the President of the Republic shall be held on the first Sunday of December and shall not coincide with the election of

a new Parliament of the Republic.

4. *excluded*

5. The candidate who receives more than 50 percent of the votes of the constituents that took part in the election shall be deemed elected. If none of the candidates receives the above number of votes, a second round of elections shall be held between the two candidates who obtained the largest number of votes. The candidate who receives the larger number of votes of the constituents who take part in the second round of elections shall be deemed elected.

#### **Article 42**

1. The President of the Republic of Kazakhstan shall take office from the moment of swearing to the people the following oath: "I solemnly swear that I will faithfully serve the people of Kazakhstan, strictly observe the Constitution and the laws of the Republic of Kazakhstan, guarantee the rights and freedoms of the citizens, honestly perform the high duties of the President of the Republic of Kazakhstan entrusted to me."

2. The oath shall be taken on the second Wednesday of January in a ceremonial atmosphere in the presence of the deputies of Parliament, the members of the Constitutional Council, the judges of the Supreme Court as well as all former Presidents of the Republic. In case, stipulated by Article 48 of the Constitution, the oath shall be taken by a person who has taken the powers of the President of the Republic of Kazakhstan within one month since taking the powers of the President of the Republic.

3. The powers of the President of the Republic shall terminate from the moment the newly elected President of the Republic takes office as well as in the case of premature release from office, resignation or death. All former Presidents of the Republic except those who were discharged from office shall have the title of ex-President of the Republic of Kazakhstan.

4. *excluded*

5. One and the same person may not be elected the President of the Republic more than two times in a row.

This limitation doesn't extend to the first President of the Republic of Kazakhstan.

#### **Article 43**

1. The President of the Republic of Kazakhstan shall not have the right to be a deputy of a representative body, hold other paid offices and engage in entrepreneurial activity.

2. *excluded*

#### **Article 44**

1. The President of the Republic of Kazakhstan shall:

1) annually address the people of Kazakhstan with a message on the state of the country and main directions of the domestic and foreign policy of the Republic of Kazakhstan;

2) appoint regular and extraordinary elections to the Parliament of the Republic; convene the first session of the Parliament and accept the oath of its members to the people of Kazakhstan; call extraordinary joint sessions of the Chambers of the Parliament; sign laws submitted by the Senate of the Parliament within fifteen working days, promulgate the law or return the law or its separate articles for a second discussion and vote;

3) appoint a Prime Minister of the Republic with the Parliament's consent; release him from office; determine the structure of the Government of the Republic at the proposal of the Prime Minister, appoint to and release from office its members, as well as form, abolish and reorganize central executive bodies of the Republic which are not included into the Government; accept the oath of the members of the Government; preside at the meetings of the Government on especially important issues; charge the Government with bringing a bill into the Mazhilis of Parliament; annul or suspend completely or partially the effect of the Government's acts and those of the akims of the oblasts, major cities and the capital;

4) appoint the Chairperson of the National Bank of the Republic of Kazakhstan with the Parliament's consent; release him from office;

5) appoint the Procurator General and Chairperson of the Committee of National Security of the Republic with the consent of the Senate of the Parliament; release them from office;

6) appoint and recall heads of diplomatic representative offices of the Republic;

7) appoint the Chairperson and two members of the Accounts Committee for control over Execution of the Republican Budget for a five year term;

8) approve state programs of the Republic;

9) approve a unified system of financing and labor payment for all bodies financed by the state budget of the Republic at the proposal of the Prime Minister of the Republic;

10) adopt a resolution on conducting the all-nation referendum;

11) conduct negotiations and sign international treaties of the Republic; sign ratification instruments; receive letters of credentials and recall from diplomatic and other representatives of foreign states accredited to him;

12) act as the Commander-in-Chief of the Armed Forces of the Republic, appoint and replace the highest command of the Armed Forces;

13) award state decorations of the Republic and confer-honorary, highest military and other ranks, ranked positions, diplomatic ranks and qualification degrees;

14) resolve issues of citizenship of the Republic, and political asylum;

15) exercise pardon of citizens;

16) in the event of a serious and immediate threat to the democratic institutions of the Republic, its independence and territorial integrity, political stability of the Republic, security of its citizens and the disruption of

normal functioning of the Constitutional bodies of the state, the President shall have official consultation with Prime Minister and Chairpersons of the Parliamentary Chambers of the Republic and take measures, caused by a state of emergency on the entire territory or in particular areas of Kazakhstan, and immediately inform the Parliament of the use of the Armed Forces of the Republic;

17) in case of aggression against the Republic or immediate external threat to its security, the President shall impose martial law on the entire territory of the Republic or in particular areas, declare a partial or total mobilization and immediately inform the Parliament of the Republic to the effect;

18) form the Republican Guard as well as the Presidential Guard subordinated to the President;

19) appoint to and release from office the State Secretary of the Republic of Kazakhstan, define his status and powers; form the administration of the President of the Republic;

20) form the Security Council, the Higher Judicial Council and other consultative and advisory bodies;

21) exercise other powers in accordance with the Constitution and the laws of the Republic.

**Constitutional Act of the Republic of Kazakhstan**  
**“On Elections in the Republic of Kazakhstan”**  
*(extracts)*

**I. GENERALITY**

**Chapter 1. General provisions**

**Article 1. The relations regulated by the present Constitutional Act**

The present Constitutional Act regulates the relations arising during preparation and holding of the Elections of the President of the Republic of Kazakhstan, elections of the Senate and Mazhilis deputies of the Parliament, deputies of Maslikhats and **members of other local self-administration bodies** of the Republic of Kazakhstan, as well as stipulates the guaranties ensuring freedom of declaration of their will by the citizens of the Republic.

**Article 2. Freedom of elections**

The elections in the Republic of Kazakhstan are based on the principle of a free implementation by the citizen of the Republic of Kazakhstan of his/her right to vote and to be elected.

**Article 3. Principles of the election franchise**

1. *Elections of the President, deputies of Mazhilis of the Parliament and Maslikhats, **members of other local self-administration bodies** of the Republic are conducted on the basis of *universal, equal and direct suffrage by secret ballot.**

2. *Elections of the Senate deputies for the Parliament of the Republic are conducted on the basis of *indirect suffrage by secret ballot.**

3. Participation of the citizens of the Republic in elections is voluntary. Nobody has the right to force a citizen of the Republic to participate or not to participate in elections, and as well as to limit his/her declaration of will.

**Article 4. The universal election franchise (suffrage)**

1. The universal election franchise - the right of citizens of the



Republic of Kazakhstan to participate in voting at elections upon reaching the age of eighteen years old irrespective of his/her birth origin, social, official capacity and property status, sex, race, nationality, language, relation to religion, belief and faith, place of residence or any other circumstances.

2. The eligibility is the right of the Republic citizens to be elected the President of the Republic of Kazakhstan, deputy of the Republic Parliament, of Maslikhat or a **member of other local self-administration body**.

3. The citizens recognized by the court as legally incapable, including the citizens kept in places of confinement under the court sentence do not participate in elections.

4. A person with a prior conviction not cancelled or withdrawn in the statutory order can not be a candidate to the President of the Republic of Kazakhstan, in deputies of the Parliament of the Republic of Kazakhstan, under party lists, Maslikhats and also as a candidate in **members of local self-administration bodies**.

#### **Article 5. The equal franchise (suffrage)**

1. *Voters participate in Elections of the President of the Republic of Kazakhstan, in elections of deputies of Mazhilis of the Parliament **elected based on party lists** and Maslikhats of the Republic on equal basis and each of them enjoys one vote per one ballot.*

2. Voters participate in elections of **members of other local self-administration bodies** of the Republic *on equal basis and each of them enjoys an equal number of votes.*

The candidates are guaranteed equal rights and conditions for participation in elections.

#### **Article 6. The direct suffrage (election franchise)**

The President, deputies of Mazhilis of the Parliament and Maslikhats, **members of other local self-administration bodies** of the Republic are

elected by citizens directly.

#### **Article 7. The electoral choice (indirect election franchise)**

1. Electors-the citizens of the Republic who are deputies of Maslikhats shall participate in elections of the Senate deputies of the Parliament.

2. Electors participate in elections of the Senate deputies on equal basis and each of them has one vote at elections of the Senate deputy.

#### **Article 8. Secret voting**

Voting during the Elections of the President of the Republic of Kazakhstan, elections of the deputies of the Parliament and Maslikhats, **members of other local self-administration bodies** of the Republic is secret and, hence, excludes any possibility of exercising any control over declaration of voters' will.

#### **Article 9. Electoral systems**

**1. The following vote-counting system shall be applied during elections of the President, deputies of the Senate and also deputies of the Mazhilis of the Parliament elected by the Assembly of the People of Kazakhstan:**

1) *(Excluded)*;

2) The candidate is considered to be elected if:

- The candidate has collected more than fifty percent of votes of voters (electors) who have taken part in voting;

- The candidate who at a repeated voting in comparison with the other candidate has collected the greater poll of voters (electors) who have taken part in voting.

**1-1. Mazhilis deputies of political parties shall be elected for the single national electoral district based on party lists.**

2. At elections of deputies of the Maslikhats, the candidate is considered to be elected if in comparison with other candidates he/she has collected the greater poll of the voters who have taken part in voting.

3. The following system of votes' counting is applied at elections of **members of other local self-administration bodies**:

1) (*Excluded*);

2) The candidates are considered to be elected if the majority of the voters who have taken part in voting (voters) have voted for them in comparison with other candidates.

## **Chapter 2. Elections bodies**

### **Article 10. Election bodies, their system and the term of office**

1. The election commissions are the state election bodies that organize preparation and holding of elections in the Republic.

2. The single system of election commissions is formed of:

1) The Central Election Commission of the Republic;

2) Territorial election commissions;

3) District election commissions;

4) Divisional election commission.

3. The term of office of election commissions constitutes five years.

Territorial, district and divisional election commissions are elected by the corresponding Maslikhats based on proposals of political parties.

Each political party has the right to propose one candidature to the corresponding election commission. The political party has the right to propose to the election commissions the candidatures who are not members of the given political party.

If the political parties do not submit any proposals within the term specified by the Maslikhat - not less than one month prior to the term of formation of election commissions - the Maslikhats shall elect the election commission based on the proposals of other public associations and superior election commissions.

The persons proposed to the election commission structure have to submit an application expressing their consent to participate in the work of the given commission. The chairman, vice-chairman and the secretary of

the election commissions are elected during the first sitting of the election commission.

Formation of a composition of the election commission begins not later than two months before and ends not later than three days prior to termination of the term of office of the election commissions.

The bodies forming election commissions have the right to introduce changes in their composition within the term of office of such election commissions.

4. Decisions on formation of election commissions, their composition and location are announced in mass media.

5. Decisions of election commissions accepted within the limits of their competency are obligatory for execution by all state bodies, organizations, local self-administration bodies, and also by the officials of their corresponding territory.

6. It is impermissible to intervene in the activities of election commissions when they accomplish the authorities granted to them.

7. The activity of the election commission can be terminated by decision of the body forming the election commission or by a court decision based on an application of the higher election commission.

8. The member of the election commission cannot be discredited of his/her authorities, except for the cases indicated in items 6 and 7 of article 19 of the present Constitutional Act.

### **Article 11. The Central Election Commission of the Republic of Kazakhstan**

1. The Central Election Commission heads the single system of the election commissions of the Republic of Kazakhstan and acts as a permanent body.

