

## On Introduction of Amendments and Supplements to the Constitutional Law of the Republic of Kazakhstan “On Elections in the Republic of Kazakhstan”

### *Unofficial translation*

Constitutional Law of the Republic of Kazakhstan dated April 15, 2005 No. 44

### Unofficial translation

**Article 1.** Constitutional Law of the Republic of Kazakhstan dated September 28, 1995 "On Elections in the Republic of Kazakhstan" (Bulletins of the Supreme Council of the Republic of Kazakhstan, 1995, No. 17-18, Art. 114, Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 12, p. 192, 1998, No. 7-8, Art. 71; No. 22, p. 290 1999, No. 10, p. 340; No. 15, p. 593, 2004, No. 7, of Art. 45) should be introduced by the following a m e n d m e n t s :

1) in item 4 of Article 4:  
the words "Do not be registered as a candidate" should be supplemented for the words "cannot be a candidate";  
the words "at the time of registration" should be excluded;

2) Article 19  
should be supplemented with item 2-1 as follows:

"2-1. Cannot be a member of the election committee:  
a person with a previous conviction that has not been cancelled or removed in the order established by law; (See K970167)

a person admitted by the court as incapable or partially incapable, cannot be a member of the election commission

Item 3 should be supplemented with part two as follows:

"A chairperson of the election commission shall represent the interests of the commission in the courts and other state bodies as well as be eligible to delegate to other persons the powes to represent the interests of the election commission by issuing them with the relevant letter of attorney";

Item 6 should be supplemented with part two as follows:

"A member of the territorial, district and precinct election commission shall be released from his/her duties in the case of the political party which has nominated such a member ceasing its activities";

Item 8 should be worded as follows:

"8. The superior election commission shall nominate a member of the election commission to replace the retired member of the election commission before the election of the commission's member by a body forming an election commission in the order established

in Article 10 of this Constitutional Law";

3 ) Article 20 :

Sub-item 2) of item 2 the word "appropriate" should be supplemented with the word "superior" ;

Item 8 should be worded as follows

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

Part two of paragraph 9 should be worded as follows:

"The indicated persons shall be relieved of the performance of their duties as election commission members from the day of registration of the relevant candidate";

4) in sub-item 1 of item 2 of Article 23), the words "approximately three thousand" should be replaced by "not more than three thousand";

5 ) in Article 24 :

item 8 should be supplemented with part two as follows:

"The registers of voters by electoral districts to be formed in the places for temporary stay (rest homes, health resorts, medioprofilactic institutions, in the outruns, in investigative wards and detention centres, including the representative offices of the Republic of Kazakhstan abroad, on board the ships belonging to the Republic that are in navigation on the Election Day) shall be subject to mandatory adjustment on the day preceding the Election Day" ;

item 10 should be worded as follows:

"10. Making changes in to the register of votes after the beginning of vote count shall be prohibited" ;

6) sub-item 5 of item 1 of Article 25) should be supplemented with the following sentence

:

"Citizens of the Republic of Kazakhstan arriving in foreign states by private invitations, for business and tourist trips shall be included in the registers of voters upon their application to precinct election commission and submission of a valid passport of the Republic's citizen";

7 ) Article 27 :

Item 1 should be supplemented with part two as follows:

"Foreigners, stateless persons, foreign legal entities and international organisations shall be prohibited from conducting the activities hindering and (or) facilitating nomination and election of candidates, political parties, that have nominated their party lists, to achieve certain results at elections";

in the first sentence of item 2 the words "from the date" should be replaced by the words "since the moment cessation";

in sub-item 2) of item 3, the words "activities not prohibited by the present Constitutional Law)," should be substituted by the words "activities in the order established by the

legislation and not forbidden by this Constitutional Law), and also";

8) in item 2 of Article 31:

part one of the item, after the words "at their own discretion" should be supplemented with the words "in the number that shall not exceed three persons per each electoral district of the corresponding constituency";

should be supplemented with part two as follows:

"The candidate to the Senate deputy shall be eligible to have one proxy in each district, city and district in the city";

9) in Article 33:

item 1 should be worded as follows:

"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 shall be funded from the funds of the Republican budget through the accounts of local executive bodies opened specifically for these purposes. The territorial election committees shall command the funds that are transferred to the above named accounts from the Republican budget. The order of financing shall be established by the budgetary legislation of the Republic of Kazakhstan";

item 4 should be excluded;

10) in Article 34:

in the second sentence