**2. The Central Election Commission shall consist of the Chairman and six members.**

3. *(Excluded).*

4. The Central Election Commission shall have its own personnel.

5. Expenses on maintenance of the Central Election Commission and its personnel are covered from the Republican budget.

**Article 12. The authorities of the Central Election Commission of the Republic of Kazakhstan**

The Central Election Commission:

1) Implements on the territory of the Republic of Kazakhstan control over execution of the Legislation on Elections; provides for its uniform application; makes decisions within the limits of its competency boundary for execution across the territory of the Republic;

2) Organizes preparation and holding of elections of the President and of the Parliament Mazhilis deputies; supervises over organization and holding of elections of the Parliament Senate deputies;

2-1) Considers the issue of admission of political parties to participation in elections of a part of the Parliament Mazhilis deputies who are elected under party lists;

3) *(Excluded)*;

3-1) *(Excluded)*;

4) Makes up and submits to the Government of the Republic an estimate of expenditures on conducting of an election campaign;

5) Exercises management over election commissions on elections of the President, deputies of the Parliament; cancels and suspends their decisions; distributes among them the funds from the Republican budget allocated for conducting of election campaigns; controls creation of the required material and technical conditions for the activities of election commissions; considers applications and petitions related to decisions and actions (inactivity) of the territorial and district election commissions; conducts workshops with representatives of political parties on organization and holding of elections; implements international cooperation in the area of electoral systems;

6) Establishes the form and text of the ballots for Elections of the President of the Republic of Kazakhstan, the form of the ballots for elections of deputies to the Parliament, Maslikhats and **members of other local self-administration bodies**, the order of their production, and also the degree of security, the forms of voter's lists (electors), a subscription sheet for collection of electors' signatures in support of candidates in President and collection of electors' signatures in support of candidates in deputies of the Senate, other election documents, the form of ballot-boxes made of transparent material and samples of seals of the election commissions, the order of storage of election documents; provides production of ballots for Elections of the President of the Republic of Kazakhstan and election of deputies to the Parliament and Maslikhats;

**6-1) determines procedures for preparation and issue of absentee voting ballots;**

7) Has the right to hear to the reports of the state bodies and organizations on the issues related to preparation and holding of elections and also to the information of the bodies of public associations on the issues of observance of the legislation on Elections;

8) Registers candidates to the President of the Republic, their proxies, issues for them the corresponding certificates, publishes in mass media accounts on registration of candidates;

9) Informs voters on the course of the election campaign on Elections of the President of the Republic of Kazakhstan and election of the deputies to the Parliament, periodically issues information bulletins;

10) Sums up the results of the Elections of the President of the Republic of Kazakhstan and the elections of the deputies of the Parliament across the Republic, registers the elected President and deputies of the Parliament, publishes the press accounts in mass media;

11) Sets and organizes conducting of the repeated voting and repeated elections at Elections of the President of the Republic of

Kazakhstan;

12) Sets repeated elections of the Parliament deputies;

13) Sets elections of the Parliament deputies to replace the retired members;

14) Sets the regular and extraordinary elections of Maslikhats;

15) At organization and holding of elections of Maslikhats and **other local self-administration bodies**, the Central Election Commission exercises the methodological management of the territorial election commissions and control over eligibility of their activities to the provisions and requirements of the present Constitutional Act. At revealing of infringements of the present Constitutional Act, the Central Election Commission resorts to the body that forms the election commission or to the court with an application to cease the activity of the corresponding election commission;

16) The Central Election Commission depending on the number of the population of the administrative and territorial areas determines the number of the deputies of Maslikhats to be elected on behalf of them;

16-1) Places on the official web-site of the Central Election Commission the normative legal acts on the election legislation, information on timing and holding of elections and also on the results of votes' counting at the last elections;

16-2) Conducts a uniform electronic Registration list of citizens-voters of the Republic of Kazakhstan;

16-3) At holding of the elections using the electronic electoral system, the Central Election Commission conducts trainings for the members of the corresponding election commissions on application of the electronic system;

16-4) Through mass media organizes trainings for the population on use of the electronic electoral system at elections;

17) Implements other authorities in compliance with the legislation of

the Republic of Kazakhstan.

### **Article 13. The territorial election commissions**

1. The territorial election commissions are oblast (the cities of the Republican significance and the capital of the Republic), rayon, urban and city district election commissions.

2. The territorial election commissions:

1) Ensure organization and holding of elections of the President, deputies of the Parliament and Maslikhats, **members of other local self-administration bodies**;

2) Include seven members.

4. Information on the membership of the territorial election commissions on Elections of the President of the Republic of Kazakhstan, elections of the deputies of the Parliament and Maslikhats is published in mass media not later than in ten days, and of the territorial commissions on elections of the **members of other local self-administration bodies** - not later than in seven days after calling or announcement of such elections.

### **Article 14. Authorities of the territorial election commission**

The corresponding territorial election commission:

1) Ensures control over execution of the Legislation on Elections in the territory of an administrative and territorial area;

2) Ensures preparation and holding of Elections of the President of the Republic of Kazakhstan, elections of the deputies of the Parliament and Maslikhats, **members of other local self-administration bodies**;

**2-1) Registers authorized representatives of political parties, which have nominated their party lists, and issues corresponding certificates to them;**

3) Supervises over activity of the subordinated territorial, district and divisional election commissions; cancels and suspends their decisions; distributes among them the funds of the Republican budget allocated for conducting of election campaigns; controls creation of the required



materials and technical conditions for activities of district and divisional election commissions; considers applications and petitions related to decisions and actions (inactivity) of district and divisional election commissions; organizes execution of decisions of the Central Election Commission by all election commission formed within the boundary of the corresponding administrative and territorial area, resorts to the body forming the election commission or to the court with an application to cease the activity of the election commissions that have committed infringements of the present Constitutional Act;

4) Enjoys the right to hear to the reports of the election commissions, of the state bodies and organizations on the issues related to preparation and holding of elections and also to the reports of the public association bodies in respect to the issue of observation of the legislation on Elections;

5) Ensures holding of elections of the Senate deputies; registers the candidates in deputies of the Senate, their proxies, issues for them the corresponding certificates; publishes in mass media information on registration of the candidates; prepares polling places for voting, provides manufacturing of polling booths and ballot-boxes; sums up the results of voting at elections of the Senate deputies and submits the minutes with the summary of the results of voting to the Central Election Commission for registration of the deputies of the Senate;

6) Forms election districts on elections of deputies for Maslikhats and publishes their list, notifies voters on the locations of their election commissions;

6-1) Establishes a uniform numbering of the polling stations for voting;

7) Ensures production of ballots on elections of the **members of other local self-administration bodies, except Maslikhats**;

8) Receives from district election commissions the minutes on registration of candidates in deputies of the corresponding Maslikhats and

provides for publication by the district election commissions of the lists of the registered candidates;

9) Sums up the results of elections of the deputies to the Maslikhats, registers the elected deputies and publishes announcements about it in mass media, submits to the Central Election Commission the minutes on counting of votes by the corresponding election districts and polling stations for publication on an official web-site of the Central Election Commission;

10) Organizes a repeated voting, a repeated election and elections to replace the retired deputies of the Senate and Maslikhats;

11) Calls and organizes elections of the **members of other local self-administration bodies, except Maslikhats**, repeated elections and elections of members to replace the retired members; fulfills the functions of the district election commission on election of members of **other local self-administration bodies, except Maslikhats** located on the territory of the corresponding administrative and territorial area; registers the candidates in members of **other local self-administration bodies, except Maslikhats**, their proxies, issues the corresponding certificates for them; publishes in local mass media information on registration of the candidates; sums up the results of elections of **the members of other local self-administration bodies, except Maslikhats** and publishes in local mass media information on the results of elections;

12) Executes other authorities in compliance with the legislation of the Republic of Kazakhstan.

### **Article 15. The district election commissions**

1. The district election commissions provide for organization and holding of elections of the deputies for Maslikhats in county constituencies.

2. The district election commissions are composed of seven members.

3. The list of the members for the district election commissions is published in mass media not later than in ten days after calling or

announcement of elections.

### **Article 16. The authorities of the district election commission**

The district election commission:

1) On the territory of a corresponding electoral district exercises control over execution of the legislation on Elections;

2) Organizes holding of elections of the deputies to Maslikhats;

3) Organizes and coordinates the activity of the divisional election commissions (local election commissions); cancels and suspends their decisions; controls creation of the required materials and technical conditions for the activity of the divisional election commissions (local election commissions); considers applications and petitions in relation to the decisions and actions (inactivity) of the divisional election commissions (local election commissions). At revealing of infringements of the present Constitutional Act, it resorts to the body that forms the election commission or to the court with an application to cease the activity of such an election commission;

4) (Excluded by the Constitutional Act of the Republic of Kazakhstan as of April 14, 2004 № 545-II);

5) Registers the proposed candidates in deputies of Maslikhats, their proxies, issues for them the corresponding certificates and publishes in the local mass media announcements on registration of candidates;

6) Controls timeliness and correctness of making the electoral registers and submission of them for general information;

7) Ensures provision of the divisional election commissions (local election commissions) with ballots;

8) Has the right to hear to the reports of divisional election commissions and of the state bodies and organizations located on the territory of the district on the issues related to preparation and holding of elections, and also to hear to information of the bodies of public associations in respect to the issues of observance of the legislation on

Elections;

9) Receives from divisional election commissions the minutes on the results of voting, on their basis determines the election returns in the district and ensures publication of announcements about it in mass media;

10) *(Excluded)*;

11) Conducts repeated elections and elections to replace the retired deputies of Maslikhats;

12) Executes other authorities in compliance with the legislation of the Republic.

### **Article 17. The Divisional Election Commissions (local election commissions)**

1. The divisional election commissions ensure organization and holding of elections of the President, deputies of Mazhilis of the Parliament and Maslikhats, **members of other local self-administration bodies** in the corresponding electoral districts.

The divisional election commissions are composed of seven members.

2. The information about the membership of the divisional election commissions on Elections of the President of the Republic of Kazakhstan, elections of the deputies of the Parliament and Maslikhats is published in mass media not later than in seven days, and of the territorial commissions on elections of **members for the other local self-administration bodies** - not later than in three days after calling or announcement of elections.

### **Article 18. Authorities of divisional election commissions (local election commissions)**

The divisional election commission:

1) In the polling station, the commission conducts election actions on Elections of the President of the Republic of Kazakhstan, elections of the deputies of Mazhilis of the Parliament, Maslikhats and **members for other local self-administration bodies**;

- 2) Notifies voters on location of the divisional election commission;
- 3) Specifies the electoral register of the corresponding polling station;
- 4) Familiarizes the citizens with the electoral register, considers applications about errors and discrepancies in the registers and solves the issues of entering of the appropriate alterations into them;
- 5) Notifies voters about the day, time and place of voting;
- 6) Arranges the premises, ensures manufacturing of polling booths and ballot-boxes;
- 7) Organizes voting in the polling station on the day of elections;
- 8) Conducts counting of votes and defines the results of voting in the polling station;
- 9) Considers applications and petitions in respect to the issues of preparation and organization of voting and makes decisions concerning them;
- 10) Exercises other authorities according to the legislation of the Republic.

**Article 19. The status of the member of the election commission**

1. Members of election commissions are representatives of the state bodies and are under the state protection.

2. The legal status of election commission members is defined by the Constitution, the present Constitutional Act and other legislative acts of the Republic of Kazakhstan.

2-1. Can not be a member of the election commission:

A person with a (previous) conviction that has not been cancelled or removed in the order established by the Law;

A person admitted by the court as incapable or partially incapable.

3. The chairman, members of the Central Election Commission and employees of its office exercise their authorities on the professional and constant basis.

The Chairman of the election commission represents the interests of

the commission in the courts and other state bodies, and has the power to delegate to other persons the authority to represent the interests of the election commission through issue of a relevant letter of attorney.

4. The members of the election commission not listed in item 3 of the present article during holding of elections cannot be dismissed from their work or transferred to other work by the initiative of the employer without their consent.

5. The member of the election commission:

1) Is notified about the meetings of the corresponding election commission forty eight hours earlier, except for the cases that call for an immediate decision-making;

2) Has the right to speak up at the meetings of the election commission, to make proposals in respect to the issues that are within the competency of the corresponding election commission, and to require voting in their respect;

3) Has the right to ask other participants of the meeting any questions as regards the issues on the agenda and to receive answers to the point;

4) As a member of the election commission, he or she enjoys the right to get access to the documents and materials of the election commission and to receive their authentic copies;

5) Can conduct a check of the activities of the inferior election commission upon authorization confirmed by three quarters of voices of the members of the election commission the member of which he/she is;

6) Is obliged to respect the provisions and requirements of the Constitution, the present Constitutional Act and other acts of the Republic of Kazakhstan, the generally accepted standards of ethics;

7) Is obliged to fulfill the responsibilities assigned to him/her, decisions and instructions of the election commission, its chairman and the higher election commission;

8) Is obliged to provide observance and protection of election

franchises and legitimate interests of the citizens, to display impartiality and independence at decision-making, and also to abstain from a public estimation of the activities of the candidates and the political parties which have put forward the party list;

9) Is not constrained by the decisions of the political party or other public association the representative of which he/she is and has no right to protect their interests.

6. The member of the election commission is released from his/her responsibilities on expiration of the fixed term of the authorities of the election commission, at the cease of its activity and also under the decision of the body which has formed the election commission, in the following cases:

1) of submission of an application to excuse him/her from fulfillment of the assigned responsibilities at his/her own will;

2) of loss of citizenship of the Republic of Kazakhstan;

3) of departure to the constant place of residence beyond the limits of the given administrative and territorial area where the corresponding election commission is formed;

4) of coming into force in respect to him/her of the conviction of the courts;

5) of coming into legal force of the court's decision about acknowledgement of him/her incapable, as untraceable or announcement of him/her as dead;

6) of his/her death.

A member of the territorial, district and divisional election commission is dismissed from fulfillment of his or her duties in case the party that has nominated such a member ceases its activities.

The adoption in the order established by the laws of the Republic of Kazakhstan of the decision on the dissolution of the political party shall be a basis for exemption from duties of the members of the territorial, district

and precinct election commissions, which have been nominated by this political party.

7. In case of numerous infringements by the member of the commission of his/her official authorities or inadequate execution of the assigned responsibilities, he/she will be dismissed from his/her position by the body that forms the election commission.

8. The higher election commission nominates a member of the election commission to replace the member of the election commission that has retired before the election by the body forming an election commission in the order established in article 10 of the present Constitutional Act.

9. The election commission must not consist of workers from one and the same organization.

10. A member of the election commission should live on the territory of an administrative and territorial area in which the corresponding commission is located.

**Article 20. Arrangement of operations of election commissions and appealing against actions thereof. Publicity in activities of Election Commissions.**

1. Election commissions shall act based on the principles of collegiality, publicity and transparency.

2. The first meetings shall be convened as follows:

1) The first meeting of the Central Election Commission shall be convened by its chairman within fourteen days following the election of the commission;

2) The first meeting of lower election commissions shall be convened by the chairmen of respective higher commissions within seven days of their establishment.

3. In the course of preparations for and conduct of an election campaign, commissions shall meet at least once in two weeks. At other times, commissions shall meet as and when needed, upon the initiative of



the chairman or at least one third of commission members.

4. Election commissions shall be entitled to make legally binding decisions provided that at least two thirds of the total number of commission members participate.

5. These commissions shall adopt decisions by a majority open vote of all commission members unless otherwise provided herein. Election commission members disagreeing with its decision can make a minority report, of which a higher election commission shall be immediately notified, with a written version of such minority report to be attached to the minutes of the commission meeting.

6. Election commissions shall take efforts to provide free access to decisions made by commissions for all, through publication and distribution of such decisions in public telecommunication networks. In cases stipulated hereby, such decisions shall be made public in other ways.

Political parties not represented in election commissions may delegate their representatives to corresponding election commissions. During preparations for and conduct of an election, such representatives shall have a consultative vote.

A representative of a political party having a consultative vote may speak at meetings of an election commission, make proposals with respect to issues within the terms of reference of a respective election commission, appeal to a higher election commission or a court against actions/omissions of such election commission.

7. Candidates, authorized representatives, observers, mass media representatives may attend meetings of election commissions provided that they have staff identity cards and relevant assignment cards.

Candidates, political parties, which have nominated their party lists, are notified of meetings of respective election commissions and their agenda in advance.

Outsiders not involved in the election process shall not be allowed to

be present in the election commission's premises.

8. On the ballot day, the following persons may be present at the same time since the opening of the polling station until determination of voting returns by vote-counting in the polling station: one authorized representative of each candidate and political party; one representative of each mass medium, subject to availability of an identity card and a relevant assignment card issued by such mass media; one observer representing each political party, other public associations, non-governmental organizations of the Republic of Kazakhstan and observers representing foreign states and international organizations.

9. Decisions and actions (omissions) of an election commission can be appealed to a higher election commission and/or a court within ten days following such a decision or action (omission), unless different deadlines for appeals are stipulated herein. Appeals against decisions and actions/omissions of an election commission filed after these deadlines shall not be given consideration.

When appeals are considered both by the election commission and the court at the same time, the election commission shall suspend proceedings until a court judgment becomes effective. The court shall notify the election commission of the appeal filed and effectiveness of its judgment based on the results of proceedings.

10. State bodies, organizations, local self-administration bodies as well as their officials shall assist election commissions in exercising their power, provide them with all necessary data and materials, reply to requests of election commissions within three days, whereas on the election day and the day preceding the election the same should be done immediately.

11. For a period of preparations for and conduct of an election, members of territorial, district and divisional election commissions may choose, subject to such commission's relevant resolution, to be relieved of

their job duties, with average wages payable at the expense of funds allocated to the election.

Civil servants serving on election commissions shall retain their average monthly wages payable at the place of their primary employment for a period of preparations for and conduct of an election.

Election commission members including civil servants are entitled to compensation for working overtime, on holidays and week-ends and at night payable from funds allocated for the election.

12. The following persons may not serve on election commissions:

1) deputies of the Parliament and Maslikhats and members of local self-administration bodies;

2) candidates for presidency and for deputy of the Parliament and Maslikhats and members of local self-administration bodies;

3) political civil servants;

4) judges sitting on courts of the Republic of Kazakhstan.

Spouses and close relatives of candidates as well as persons directly reporting to candidates may not sit on election commissions ensuring direct organization and conduct in an electoral district of elections, in which such candidate is participating.

Persons indicated in Sub-Item 2 hereof shall be relieved of performance of their duties as election commission members from the day of registration of the relevant candidate on.

#### **Article 20-1. Observers of Political Parties, Other Public Associations, Nonprofit Organizations of the Republic of Kazakhstan**

1. Powers of an observer from political parties and other public associations should be certified in writing, with his/her surname, name, patronymic to be specified. This document shall bear a seal of the organization that sent such an observer and shall be valid if a document confirming the observer's person is submitted. The named documents shall be presented to the chairperson of an election commission or to his/her

substitute for the purposes of registration of an observer in the registry.

2. Observers of political parties and other public associations, nonprofit organizations of the Republic of Kazakhstan shall have a right to:

- 1) attend meetings of the election commission;
- 2) be informed on the number of voters, who have taken part in voting, including voting outside of voting premises;
- 3) attend voting premises of a corresponding polling station during voting and counting of votes;
- 4) accompany mobile ballot-boxes including riding in the vehicle transporting them;
- 5) observe the voting progress, procedures of vote-counting and completion of voting returns at a polling station, at a polling precinct in conditions enabling good observation of all afore-mentioned procedures;
- 6) appeal against decisions, actions/omissions of a respective election commission and/or of its members to a higher election commission or a court;
- 7) attend the voting outside the voting premises if voters cannot come to specified voting premises;
- 8) attend vote-counting and destruction by divisional election commission members of unused ballots;
- 9) take photo, audio and video records without intervening with the course of voting and establishment of its results;
- 10) observe procedures for transfer of protocols of voting returns to higher election commissions;
- 11) after completion of the voting, read protocols of an election commission on voting returns and obtain their certified copies;
- 12) draw attention of election commission members to the violation of requirements hereof, hand over to them relevant written applications, irregularity reports and receive acknowledgment of receipt thereof. Following an application from agents or observers, Chairman of an election

commission or his/her substitute shall attach to the vote counting protocol reports made by them.

3. Observers of political parties, other public associations, nonprofit organizations of the Republic of Kazakhstan shall:

- 1) carry documents proving their identity and authority;
- 2) not interfere with the election process, with the procedures for vote counting and decision-making by the election commission;
- 3) not take any actions interfering with the activities of the election commission;
- 4) meet the requirements of the Chairman of the election commission regarding following rules of conduct in polling premises as established by the corresponding election commission;
- 5) base their comments on documented, true and verifiable facts;
- 6) follow the requirements hereof and of other legislative acts of the Republic of Kazakhstan;
- 7) be impartial, not express bias towards a specific candidate or a political party.

4. In case of breach of the legislation of the Republic of Kazakhstan by international observers, a corresponding election commission shall have a right to cancel the registration of such an observer.

#### **Article 20-2. Observers of Foreign States and International Organizations, Representatives of Foreign Mass Media**

1. Invitations to foreign states and international organizations to participate in observing an election in the Republic of Kazakhstan can be forwarded by Chairman of the Central Election Commission or Minister of Foreign Affairs of the Republic of Kazakhstan.

Invitations shall be forwarded via the Ministry for Foreign Affairs of the Republic of Kazakhstan.

Such invitation may contain wishes as to the number and structure of

the mission and maintaining a tender balance, country representation in the mission.

2. Observers of foreign states and international organizations shall be accredited by the Central Election Commission following a recommendation of the Ministry of Foreign Affairs of the Republic of Kazakhstan.

For accreditation purposes, foreign states and international organizations shall submit a list of observers and representatives to the Ministry of Foreign Affairs of the Republic of Kazakhstan.

Private individuals, who are not observers of foreign states and international organizations, shall not be subject to accreditation.

Persons shall not be accredited if they have political, economic or other interests in the Republic of Kazakhstan, or if their accreditation was revoked/canceled earlier due to a breach of law of the Republic of Kazakhstan, foreign state or universally accepted principles and norms of international law, or if they lack practice or experience in observation of the election process, or if they were found guilty of criminal offence, corruption practice or other illegal activities during the election period 5 years prior to the application for accreditation.

3. The term for accreditation of observers from foreign states and international organizations shall be determined by the Central Election Commission.

4. The Central Election Commission shall issue a foreign observer an identity card of an established format, which entitles him/her to perform his/her activities during preparations for and conduct of the election. Accreditation should end five days prior to the voting date.

5. Observers of foreign states and international organizations and representatives of foreign mass media shall not use their status to perform activities not related to the observation of elections in the Republic of Kazakhstan.

6. Observers of foreign states and international organizations as well as representatives of foreign mass media have a right to:

- 1) be present at all stages of the electoral process;
- 2) be informed on the progress of the election process by election commissions;
- 3) have access to the polling station during voting and counting of votes;
- 4) meet with participants of the election process;
- 5) inform members of the election commission on his findings, observed violations, recommendations;
- 6) make public announcements;
- 7) be present during the handover of protocols of voting returns to a higher election commission.

7. Observers of foreign states and international organizations and representatives of foreign mass media shall:

- 1) carry documents proving their identity and accreditation;
- 2) not interfere with the election process, procedures for vote-counting and decision-making by the election commission;
- 3) not take any actions interfering with the activities of the election commission;
- 4) meet the requirements of the Chairman of the election commission regarding following rules of conduct in polling premises as established by the corresponding election commission;
- 5) be impartial, restrain from expressing bias towards a specific candidate or a political party;
- 6) follow the requirements hereof and of other laws and regulations of the Republic of Kazakhstan.

8. The Central Election Commission shall have a right to revoke accreditation of a foreign observer of foreign state or an international organization in cases stipulated herein.

9. In case of infringement of the legislation of the Republic of Kazakhstan or generally accepted principles and norms of international law by observers, the corresponding election commission has the right to submit to the Central Election Commission a request to revoke accreditation of the observer of the foreign state, of the international organization.

### **Chapter 3. Election districts and their polling systems**

#### **Article 21. Election districts and their system**

1. The system of territorial election districts (county constituencies) is formed and used during elections of deputies to Maslikhats, **members of other local self-administration bodies** in the Republic of Kazakhstan.

2. The election districts are formed with consideration of the administrative and territorial division of the Republic and based on the principle of an approximately equal number of voters. At that, the difference in the number of voters in county constituencies within the limits of the oblast, the city of the Republican significance and the capital of the Republic, rayon and city should not exceed fifteen percent of the average quantity of voters per each deputy mandate for the given administrative and territorial area.

3. At elections of the President of the Republic and the deputies of Mazhilis that are elected on the basis of the party lists under the system of the proportional representation, the whole territory of the Republic of Kazakhstan shall be considered a single national electoral district (county constituency).

4. At elections of members of other local self-administration bodies, single member constituencies are formed with observance of the conditions stipulated by item 2 of the present article.

5. At elections of **members for the local self-administration bodies**, many-member territorial constituencies are formed covering the territories of urban and rural local communities.



## **Article 22. Formation and revision of borders of electoral districts (county constituencies)**

1. Electoral districts are formed by (the Central and – excluded) territorial election commissions.

2. The list of the electoral districts (county constituencies) with indication of their borders and locations of district election commissions is published in the corresponding mass media by the corresponding election commissions not later than in ten days after calling or announcement of elections.

3. The changes in the list of electoral districts (county constituencies), determination of their borders and location of election commissions are introduced by the corresponding election commission.

## **Article 23. Formation of polling stations**

1. For conducting voting and votes' counting in rayons and cities, the corresponding hakims shall make a decision to form polling stations based on the approval of election commissions. The polling stations are formed with the purpose to ensure and create maximum convenience for voters with consideration of local and other conditions.

2. The polling stations shall be formed with consideration of the following conditions:

- 1) Not more than three thousand voters per each polling station;
- 2) Observation of borders of administrative-territorial arrangements in the administrative and territorial areas;

3. In the military units, on boards of the ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation; in rest houses, health centers, inpatient treatment-and-prophylactic establishments; in place of the citizens' staying in remote places and regions difficult for access, in distant pastures for cattle grazing, in investigatory isolators and isolators of the temporary detention, the polling stations are formed and included in the election districts according to the

place of their dislocation, port of registry of a vessel or disposition. In the representative offices of the Republic of Kazakhstan in foreign states, the polling places are formed referring to the electoral district (county constituency) in the territory of which the Ministry of Foreign Affairs of the Republic is located.

4. Formation of polling stations is conducted in accordance with proposals of the captains of ships, commanders of military units or body of troops, heads of the enlisted in item 3 of the present article establishments, the corresponding hakims and the Ministry of Foreign Affairs of the Republic.

5. The corresponding hakims in seven-day's term (in case of holding elections of **members of other local self-administration bodies** within three days from the date of creation of voting places) shall notify voters through mass media about the borders of the polling stations.

#### **Chapter 4. Electoral registers (of electors)**

##### **Article 24. Electoral registers (of electors) and the order of their compilation**

1. The electoral registers are compiled at Elections of the President of the Republic of Kazakhstan, elections of the deputies to Mazhilis of the Parliament and Maslikhats, **members of other local self-administration bodies**. The lists of electors are made at elections of the Senate deputies.

2. *(Excluded)*.

3. The fact of a citizen's registration in the place of his/her residence in the territory of this polling station can serve as grounds for inclusion of the named citizen in the electoral register of the given polling station.

4. The electoral registers are constituted in the alphabetic or other order. The list shall include the following information: voter's surname, name, and patronymic, year of birth (for the 18 year olds in addition information about the day and month of birth) and address of the place of residence. The lists of electors are constituted in the alphabetic or some

other order and shall include the surname, name, patronymic, year of birth and the name of the Maslikhat where the elector is the deputy and the address of his/her place of residence.

5. The corresponding local executive body makes the electoral register of the place of residence based on the data provided by the bodies engaged in the population's accounting.

Each voter has the right to be registered as a voter in the corresponding local executive body from the moment of announcement or calling of an election.

In case a voter learns (not later than thirty days before elections) that he/she will not have a possibility to arrive on the day of elections to the premises for voting where he/she is registered, the voter has the right to submit an application to the local executive body of the place where the voter is actually staying and ask to include him/her in the electoral register of that place.

In case the citizen in compliance with the given item addressed the local executive body, the latter will arrange for an exception of the given citizen from the electoral register of the old place of his/her registration and include him/her in the electoral register of the place where the named citizen will vote.

The electoral registers of each polling station are signed by the relevant hakim and are submitted by the act to the corresponding election commission twenty days prior to the beginning of voting.

The data on voters, previously verified with the data of other competent bodies and organizations are submitted by the local executive body in electronic and paper bearers to the corresponding territorial election commissions by July 1 and January 1, each year.

The officials of the local executive bodies shall bear responsibility for authenticity of the electoral registers, and also of the data about the voters presented by the corresponding election commission.

6. Students and post-graduate students who study in the day time and live in hostels are included in the electoral registers according to the location of their hostels.

7. The electoral registers of the military servicemen who are in the military units, and also of the members of their families and other voters living in the locations of military units are made on the basis of the data provided by commanders of the military units.

8. The electoral registers of the polling stations formed in rest houses, health centers, inpatient treatment-and-prophylactic establishments, in place of staying of the citizens located in remote and out-of-reach places, in distant pastures for cattle grazing, in investigatory isolators and isolators for the temporary detention and also in the representative offices and agencies of the Republic of Kazakhstan in foreign states, on board of ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation shall be made based on the data submitted by the chiefs of the named establishments, corresponding hakims, chiefs of the named representative offices and agencies and captains of ships.

The electoral registers of the polling stations that are formed in the places for temporary staying (in spas, rest homes, inpatient preventive medical facilities, in the outruns, remand prisons and jails for temporary isolation, including the representative offices of the Republic of Kazakhstan a abroad, on board the ships belonging to the Republic that are on sail on the election day) are subject for mandatory conformation on the day preceding the election day.

9. The lists of electors on election of deputies to the Senate of the Parliament are made by the corresponding territorial election commissions upon the presentation by the secretary of the corresponding oblast, urban (the city of the Republican significance and the capital of the Republic) Maslikhats.

10. Entry of changes in the register of votes (of electors) after

commencement of the poll is prohibited.

**Article 25. Inclusion in the electoral registers (list of electors)**

1. The electoral registers shall include:

1) The citizens of the Republic who enjoy the active election franchise;

2) The citizens registered in the place of their residence on the territory of the corresponding polling stations;

3) As for the polling stations that are formed in rest houses, health centers, inpatient treatment-and-prophylactic establishments, the places located in remote and out-of-reach areas where the citizens are staying, distant pastures for cattle grazing, investigatory isolators and isolators for the temporary detention and boards of ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation: all the citizens who on the day of elections will be staying in the named establishments and organizations or on board the ships shall be included in the electoral registers;

4) In the military units, all the military servicemen who are serving in the military units and also members of their families and other voters living in the locations of military units are included in the electoral registers. The military servicemen living outside the military units are included in the electoral registers by the place of their residence on the general grounds;

5) In the polling stations of the representative offices of Republic located in foreign states: all the citizens who live or are on a long business trip in the corresponding foreign state and who have valid passports of the Republic citizen shall be included in the electoral register.

The citizens of the Republic of Kazakhstan upon their arrival in a foreign country by private invitations, on commissions, business trips and as tourists shall be included in the voters' lists if they apply to the local election commission and if they have a valid passport of a Republic citizen.

2. The lists of electors include all deputies of:

- 1) Maslikhats, located on the territory of oblast (area);
- 2) Maslikhat of the city of the Republican significance and the capital of the Republic.

3. The citizen (elector) can be included only in one electoral register (of electors).

#### **Article 26. Familiarization with the electoral registers (of electors)**

1. The electoral registers of the polling stations formed in the places of residence of citizens shall be submitted fifteen days prior to the ballot day by the corresponding election commissions to voters for their familiarization with the named registers.

The electoral registers of the polling stations formed in military units, on board the ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation, in rest houses, health centers, inpatient treatment-and-prophylactic establishments, in place of staying of the citizens located in remote and out-of-reach places, in distant pastures for cattle grazing, in investigatory isolators and isolators for the temporary detention and also in the foreign offices of the Republic of Kazakhstan in foreign states shall be provided to the voters for their familiarization five days prior to the ballot day; in the polling stations formed for holding of elections of **members of other local self-administration bodies** - seven days prior to the ballot day.

2. The lists of electors on elections of the deputies to the Senate shall be submitted for familiarization through publication in local mass media not less than seven days prior to elections.

3. The citizens (electors) are ensured a possibility to get familiarized with the electoral registers (of electors) in the premises of the corresponding election commissions, and also to check correctness of the data introduced in them about voters (electors).

Working hours of precinct election commissions, except the day of

voting, shall be established by the corresponding territorial election commissions.

4. Each citizen (elector) has the right to verify the data about him/her in the electoral registers and to appeal against omission or non-inclusion, wrong inclusion in the list or exclusion from the list, and also against discrepancies admitted in the list in the data about a voter (elector). Applications stating of a **necessity** to introduce amendments in the named lists shall be considered by the corresponding election commission on the day of reception by the election commission of the named application. In case of a dismissal of the application, the election commission shall immediately issue to the applicant a copy of the reasoned decision on dismissal of his/her application. The decision can be appealed in the corresponding court in the location of the election commission. The latter shall consider the petition on the day of receiving it and make its final judgment. At a positive decision-making in favor of the applicant, the election commission will immediately introduce the required amendment in the electoral register (of electors) or include the voter who has not been included in the list of electors.

## **Chapter 5. Pre-election campaign**

### **Article 27. Pre-election campaign**

1. The pre-election campaign - the activity with the aim of inducing voters to take part in voting for or against this or that candidate, a political party.

The foreigners, persons without citizenship, foreign legal entities and international organizations are prohibited to conduct the activities hindering and (or) facilitating nomination and election of candidates, political parties, that have put forward their party lists, and to achieve certain results at elections.

2. The pre-election campaign begins since the moment of cessation

of the candidates' registration and ends at zero o'clock by the local time the day proceeding the day of elections. At conducting of a repeated voting the pre-election campaign begins from the day of assignment of a day for repeated voting and ends at zero o'clock by the local time of the day proceeding the day of elections.

3. The pre-election campaign is implemented:

1) Through mass media;

2) By conducting public pre-election actions (pre-election meetings and meetings with voters (electors), public pre-election debates and discussions, meetings, processions, demonstrations and other pre-election actions in the order established by the legislation and not forbidden by the present Constitutional Act), personal meetings of candidates and their proxies with voters (electors);

3) Through issue and (or) distribution of printed, audiovisual and other propaganda materials.

4. It is forbidden to conduct a pre-election campaign, to distribute any propaganda pre-election materials:

1) To the state bodies, bodies of local governments and also their officials on duty;

2) To the servicemen of the armed forces, other troops and military formations, personnel of the bodies of the national security, law-enforcement bodies and judges;

3) To members of election commissions;

4) To religious associations.

5. The candidates-officials of the state bodies are forbidden to use advantages of their official or service position.

Under use of an advantage of an official or service position, the present Constitutional Act understands the following:

1) Attraction of persons who are under subordination or other career dependence to conduct a pre-election campaign, except for cases when



the indicated persons conduct propaganda as proxies of the candidate;

2) Use of the premises occupied by the state bodies for accomplishment of the activity promoting election of a candidate, a political party which has put forward the party list if other candidates, political parties are not guaranteed the use of the indicated premises on the same conditions.

Observance of the limitations stipulated by the present item should not interfere with execution by the officials of their official duties.

6. Journalists, officials of the editorial staff of mass media, registered by candidates or their proxies, have no right to participate in coverage of elections through mass media.

7. Mass media are obliged to exercise unbiased interpretation of the election campaign of candidates, political parties; to abstain from publications of propaganda materials and other information, obviously discrediting honor, dignity and business reputation of the candidate or the political party; to grant for the indicated persons a possibility for a free of charge publication of denial in protection of honor, dignity and business reputation in the nearest publication of the printing, on the same page, in the same volume and in the same font, or broadcasting on TV or radio at the same time within twenty four hours after reception of the appeal.

Mass media shall immediately grant a possibility to the corresponding election commissions to publish information about the course of the election campaign and announcements stipulated by the present Constitutional Act.

8. Officials of mass media do not bear responsibility for statements of candidates and political parties during their election campaigns, except for cases of publication of the materials indicated in item 1 of article 29 of the present Constitutional Act.

9. Conducting of the pre-election campaign accompanied by granting to voters of goods, services, securities free of charge or on favorable terms

and also conducting of lotteries, charitable actions, payment of money or promise to provide the latter shall be considered as inadequate pre-election campaign, except for free distribution of the printed and illustrative materials, badges, flags and the tags specially produced for the election campaign. It is forbidden to conduct inadequate pre-election campaigns.

The candidates, political parties which have put forward their party lists and also any natural and legal persons acting on behalf of them or in their support are forbidden to conduct charitable actions except for organization of entertainment and sports events since the moment of announcement of elections.

Infringement by the candidate or the political party which has put forward the party list, and also their proxies of the rules established by the present item shall entail cancellation of the decision on registration of the candidate and the party list.

10. It is forbidden to conduct a pre-election campaign using the image of any person without his/her written consent and in case of his/her death - without permission of his/her heirs.

### **Article 28. The right to conduct pre-election campaigns**

1. The state guarantees to its citizens and public associations the right to conduct unimpeded pre-election campaigns for or against this or that candidate or a political party in compliance with the present Constitutional Act and other legislative acts of the Republic of Kazakhstan.

Citizens and the public associations which do not create according to the present Constitutional Act any election funds have the right to conduct a pre-election campaign which does not need any financing.

2. Since the moment the term of registration is over, which is established according to the present Constitutional Act, and till the end of the propaganda campaign, the candidates and the political parties that have put forward their party lists have the right for propaganda and propagation of their electoral program in press and other mass media.

The candidates and political parties which have put forward their party lists shall be guaranteed equal access conditions to mass media to conduct their pre-election campaigns.

3. The state guarantees an equal allocation of funds to the candidates to come out with their programs in mass media. Each candidate shall be granted the funds for a fifteen minutes speech on TV, ten-minutes broadcasting by the radio and also for publication of two articles in the print in the volume that does not exceed 0.1 of a printed sheet.

The political parties that have put forward their party lists have the right to participate in political debates on TV, organized by the Central Election Commission within the time limit fixed by the Central Election Commission.

Mass media grants time for broadcasting and the printed page to the registered candidates and political parties that have put forward their party lists on a contractual basis. The terms and conditions of the contract for provision of time for broadcasting and the printed pages in mass media to the candidates and political parties that have put forward the party lists should not create advantages in favor of a certain candidate and a political party. The data about the size of payment, conditions and order of granting of on-air broadcasting time and the printed area should be declared and published by the corresponding organization of the TV-radio broadcasting, the editorial staff of the periodic printing not later than on the tenth day after an official publication of the decision on calling an election. The named information needs to be presented to the Central and oblast (regional) election commissions during Elections of the President of the Republic of Kazakhstan, to other territorial and also district election commissions during election of deputies of the Parliament, Maslikhats and members of other local self-administration bodies.

The consent for allocation of time for broadcasting and a printed area given by mass media to one of the candidates or a political party which has

put forward its party list shall be considered as consent to allocate time for on-air broadcasting and a printed area to other candidates or political parties that have put forward their party lists.

The sequence of appearance of candidates and the political parties which have put forward their party lists in mass media shall be established in the course of reception of written applications or through casting lots if applications were received at one and the same time.

It is forbidden to interrupt and make comments in respect to speeches of the candidates on TV and by radio right after the speech has been made and also in the same issue of printing.

4. By application of election commissions, the local self-administration bodies and governments shall grant on a contract basis to candidates premises for meetings with voters. The election commissions shall make a schedule of meetings of candidates with voters in the allocated premises and publish it in mass media. The conditions for granting such premises should be uniform for all candidates.

5. For publication of posters, leaflets, slogans and other propaganda printed materials the corresponding election commissions shall allocate to the candidates an equal sum of money, except for the candidates who stand for elections under party lists. All propaganda printed materials shall contain data about the organization that published the given materials, place of their printing and circulation, about the persons who have placed the order, sources of funding to cover such expenses. It is prohibited to produce propaganda printed materials outside the territory of the Republic of Kazakhstan and to distribute anonymous propaganda materials.

6. The local executive bodies jointly with the corresponding election commissions determine places for keeping propaganda printed materials for all candidates and shall equip them with stands, boards and curbstones. The propaganda printed materials are displayed on conditions that ensure equal rights for all candidates.

The candidates have the right to hang out their propaganda printed materials in other places with the consent of the owner of the corresponding premises or a facility.

It is forbidden to hang out any propaganda materials on monuments, obelisks, buildings and the structures if the named have a historical, cultural or architectural value, and also in the premises for voting.

Information about candidates shall be placed in the premises of election commissions and premises for voting in a uniform format with a photo of the candidate and a standard form of the data established by the Central Election Commission.

Information on political parties, which have nominated party lists, shall be posted in the premises of the election commission and voting premises and shall comply with a standard form of data established by the Central Election Commission

7. The candidates to the President, deputies of the Parliament and Maslikhat have the right to cover all the expenses related to making statements in mass media, conducting of public pre-election actions, issuing of additional propaganda materials, and also to cover transport, travel and living expenses at the cost of their own election funds. It is forbidden to attract for these purposes money from other sources, to accept any goods, works and services of natural and legal persons that are used by the candidate during the election campaign that have not been covered from the election funds of the candidate. The candidate is forbidden to render any assistance to the indicated natural and legal persons for provision of the above named services.

The natural and legal persons rendering services to the candidate and the political party to conduct the pre-election campaign should obtain written consent of the candidates to adopt such services. The persons who do not have the aforementioned written consent shall bear responsibility according to the laws of the Republic of Kazakhstan.

8. The periodic printing facilities of the Central and local executive bodies are obliged to publish announcements of the election commissions, the data about the candidates participating in elections in the order and volume defined by the Central election commission.

9. At publication of the results of the public-opinion polls related to elections, the mass media are obliged to name the organization that conducted such a poll, the persons who ordered the poll and paid for it, time of conducting of the poll, method of information collection, accurate wording of questions, the number of the interrogated persons and the factor of an error in the results of interrogation.

It is not allowed to publish the results of the polls, forecasts of the election returns and other surveys linked to elections in the mass media within five days before the ballot day and on the ballot day.

It is forbidden to conduct the poll on the day of elections in the premises or in the voting place.

**Article 29. The pre-election program of the candidate, the political party**

The candidate to the President, candidate in deputies of the Parliament and Maslikhat and in members of other local self-administration bodies, the political party which has put forward the party list shall come out with their electoral program on future activities. The pre-electoral program should not profess the idea of a violent change of the constitutional building, infringement of integrity of the Republic, undermining of safety of the state, unleashing of social, racial, national, religious, class and patrimonial clashes, the cult of cruelty and violence, and also creation of the militarized formations not stipulated by the legislation.

In case of infringement of the above-mentioned requirements the corresponding election commission has the right to refuse the candidate in registration and the political party in registration of the party list. In case of putting forward by the candidate or the political party of such an electoral

program after registration - to cancel the decision on registration of the candidate or the party list.

**Article 30. Initiative groups (*excluded*)**

**Article 31. Proxies**

1. Candidates, the political parties which have put forward their party lists have the right to have proxies to help them in conducting election campaigns, conduct pre-election campaigns and to represent the interests of candidates and political parties.

2. Candidates and the political parties which have put forward the party lists define their proxies at their own discretion in the number that shall not exceed three persons per each polling place of the corresponding constituency and shall notify about them for registration of the latter in the corresponding election commission.

The persons offered by the candidate and the political party as proxies shall submit to the corresponding election commission an application expressing their willingness to act as a proxy.

The candidate for the deputy of the Senate has the right to have one proxy in each rayon, city and district in the city.

3. The election commission after registration of proxies issues to them corresponding certificates.

4. The proxy should be a citizen of the Republic of Kazakhstan, cannot be a deputy of Maslikhat at elections of the deputy for the Senate, neither a member of any election commission or a person holding a post of a political civil officer.

5. Authorized representatives shall have rights and responsibilities of observers of political parties, other public associations and non-government organizations of the Republic of Kazakhstan and shall act within the limits of authority granted to them in writing by the candidate or the political party, which has nominated the party list.

6. Proxies lose their status after completion of an election campaign

by a personal initiative or by decision of the candidate and the political party which has put forward the party list and also in cases of cancellation of registration of the candidate or the party list, breach hereof Constitutional Act.

### **Article 32. Termination of the pre-election campaign**

1. It is forbidden to conduct any pre-election campaigns on the day of elections and the day preceding it.

2. The printed propaganda materials which earlier have been hung out outside the premises of the election commissions and premises for voting can be preserved in their place.

## **Chapter 6. Financing of elections**

### **Article 33. The state financing of elections**

1. Elections of the President of the Republic of Kazakhstan, election of the deputies of the Parliament, except for deputies of Mazhilis of the Parliament, elected on the basis of party lists, Maslikhats, members of other local self-administration bodies are funded from the funds of the Republican budget through the accounts of local executive bodies opened specifically for these purposes. The territorial election committees command the funds that are transferred to the above named accounts from the Republican budget. The order of financing is established by the Republic budgetary legislation .

2. The following expenses shall be covered from the funds of the Republican budget:

1) For organization and activity of election commissions, rent of premises, travel and living allowances, wage of advisers, experts, members of the linguistic commission;

2) Statements of candidates, except for the candidates who stand for elections under the party lists, in mass media according to item 3 of article 28 of the present Constitutional Act;

3) The costs of conducting of public pre-election actions of



candidates and issue of propaganda materials of candidates, except for the candidates who stand for elections under the party lists, shall be covered in accordance with items 4 and 5 of article 28 of the present Constitutional Act;

4) Transportation costs of candidates, except for the candidates who stand for elections under the party lists, shall be covered in the size established by the Central election commission.

5) Production of information posters about candidates for presidency, deputies of the Parliament Senate and Maslikhats, members of other local self-administration bodies and also political parties, which have nominated party lists to be placed in the premises of an election commission and voting premises.

3. Financing of elections in the Republic on the part of international organizations and international public associations, foreign state bodies, foreign juridical persons and citizens, and also stateless persons, any their direct or indirect participation in financing of elections in the Republic of Kazakhstan is forbidden.

### **Article 34. Non-state financing of elections**

1. Pre-election campaigns of candidates on Elections of the President of the Republic of Kazakhstan and elections of deputies of Parliament and deputies of Maslikhats can be funded from the election funds formed in compliance with the procedure established by the present Constitutional Act.

2. The election funds are subject to the state registration in the order established by the legislation.

3. The election funds are formed of the following sources:

1) Personal funds of candidates in deputies of the electoral districts, the funds of political parties;

2) The means allocated to the candidate by the Republican public association that has nominated the candidate;

3) Voluntary donations of citizens and organizations of the Republic. The voluntary donations of the state bodies and organizations, local self-administration bodies, charitable organizations, religious associations, the Kazakhstan juridical persons having foreign participation in their charter capital and also anonymous donations of natural and legal persons are forbidden.

4. Only the funds that have been received in a legal way can be transferred to the election funds. Information about the total sum of the money which has been received by the fund and of its sources is published in mass media within ten days after publication of the results of elections:

At Elections of the President of the Republic of Kazakhstan, election of deputies to Mazhilis of the Parliament of the Republic of Kazakhstan under the party lists – by the Central Election Commission;

At elections of deputies to the Senate of the Parliament – by the oblast (the city of the Republican significance and the capital) election commissions;

At elections of Maslikhat deputies – by district election commissions;

At elections of deputies of Mazhilis of the Parliament in respect to the candidates who stand for elections in a single member constituency and Maslikhats – by district election commissions.

5. The maximum size of the money resources which can be transferred to the election funds from the aforementioned sources shall be determined in the Special part of the present Constitutional Act. The money resources received above the established limit shall not be included in the election funds' account number and shall be returned to the citizens and organizations that have donated the money. At that, the expenses connected to return of the indicated money are covered at the expense of the citizens and organizations that have contributed the funds. Anonymous donations shall be turned to the in the revenues of the Republican budget.

6. The money resources forming the election fund enter in a special

temporary account opened in the financial bodies by the corresponding election commission after registration of the candidate or the party list. No income is charged or paid for the indicated account. The right for the title in the election fund for the purposes specified in the present Constitutional Act belongs exclusively to the candidate and the political parties which have put forward their party lists. The banks shall submit to the corresponding election commission a weekly report on entry of the funds in the special temporary accounts and on expenditures. Upon the inquiry of the corresponding election commission, the same data shall be provided within twenty four hours. The order of expenditure of the money from the election funds and the corresponding financial institution shall be defined by the Central Election Commission.

7. In case of withdrawing by the candidate of his/her candidature, calling back by the political party of the party list or cancellation of the decision to nominate a candidate, a party list or registration of the candidate, the party list, the money resources which have been contributed to the election fund shall be immediately returned to the citizens and organizations that have contributed the named money. At that, the cost of returning the indicated finance shall be covered at the expense of the citizens and organizations that have contributed such funds.

8. All financial transactions including settlements with physical and legal entities, due deductions, taxes and other payments to the budget under special temporary accounts shall be stopped at 18 o'clock on the day proceeding the day of elections.

In case of a repeated voting the marginal sum of money to be allowed for transfer to the candidate's election fund is increased 1.5 times.

At conducting of a repeated voting, the financial transactions under special temporary accounts of candidates in respect to whom the repeated voting is conducted shall be resumed on the day of call of a repeated voting and cease at eighteen o'clock on the day proceeding the day of elections.

The total sum of the money that has entered the election fund from the moment of its formation should not exceed the limits established by the present Constitutional Act.

9. Not later than in five days after establishment of the results of the elections, the candidate and the political party are obliged to present to the corresponding election commission a report on the draft of the funds from the election fund. The two thirds of the money resources from the election fund that have not been spent for the election campaign shall be transferred to the Republican budget, and one third shall be returned to the candidate and the political party.

10. Infringement by the candidate and the political party that has put forward its party list of the rules stipulated by items 1-8 of the present article, and also of the procedure on spending the funds from the election funds established by the Central Election Commission shall entail cancellation of the decision on registration of the candidate or the party list. After holding an election before registration of the candidate as the President, the deputy of the Parliament, the deputy of Maslikhat and member of other local self-administration bodies - declaration of the elections in the corresponding territory or district as null and void.

## **Chapter 7. The procedure of voting**

### **Article 37. The ballot paper**

1. The ballot paper includes all the registered candidates with indication of the surname, name and patronymic in the alphabetic order of the state language. The ballot paper for voting for political parties includes the names of political parties in the order defined by a toss-up. The toss-up is conducted by the Central Election Commission. The procedure of conducting of a toss-up is defined by the Central Election Commission.

2. The ballots are printed in the state and Russian languages. The ballots are produced in the amount equal to the number of voters in electoral district with a reserve of 1 percent of the total number of voters of

the given electoral district.

3. The ballots are delivered to the local election commissions not later than one day before the elections with a reserve of 1 percent of the total number of voters in an electoral precinct.

4. (Excluded by the Constitutional Act of the Republic as of April 14, 2004 № 545-II).

5. The premises where the ballots are kept are to be sealed and shall be handed over for protection of the law-enforcement bodies.

### **Article 38. Time and place of voting**

1. Voting on Elections of the President of the Republic of Kazakhstan, elections of deputies of Mazhilis of the Parliament and Maslikhats, members of other local self-administration bodies is conducted on the day of elections from seven o'clock ( 7 a.m.) till twenty o'clock ( 8 p.m.) of local time. The territorial or district election commissions by presentation of the corresponding hakim and the divisional election commissions have the right to establish other time for beginning and end of voting. At that, voting cannot begin before six o'clock ( 6 a.m.) and end after twenty two o'clock (22 p.m.). The voters should accept and be notified not later than seven days before the ballot day about the decision of the territorial or district commissions to change the time for the beginning and end of voting.

2. The local election commission shall notify voters through mass media and in other ways about the time and place of voting not later than ten days before and at holding of the election of members of local self-administration bodies other than Maslikhats - not later than five days before the day of voting.

3. In the polling stations formed on board the ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation, in the military units, remote and out-of-the-way areas, in distant pastures for cattle grazing, in rest houses, health centers, inpatient treatment-and-prophylactic

establishments, investigatory isolators and isolators of the temporary detention and also in the representative offices and agencies of the Republic of Kazakhstan in foreign states, the local election commission can declare the voting finished at any time if all voters included in the list have voted. The list of such polling stations is approved by the corresponding election commission not later than seven days before elections while at holding of elections of members of local self-administration bodies other than Maslikhats - not later than three days before elections.

4. Voting during elections of the Senate deputies is conducted within one day. At that, the time of voting shall be defined by the territorial election commission.

## **Chapter 9. Warrants of freedom of elections**

### **Article 47. Warranties of activity of candidates during the election campaign**

1. The candidates to the President, deputies of the Parliament, Maslikhats from the date of their registration and till publication of the election returns have the right to be released from work, military service and military periodical trainings. The time of the candidates' participation in elections is included in the years of service in the specialty area in which he/she has worked till the day of registration.

2. The candidates to the President, the deputies of the Parliament, Maslikhats and **the members of other local self-administration bodies** since the date of their registration and till publication of the results of elections cannot be dismissed from their work, transferred to other work or position without their consent, and also sent on a business trip or invoked on military trainings.

3. The candidates to the President, deputies of the Parliament since the date of their registration and till publication of the results of elections and also till their registration as the President, the deputy of the Parliament without the consent of The Central Election Commission cannot be

arrested, subject to a forcible arrest, measures of penalty under administrative law levied judicially, be made answerable for legal liability and also detained except for cases of detention directly flagrante delicto (caught red-handed in the act) and committing of a grave crime.

**Article 48. The activity of the state bodies on ensuring freedom of elections**

1. The ballot day and the day preceding it shall be declared as a working day for the courts, services of the Prosecutor's Office and internal affairs and also organizations on maintenance of the housing stock.

2. The law-enforcement bodies and organizations on maintenance of the housing stock are obliged to render any assistance that the election commissions will need:

1) To ensure the public order and freedom of elections during conducting of the voting;

2) To clarify the electoral registers;

3) In respect to other issues that can arise on the day of the ballot in the activity of the election commissions.

3. If the election commission at check of the application submitted in its name finds it necessary to conduct a check of the circumstances indicated in the application by the law-enforcement bodies, then, the corresponding bodies under the request of the election commission will check such circumstances and make a decision in respect to the given application within three days from the date of receiving the given application and, if an application is received less than five days before the ballot day or on the ballot day – then, the decision will be made immediately.

**Article 49. The appeal and cancellation of decisions and actions during the election campaign**

Courts and the services of the Prosecutor's Office are obliged to accept applications from the members of the election commissions,

citizens, representatives of the public associations registered in the statutory order concerning the issues of conducting the voting including the issues on infringements of the legislation on Elections that have been received during preparation and holding of the elections and shall consider them in a five-day's term, while the applications received less than five days prior to the voting or on the ballot day shall be considered immediately.

Decisions and actions of the bodies of the local administration and local government, of enterprises and organizations, their officials offending the legislation on Elections, will be appealed in the court.

Courts, services of the Prosecutor's Office and the election commissions will organize their work during the election process, including the days off and the day of elections so that they can ensure reception and consideration of petitions within the terms established by the present Constitutional Act.

The applications from citizens and organizations about violation of the elective legislation shall be considered by the election commissions within five days since submission of a complaint, if it is not stipulated otherwise by the present Constitutional Act.

The complaints on decisions and actions (inactivity) taken by the election commission and its members are considered by the higher commission within three days from the date of the submission of a complaint, if it is not otherwise stipulated by the present Constitutional Act.

#### **Article 50. The responsibility for infringement of the legislation of the Republic of Kazakhstan on Elections**

1. The person bears the statutory criminal responsibility in case if he/she:

- 1) Intervenes in the work of the election commissions;
- 2) Hinders the process of voting;
- 3) Hinders execution of the duties related to registration of the



candidate or party lists;

4) Hinders execution of the duties connected to counting of votes and determination of the results of elections;

5) Uses an advantage of his/her job or official position with the purpose of election of a certain candidate or a political party;

6) In case of fraud of election documents;

7) In case of a deliberately wrong counting of votes;

8) In case of a deliberately wrong determination of the election returns;

9) In case of infringements of secret vote;

10) Hinders a free accomplishment by the citizen of the Republic of the election franchise through violence, fraud, threats and payoff.

2. The person shall bear an administrative and other responsibility stipulated by the Laws of the Republic of Kazakhstan in the following cases:

1) In case of non-submission or non-publication of the data according to the provisions and requirements of the present Constitutional Act;

2) In case of a failure to comply with the decisions of the election commission accepted within its authorities;

3) In case of conducting of the pre-election campaign before registration of the candidate and the party list which has been put forward by the political party on the day of elections or the day preceding the elections;

4) If he/she hinders the execution of the right to conduct a pre-election campaign;

5) In case of a deliberate distribution of false data about the candidates, political parties or committing of other actions discrediting their honor and dignity;

6) If he/she breaches the rights of the members of the election commissions;

7) If he/she breaches the rights of the citizens for familiarization with the electoral register;

8) If he/she provides incorrect data about voters for constituting the electoral registers;

9) Gives out to the citizens the ballots to make them vote for other persons;

10) Does not provide a holiday to participate in voting;

11) In case of infringements of the conditions on holding the pre-election campaigns through mass media;

12) Publication or distribution of anonymous propaganda materials;

13) Intentional destruction or damage of propaganda materials;

14) If he/she renders a financial (material) support to the candidates and the political parties which have put forward their party lists in excess of their election funds;

15) Assumption of donations from foreign states, organizations, citizens and stateless persons for election of the candidate;

16) Infringements of the conditions for conducting of the poll connected to elections;

17) If he/she hinders the legal activity of the candidates' proxies, political parties, representatives of mass media and observers at elections.

3. At revealing of the facts of infringements of the present Constitutional Act, the election commission has the right to resort to the court or the Prosecutor's office.

4. At infringement by the candidate, the political party of provisions and requirements of the present Constitutional Act except for those that make the basis for refusal or cancellation of registration of the candidate, they are to be warned, while at a repeated infringement the corresponding election commission will cancel the decision on registration of the candidate or the party list.

## **II. THE SPECIAL PART**

## **Chapter 13. Elections of deputies of Maslikhat of the Republic of Kazakhstan**

### **Article 101. Calling an election of deputies of the Maslikhat**

1. The grounds for calling of:

1) Regular elections - termination of the constitutional term of office of Maslikhats, except for the cases stipulated by the Law;

2) Extraordinary elections - the advance cease of authorities of Maslikhats;

3) Elections of deputies to replace the retired deputies - the advance cease of authorities of the deputy, forfeiture of his/her mandate or his/her death.

2. The regular elections of deputies of the Maslikhat are called by the Central Election Commission not less than three months prior to expiration of the term of office of Maslikhats and should be conducted not less than one month prior to the expiration of the constitutional term of office of Maslikhats.

3. Extraordinary elections of deputies of the Maslikhat the authorities of which are terminated ahead of schedule shall be called by the Central Election Commission on the basis of the President's Decree on the advance cease of Maslikhats' authorities, decision of the Maslikhat on its self-dissolution and should be conducted not later than two months from the date of the advance cease of authorities of Maslikhats.

4. Elections of deputies of the Maslikhat to replace the retired deputies are called by the oblast, urban (the city of the Republican significance and the capital of the Republic) election commission.

Elections of deputies of the Maslikhat to replace the retired deputies are conducted simultaneously on the last Sunday of March and(or) last Sunday of October.

Elections of deputies of the Maslikhat to replace the retired deputies can be called by the territorial election commission with the approval of the

Central Election Commission for any other date.

5. The regular elections of deputies of the Maslikhat of all levels are conducted simultaneously and cannot coincide by the terms with the Elections of the President of the Republic of Kazakhstan and elections of the deputies of the Senate of the Parliament.

6. The announcement about the day of elections is published in mass media.

#### **Article 102. The requirements to the deputies of the Maslikhats**

To be elected as the deputy of Maslikhat, the citizen should meet the requirements established in item 3 of article 86 of the Constitution and also have the election franchise according to items 2 and 3 of article 33 of the Constitution and the present Constitutional Act.

#### **Article 103. Nomination of candidates to deputies of the Maslikhats**

1. Nomination of candidates to deputies of the Maslikhats is made by the Republican or local public associations registered in due order, and also by their structural divisions, and of citizens – through self-nomination.

2. Nomination of candidates to deputies of the Maslikhat by the Republican or local public associations and their structural divisions is made by their supreme bodies with indication of the electoral district in which each candidate will stand for elections. The public associations have no right to put forward candidates out of the persons who are not members of the given public association. The public association or its structural division can put forward in each electoral district only one candidate to deputy of the Maslikhat. The decision on nomination of candidates to deputies of the Maslikhats is accepted by a majority of the total number of members of the supreme body of the Republican or local public association and its structural division, and shall be validated in the format of an abstract of the minutes.

3. The decision of the supreme body of the public association:

1) Shall be brought to the notice of the proposed candidate;  
2) With the candidate's application on his/her consent to stand for elections it will be delivered to the corresponding district election commission.

4. Nomination of candidates to deputies of the Maslikhat by citizens is made through self-nomination by submission to the corresponding district election commission of an application expressing the intent of an applicant to stand for elections to deputies of Maslikhat in the given territorial electoral district.

5. Nobody can be put forward as a candidate from more than one electoral district.

6. Nomination of candidates begins two months before and ends one month prior to the day of elections if it is not established otherwise at calling an election.

7. If by the day of termination of the term for registration of candidates in the corresponding electoral district, less than two candidates to deputies of Maslikhat have been registered, then, the territorial election commission based on the presentation submitted from the corresponding district election commission shall prolong the term for nomination of candidates but not for more than twenty days.

8. The district election commission within three days establishes the eligibility of the candidate to the requirements of the Constitution and the present Constitutional Act.

#### **Article 104. Registration of candidates to deputies of Maslikhats**

1. Registration of candidates to deputies is realized by district election commissions.

Prior to his/her registration and following the check of his/her compliance with the requirements set by the Constitution and this Constitutional law, a candidate to the deputy of the Maslikhat shall deposit with the account of the Central Election Commission an election fee equal

to 5 minimum wages as established by law. The fee paid shall be refunded to the candidate, if the candidate is elected as a deputy of the Maslikhat or the candidate received votes of at least five percent of voters and in case of the candidate's death. In all other cases, the deposited fee shall not be refunded and shall proceed to the Republican budget.

1-1. Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies by the place of his/her residence for the first day of the month when the nomination term starts which is established in the order and form fixed by the authorized body of the Republic ensuring tax control over fulfillment of tax liabilities before the state.

The authenticity of information about income and property declared by a candidate and his/her spouse is checked by the tax bodies within fifteen days since the day of registration of a candidate.

In this case, the organizations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse are obliged to provide the requested information within four days since receiving the request.

2. Registration of the candidate put forward by a public association is made if the following documents are provided:

1) Abstracts of the minutes of the supreme body meeting of the public association on nomination of the candidate in the corresponding electoral district with enclosure of a copy of the document on registration of the given public association in judicial authorities;

2) Application of the citizen expressing his/her consent to run for the candidacy to deputies in the given electoral district from the public association that has put forward the candidate;

3) The biographic data of the candidate;

4) *Excluded*;

5) A reference from the tax body confirming that the candidate and

his/her spouse have submitted declarations on income and property;

6) Document confirming the deposit of an election fee by the candidate.

3. Registration of the candidate in case of his/her self-nomination is realized on provision of the following documents:

1) Application on intention to run for the candidacy to deputies from the given electoral district;

2) The biographic data of the candidate;

3) *(Excluded)*;

4) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property;

5) Document, confirming the deposit of an election fee by the candidate.

4. Any number of candidates to deputies of Maslikhats can be proposed for registration.

5. The district election commission constitutes the minutes on registration of candidates to deputies of Maslikhats which in five-day's term shall be submitted to the corresponding territorial election commission.

6. The district election commission:

1) Not later than on the seventh day after registration of candidates shall publish in local mass media the announcement on registration with indication of the surname, name, patronymic, year of birth, post, place of work and residence of each candidate, and also, depending at discretion of the candidate, the data on his/her belonging to the public association and nationality;

2) At registration of candidates issues to them the approved certificates;

3) Refuses in registration or cancels the decision on registration of the candidate in the following cases:

Infringements by the candidate of the rules of nomination, non-

submission of the necessary documents for registration;

Non-eligibility of the candidate to the requirements stipulated by the Constitution and the present Constitutional Act;

Use by the candidate of his/her official or job position for the purposes of the election campaign;

Conducting by the candidate of a pre-election campaign before his/her registration, on the day of elections or the day preceding it;

Establishment by court of the fact of distribution by the candidate and (or) his proxies of the falsehoods discrediting honor and dignity of the other candidate, undermining his/her business reputation;

Establishment by court of the facts of payoff with voters of the candidate and his proxies;

In other cases established by the present Constitutional Act;

3-1) Cancels the decision on registration of the candidate in case of revealing at the moment of a declaration submission a fact of non-authenticity of data on income and property declared by the candidate or his/her spouse according to the legislation of the Republic of Kazakhstan on struggle against corruption.

The refusal in registration or cancellation of registration can be appealed by candidates in the corresponding court.

Two days prior to the ballot day, it is impermissible to cancel the decision on registration of the candidate or to restore the candidate who was earlier withdrawn from registration.

7. The refusal in registration of the candidate or cancellation of the decision on registration can be appealed in seven-day's term by the public association or the candidate in the territorial election commission or in court. At that, the territorial election commission or the court shall pass a decision in respect to this petition within seven-day's term from the date of submission of the petition.

8. Registration of the candidate to deputies of the Maslikhats begins



two months before and ends twenty five days prior to the day of elections if it is not established otherwise at calling an election.

**Article 105. Withdrawing of the candidature, cancellation of the decision on nomination of the candidate to deputies of the Maslikhat**

1. The candidate to deputies of the Maslikhat within the period since the registration day and two days prior to voting can take off his/her candidature through submission of a written application about it to the district election commission.

2. The supreme body of the Republican or local public association or the structural division of the public association within the period before registration and after it can cancel its decision on nomination of the candidate to deputies of the Maslikhat through submission of a corresponding statement to the district election commission.

3. In these cases, the district election commission does not register the candidate or cancels the decision on registration of the candidate.

4. If withdrawing of the candidature or cancellation of the decision on nomination of the candidate have been effected without any reasonable causal circumstances for it, the district election commission has the right to charge part of the expenses incurred for conducting of the election campaign that were covered from the funds of the Republican budget to the account of the candidate or the public association that has accordingly put forward the candidate.

**Article 106. The size of the election fund of the candidate to deputies of the Maslikhat**

The election fund of the candidate is formed of:

1) Own funds of the candidate. The total sum should not exceed the established by the legislation of the Republic of Kazakhstan size of the minimum wages for more than hundred times;

2) The funds allocated to the candidate by the public association which has put him/her forward. The total sum should not exceed the

established by the legislation of the Republic of Kazakhstan size of the minimum wages for more than two hundred times;

3) Donations of citizens and organizations of the Republic of Kazakhstan. The total sum should not exceed the established by the legislation of the Republic of Kazakhstan size of the minimum wages more than three hundred times.

**Article 107. Nomination of candidates to deputies of the Maslikhats instead of the retired deputies after termination of the term of registration**

1. If in the result of the candidates' retiring, after termination of the term of registration, less than two candidates to deputies of the Maslikhat remain in the corresponding electoral district, the territorial election commission based on the presentation made by the corresponding district election commission based on its decision shall prolong the term of elections, but not for more than two months.

2. In this case nomination of candidates to deputies of the Maslikhats is realized according to the rules established by the present Constitutional Act.

**Article 108. Counting of votes at elections of deputy of the Maslikhat**

1. The local election commission based on the results of voting issues the minutes of voting which is immediately sent to the district election commission.

2. The election returns of the deputy of Maslikhat are determined at the meeting of the district election commission on the basis of the minutes of the local election commissions. The minutes shall be issued on the election returns of deputy of the Maslikhat signed by the chairman and members of the district commission and will be sent to the corresponding territorial election commission within not more than two-day's term from the date of elections.

3. Other issues related to determination of the results of votes' counting and the election returns shall be solved in compliance with the rules stipulated in the General part of the present Constitutional Act.

**Article 109. (Excluded)**

**Article 110. Repeated elections of deputies of the Maslikhat**

1. If elections have been declared null and void, the territorial election commission makes a decision on conducting of the repeated elections. Voting is conducted in the same polling stations and under the same electoral registers that have been constituted for conducting of the initial elections.

2. Repeated elections are conducted not later than in two months' term after the initial elections. Election actions the accomplishment of which is stipulated for the repeated elections shall be conducted according to the rules stipulated by the present Constitutional Act. At that, the reduced terms of the election actions are defined by territorial election commission.

3. Local mass media will be informed about conducting of the repeated elections.

4. (Excluded).

**Article 111. Establishment and publication of the results of elections of deputies of the Maslikhat**

1. The results of elections of deputies of the Maslikhat are established by the corresponding territorial election commission not later than in five-day's term from the date of holding the elections.

2. The candidate shall be considered to be elected as deputy of the Maslikhat provided the majority of voters who have taken part in the voting voted for him/her in comparison with other candidates.

3. Other issues related to establishment and publication of the results of elections of deputies of the Maslikhat are solved according to the rules established in the General part of the present Constitutional Act.

## Are You Ready to Become a Deputy?

### Essay

There is only one way to enter representative bodies - through elections. Do you really want to stand for elections to Mazhilis or Maslikhat? Many people don't like being a voter. It is important to remember that the number of candidates often exceeds the number of mandates, in some cases up to ten times. It's rather obvious that in such elections the number of losers will exceed the number of winners. Will you be able to take your possible failure easy? Will you be able to cope with someone writing something insulting and silly next to your name or drawing mustache on your photo, or poking your eyes out? Don't forget that not only a deputy, but also a candidate becomes a public figure. You have already observed some election campaigns in Kazakhstan and your region. Try to recall them and think whether you will be able to get through it without pulling your hair.

There are several factors to be considered when making decision on standing for elections.

All the issues we are going to list here are relevant. Sometimes, the one which is not on top of the list may become crucial.

### GENERAL POLITICAL CONDITIONS

#### Deputies deal with politics

Work in the local government body is a political activity. Don't trust those who say the decisions made by deputies must be nonpolitical. Here is an example far beyond the context at first sight.

Once upon a time, the parents got concerned with their three children's future and decided to start teaching them. They made them practice extracurricular activities, attend language classes; they chose an appropriate school, university (or even new residence perhaps). The parents got totally focused on their children getting a good education. As a result, after some years of working hard they had grown highly educated youngsters. Isn't it a good example? Yes, it is excellent.

And here is another family having three children as well. The parents decided to build houses for each of their children. All the family's savings, activities, vacations and efforts were dedicated to the construction. At the end, after some years of working hard, they had three new houses. Isn't it a good example? Yes, it is excellent.

Both families made their political decisions. Decisions affected all their lives for many years and changed their fate. It is reasonable now to give a definition to the politics: **“Politics is winning and keeping power as well as setting the directions for the development”**. In our examples the parents on the basis of their parent power created their children's future.

Don't forget that such decisions are made by deputies! All the consequences of your today's decisions will mostly be evident in some years. You may forget about them, but you will be asked "Whose clever (silly) decision was that?" And it was you who had made that political decision! For example, you're deciding to construct a bridge (or not to construct it), you're making a decision on installing water pipes or canalization, closing the school, opening a library etc. And these today's decisions of yours will bring corresponding financial and social consequences for many years.

**Are you aware of your future political activities when being a deputy?  
Do you realize you will be a local politician?**

**Political views**

As we are talking about political activities, the issue of your political views inevitably arises. Please don't give a prompt answer about them being right-wing or left-wing, and don't say it is irrelevant, and the only thing important is the community doing well.

We recommend you to think over your attitude about the government and communal property, utility rates, taxes, charges for kindergarten, for example, donations to public transportation, unemployment problem and security issues, social problems (what to give the starving people – notorious fishing tackle or a fish?) Think properly if you have your definite opinion on all these issues, and only then try to determine your views: whether you are more close to liberals or socialists, right or left wing. It will be really needed when making your decisions in Maslikhat.

If you cannot define your position on at least some of the examples mentioned above and are still sure "the community must do well", it is better to abstain from standing for elections.

**Can you determine your political views?  
What kind of views are they?  
Are you entering Maslikhat as an independent candidate or a member of a team?**

Even if you are participating in elections as an independent candidate, in order to succeed you should be a team player. With who are you ready to make compromises? Will you be able to cope different thinking? Will you be able to be disciplined? Before making decision on standing for elections, answer all these questions.

## **You will have to deal with everything in Maslikhat**

Do you know that in Maslikhat you will have to deal with all the problems of the community (and make decisions to solve them too)?

Remember that up to 50% of the Maslikhat members may be not deputies. To be exact, the main contextual work upon the Maslikhat draft decisions is done by the commissions focused on certain issues. And it is there where your experience is needed most of all, where you will be able to declare your views and influence the future decisions.

Non-governmental organizations, i.e. different communities, coteries, clubs etc, represent one of the main platforms of the society's democratic activities. It is them who should deal with certain community's issues more and more, cooperating with the local government and self-administration bodies, of course.

For sure, it is very often that Maslikhat members represent certain fields or territories. Usually they are indifferent to the issues that are not related to the field of their activities. They are rather passive, don't ask for the floor, but get extremely vigorous several times a year when "their" issues are on the agenda. That's when they are fighting like lions, adducing arguments, making their neighbors or colleagues say, "They are protecting us, solving our problems, fighting for us!"

Such deputies are dangerous. Due to their passivity in the majority of issues, the decisions are made by those who are personally interested, or lobbies. Don't become such deputy!

### **What would you like to do as a deputy?**

There's a proverb: "Act locally, think globally." Remember that each of your decisions to a certain extent affects the community members' lives, their understanding of the entire power and administration system. Remember that each of your decisions, even if it seems having a local scope, may bring extensive severe consequences. The today's decision on a kindergarten may cause demographic changes in some years. The today's decision on selling the property may have extensive consequences in many years, when neither you, nor anybody else will be a Maslikhat deputy no more.

Decisions are made by Maslikhat through voting. Afterwards they say: "Maslikhat decided", "Maslikhat approved". You and your colleagues are those who raise their hands voting for the issues. Responsibility is vague, it is a group decision, but you participate in it!

You must be aware of participating in very important processes voting tens of times within a session and hundreds or even thousands of times within the five-year deputy term of office. Will you keep remembering that? Before raising your hand, will you think properly about the consequences of your voting which may come to the surface tomorrow, in one year, far future?

## Can you think globally?

### **Pre-election agenda**

After all the previous reflection and answering all the questions, you should ask yourself if you have your agenda. It's your own program of being a deputy in your community during next five years.

Here is an example extracted from a newspaper:

“One neighborhood inhabitants are recalling pre-election promises of their deputy who has given his word to pave the roads. The term of office of Maslikhat is coming to a close, and the pavement appears ... but only on the road where the deputy lives.”

Such story might take place in many communities. But try to read it again and again, and think about its context for a moment.

First, “the deputy promised to fight for...” Who was the deputy to fight with? With some “evil power”, some anonymous “enemy”? Indeed, support of half of the Maslikhat members of the deputy's initiative was enough to pave all the territory.

Second, “inhabitants are recalling the deputy's pre-election promises...” Apparently, the deputy stood for elections with such agenda to pave the roads and carried the elections. Apparently, it was enough for the people to vote for him. They didn't consider any other problems of their community besides paving the roads on a few streets. What a wonderful region where everything's fine and the only thing missing are some hundreds meters of pavement! Apparently, we are talking about “one-street-deputy”, which we have already described.

Let's get down to agenda. The candidate promised paving the roads of the street, district (illumination, construction of canalization etc.) That is to say, he suggested a solution to a problem relevant to the inhabitants of a very small part of the community. The issue was really relevant, the candidate won, and it happened that within the first year of his office the deputy managed to solve the issue. (Maybe the issue had already been one of the priorities of the town development plan). In such a case this deputy was to forfeit his mandate, since he had already fulfilled his pre-election agenda.

But perhaps the issue hadn't been fully solved within the five-year period (although the documentation was made, competitive procedure commenced and the project was to be terminated next year). In this case we say the deputy wasn't credible, he promised, but hasn't kept his promises, failed.

Indeed, the deputy voted on different issues thousands of times; many positive projects in the region were implemented with his involvement. But still, he wasn't credible, as he couldn't make the roads get paved.

Unfortunately, such perception of the deputy work in Maslikhat is widespread, and pre-election agendas often have such nature.

Standing for elections and developing your agenda, you should take into account that you will have to make decisions on all the possible issues and declare your vision of all the problems. And your opinion will reflect your position, including that in certain voting.

**Have you got your own agenda?  
What kind of agenda do you have?**

You may wonder why we are not teaching you writing such agenda. Could you yourself answer this question?

### **PERSONAL CHARACTERISTICS**

You have already answered all the questions above, thought over many issues, disagreed with some of our conclusions. And that's very good, because you should think critically. Thus, it's worth to try.

Let's reason about some other issues, first of all, about characteristics you'd better have.

#### **Persistence**

It's hard to be a good deputy. You should be very persistent both physically and psychologically.

Sessions may last very long, sometimes many hours, till deep night even. Now recall from your own experience for how many hours of a meeting you could keep strength and clear head? How many hours can you survive without a cigarette? Remember how many decisions failed due to the absence of one or two deputies' having a cigarette break?

Refresh your memory about whether you get a headache after six hours with no lunch. Are you ready to stay at work after the official end of the working day?

Don't forget, in Maslikhats and at citizens' gatherings' long discussions, even fights take place. It happens that one's persistence and firmness, but not one's logics, nor rightness, make one win. Such excuses as "I was tired, had a headache, was hungry and left home." are impermissible.

**Are you physically and psychologically persistent enough?**



*Evaluate your stress resistance and social adaptability (Holmes and Rahe's method)*

<b>#</b>	<b>Life event</b>	<b>Units</b>
1	Death of a spouse	100
2	Divorce	73
3	Marital separation (with no divorce), breaking off a relationship	65
4	Imprisonment	63
5	Death of a close family member	63
6	Personal injury or illness	53
7	Marriage	50
8	Dismissal from work	47
9	Marital reconciliation	45
10	Retirement	45
11	Change in health of family member	44
12	Your partner's pregnancy	40
13	Sexual difficulties	39
14	Gain a new family member	39
15	Business readjustment	39
16	Change in financial state	38
17	Death of a close friend	37
18	Change to different line of work	36
19	Change in frequency of arguments with a spouse	35
20	Major mortgage (for buying a house, for example)	31
21	Foreclosure of mortgage or loan	30
22	Change in responsibilities at work	29
23	Child leaving home	29
24	Troubles with in-laws	29
25	Outstanding personal achievement	28
26	Spouse starts or stops work	26
27	Begin or end educational institution	26
28	Change in leaving conditions	25
29	Revision of personal habits, change in behavior stereotype	24
30	Troubles with boss, conflicts	23
31	Change in working hours or conditions	20
32	Change of residence	20
33	Change of educational institution	20
34	Change in recreation habits	19

35	Change in faith activities	19
36	Change in social activities	18
37	Minor mortgage or loan (for example, for buying a car or TV)	17
38	Change in sleeping habits	16
39	Change in number of family reunions	15
40	Change in eating habits (quantity of consuming, diet, no appetite etc.)	15
41	Vacation	13
42	Christmas, New Year, birthday	12
43	Minor violation of law (penalty for traffic violation)	11

## COUNTING UNITS

Total units	Stress resistance
150-199	high
200-299	threshold
300 and more	low (vulnerability)

For example, if your total units exceed 300, it means a real danger, i.e. you have the risk of a psychosomatic disease, since you are close to the nervous prostration phase.

Counting units enables you to recreate the image of your stress. And then you'll be able to understand that not small life events caused your stress, but their complex effect.

### **Civic courage**

Civic courage is a characteristic needed for the deputy activities. It is not enough to have your own opinion, you should be skillful in declaring it in public. Sometimes it is difficult, the deputies are to speak on unpopular issues. Taxes, charges increase, liquidation, decision on needed, but not popular construction – we rarely get consensus. Some deputies in such situations invoke to the simplest mean – abstaining, or avoiding any meetings with people. But that is not a solution. You get elected in deputies in order to have your own opinion and make decisions.

Somebody said, “A good deputy never supports referendum.” In our country, the system of representative democracy has been functioning. The electors endow you a mandate so that you could solve their problems on their behalf. Remember always, after the session you'll be frequently asked, “Why have you voted that way?” You should be always ready to give an honest answer, even if the person you're talking to doesn't like it.

That is why you need to have civic courage. Think if yours is enough.

**Are you civically courageous enough?**

### **Personal culture and self-control**

Personal culture and self-control are very important as well. Tolerance to the others' opinions and ability to make decisions in accordance with the will of majority are fundamental principles of democracy. Where one wins, the other inevitably loses, the same as in football or chess. Entering a chess competition, you should be ready to lose. Just the same, when coming to the Maslikhat sitting, you should always consider probability of losing and being in the minority. Or maybe you'll be in opposition even, and lose in the majority of issues voted for. It is not easy, but nevertheless, you should realize your opponents act in good faith, just have their own perception of the issue. It is difficult to accept, like play the match purely honestly. That's where personal culture and self-control ability are that relevant.

It is not recommended to react strongly, insult the others in discussions, use non-parliament vocabulary, adduce arguments off the point (for example, personal insults) etc. We have seen many of such examples that undermine personal trust to and respect of both individuals and representative or executive body as a whole.

It may happen that your opponent will apply such approach. Don't allow him to provoke you. Half of success is already yours, if you keep self-control.

Try to analyze your personal characteristics. Think whether it is easy to disturb your balance.

**Do your lifestyle and temper meet the requirements for being a deputy?**

### **Negotiations and compromises**

The smallest community Maslikhat consists of 12 deputies. If you become a member of such Maslikhat and get an idea you'd like to implement, you'll need to assure at least six more deputies. Then you'll be seven, you'll be in majority and may be sure the decision on your initiative will be positive. This very simple at first sight statement contains the main secret of all the collegial bodies' activities.

The more members Maslikhat has, the more votes you need to collect to form a majority. Mazhilis consists of 107 deputies. Are you skillful in negotiating? Will you be able to assure the others in your rightness? Will you be able to find appropriate arguments?

Remember, Maslikhat's decisions never come on the surface all at once in the course of the session. They are preceded by long and hard

work within the Maslikhat commissions' discussions, in so called "back rooms", deputy clubs, communications between colleagues-deputies. In order to achieve your main goal you sometimes need to give some aspects up. For example, if the sixth deputy whose vote is missing to form a majority agrees to support you on certain conditions, you'd better comply with him. One day you may be in the shoes of that sixth deputy. Will you be able to find a right solution then? We are giving you a cue: you will succeed in all possible roles, if you have strong convictions and clear program.

Let us remind you once again: work in Maslikhat is a political activity, whereas politics is the art of compromises.

Recall some of your life events, including conflicts you've definitely faced. How did you manage to cope with the troubles?

**Are you a good negotiator?**

**Are you good at compromising without waiving the substance of the matter?**

**Can you assure the others in your rightness?**

Answer the test questions. Count the results as follows: for each "yes" answer – 2 units, "sometimes" – 1 unit, "no" – 0 unit.

After having counted your units find out what is your temper like.

**"Your communication skills" test**

Chose the answers you find right to the following questions:

#	Question	Yes	Sometimes	No
1	You are to attend a business meeting. Does it put you out of your stride?			
2	Do you postpone your visit to the doctor till it becomes unbearable?			
3	If you are to report in public, does it make you disappointed or even whirl?			
4	You are offered to go on a business trip to the city you've never been before. Will you do your best to avoid it?			
5	Do you like to share your feelings?			
6	Do you get annoyed when a person you don't know asks you for something in the street?			
7	Do you believe in generation gap, and do you believe that different generations misunderstand each other?			

#	Question	Yes	Sometimes	No
8	Do you hesitate to remind your colleague that he forgot to repay you 1000 tenge he had borrowed from you?			
9	At a restaurant or café, if you're served with a meal of poor quality, will you keep silent, just moving your plate aside angrily?			
10	You find yourself face to face with a person you've never known before. You initiate conversation and feel his initiative to talk as a burden, don't you?			
11	You get terrified with any long queue, whether in a shop, library, or at a cash desk. Will you prefer giving up your intentions to joining the queue and waiting in suspense?			
12	Are you afraid of participating in some commissions on conflict situations?			
13	You have your own personal criteria of evaluating a piece of art, culture and don't care about anyone's opinion, do you?			
14	Having heard in "back rooms" a patently wrong statement on the issue you're aware of, will you prefer to keep silent and avoid tackling?			
15	If somebody asks for your help in investigating an office issue or a study matter, does it discontent you?			
16	Do you prefer to express your point of view (opinion) in writing rather than orally?			
	<b>Total</b>			

**30-32** – your communication skills are very low, and that is a problem that troubles you.

**25-29** – you're avoidant and incommunicable. You prefer loneliness, that is why you don't have a lot of friends.

**19-24** – you are rather communicable. You feel comfortable in a strange environment. You may be sometimes too sarcastic without any special reason for that. But that is redeemable.

**14-18** – you have normal communication skills. You are easy to start new projects and get in touch with new people, although you hardly enjoy jolly crowds, and get irritated with padding.

**6-13** – you must be a glad-hander. You always feel right at home, willingly speak out your opinion on any issue even when having just random knowledge about it. You take up any project, though not always bring it to a head. Think about that.

**5 or less** – you are extremely communicable. You are talkative, interfere the matters you have nothing to do with. You are quick-tempered, susceptible, illusory often.

## Studying

In conclusion, let's consider a very important issue. Are you good at studying? And are you keen to study? Doesn't matter how professional you are in your field, and what a wide experience you have. Anyway, you will face some situations completely new to you. You might have never imagined them to exist. Hence, you may need to interpret laws in different fields: finance, public purchases, maybe wastewater treatment or combat against alcohol abuse, etc. Or even deal with many problems simultaneously. If you want to be a good deputy (and that is the only possible scenario), you should be ready to study hard. Thus, you are to answer the following questions:

<p><b>Are you good at studying?</b> <b>And are you keen to study?</b></p>
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## Personal management

Now, let's consider a few factors you need to balance when thinking of standing for elections.

*How many hours per month do you think your work in Maslikhat will take? Which way this time will be spent?*

## Time

Deputy's work requires much time. Whereas a real leader spends even more time. Here are just some of principal duties of a common deputy (hence, not exercising any special functions in Maslikhat):

- Participating in sessions once in a month minimum; usually they are held all day long;
- Participating in the commissions' work during several hours, sometimes several times a month;
- "Club" meetings. In some Maslikhats, especially in big ones, political clubs, whereas in the others deputy groups function. Such more or less formal meetings are very important and take

much time.

- Visiting the site. Sometimes it is needed to see what is going to be discussed with your own eyes. It may be a trash dump, school, roads, kindergarten being constructed or reconstructed, etc. Oblast, city/region, village may be large. Thus, you may need to cover hundreds of kilometers. Such journey may take much time.
- Meeting with the voters. Deputies often neglect this duty, though it is settled by law.
- You need to prepare all those events. You need to read the draft decisions, get familiar with corresponding materials. It requires much time as well. It is hard to say how much exactly, but at least several hours before each session and commission meeting.

We have already mentioned the importance of studying. There are different classes for deputies, but you must study yourself as well. It takes much time.

If you are standing for elections, think about your professional and domestic duties, your family, hobbies, and calculate the days in a month, the hours in a day you must dedicate to your deputy activities. And it is for the term of five years!

**Will you be able to invest much time in your duties as an elected leader?**

## **Health**

We have already talked about your persistence. Sometimes you may not have it due to feeling unwell. If the doctors strongly recommend you to maintain tranquil lifestyle and avoid stress, if you are sick often, if you see the doctors from time to time, you'd better give up participating in elections.

**Are you well enough to be an elected leader (deputy)?**

## **Family**

We have already mentioned this issue when talking about time. You will definitely have less time for your close ones. Think whether your family will accept your involvement into the deputy activities, being a public figure talked about (notably, bad things rather than good ones). Your name may be exposed in local newspapers. Your close ones may dislike it. Discuss it with your spouse and children.

Often the family and relatives' antagonism to the public activities is one of the most severe barriers. Think about it properly, so that to avoid

balancing between your family and Maslikhat in the future.

**Are you sure your family will agree with your choice of public work?**

### **Occupational work**

Time is relevant in this context, too. A deputy is guaranteed a release from work within the period of exercising his duties in Maslikhat. The law also protects his rights against his employer. Nevertheless, the law can't warrant a deputy being understood and respected by his boss and colleagues. Will you be able to leave your work any time you need? What if your job requires much traveling? What if your boss doesn't like his employees being proactive in other fields than work? What will be your colleagues, employees, boss's reaction? Many deputies have been facing problems at work caused by them exercising their deputy duties. And on the contrary, some managers and colleagues may feel proud of and pleased with working side by side with a deputy.

Think of that when intending to stand for elections.

**What will your relationships with colleagues at work be like?**

### **Money**

In conclusion of this episode we are going to talk about financial issues. Don't hesitate to be straight when talking about money. If you really want to be a deputy, you should get used to that.

Here are some finance issues.

Pre-election campaign cost. It is expensive. Are you ready to invest your own money in it? If yes, how much? What will be your family's reaction? If you have a chance to be sponsored, don't forget nothing is free.

Yet, think more about money considering the matter in all its bearings. If search for benefits is your motive for standing for elections, give up this idea immediately.

**What is your financial state?**

### **Legal norms**

Irrespective of everything mentioned above, there are some legal restrictions.

General restrictions are imposed by the anti-corruption laws.

According to the Law "On amendments to some legislative acts of the Republic of Kazakhstan on anticorruption efforts issues" dated 25 September 2003, penal sanctions, administrative and disciplinary



punishments for the individuals authorized to perform public functions and having committed corruption-related offences became more strict. Item 2 of the Annotation for this law states:

1. Persons holding major state posts are all officers, deputies of the Parliament and Maslikhats, judges and all state servants in accordance with the legislation of the Republic of Kazakhstan on the state service.
2. The following persons have equivalent status to those persons who are authorized to perform public functions:
  - 1) the persons elected to self-administration bodies;
  - 2) the citizens registered, in the manner prescribed by law, as candidates for the posts of the President of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan and Maslikhats, and also members of elective local self-administration bodies;
3. The servants who perform representative, management, or administrative functions, either on permanent or temporary basis, in public authorities and local self-administration bodies, are considered the officers...

According to Article 8 Item 1 of the Law “On anti-corruption efforts”, the persons intending to exercise public functions or hold state posts...shall take upon themselves all restrictions established by this Law and other laws...”

First of all, it is applied to income, property declarations submission, bank deposits, securities, financial means, direct or indirect shareholder’s involvement, etc.

But that is not all. Your spouse must also submit his/her income declaration.

**Are you ready to accept such restrictions?**

You should think it over before standing for elections.

Here is one more comment not related to any law, but given just as an example.

Imagine yourself being a good constructor, the owner of an excellent construction company, the only in your community, having several hectares of the roofs. Of course, in some time, a competition for their repair in accordance with the law “On public purchases” will be announced. Everything will be done in conformity with the law. Your company will win the competition, will repair the roofs, but you may get accused in backdoor manipulations and abusing of your official position for your personal benefits, etc.

Or imagine you are the owner of the road repair company. Or you are

an architect.

Besides legal norms, there are some other restrictions. Think of them. Remember, you should be totally “transparent” to your community. Isn’t it better to give up standing for elections?

**Are there any legal barriers for your deputy activities?**

**Won’t you be suspected in abusing of your deputy mandate for your personal benefits?**

**It is you who must decide.**

If after having read all the above mentioned and thought over the issues discussed, you are sure there are no severe barriers for your deputy activities, think of that one more time.

Being a deputy is a very serious role, especially when:

- you see your community have many unsolved problems, and previous self-administration bodies failed or didn’t want to solve them;
- you have certain suggestions on solving at least some of those problems;
- you’re surrounded by your associates ready to support you;
- you feel having much energy and a keen desire to act.

Now, you are to assure your family in that and make a decision to take a burden of dedicating next five years to your community’s wellbeing.

**Someone has to do what must be done.**

**If it is not you, who then? If not now, when?**

During the elections and pre-election campaign you’ll meet many people, face many new problems. If you lose, which may happen, keep being proactive, don’t give up your ideas. It is likely that your community has some NGOs, clubs, coteries, groups, political movements. Join them and do your best for your oblast, city/region, village wellbeing.

But don’t think of losing in advance. You’d better think of where to be elected to and what you are going to do when becoming a deputy.

In conclusion, we are reminding you once again to get familiarized with the texts of final laws on elections, local and central government system, respective electoral systems. We strongly recommend it those who are seriously thinking of standing for elections.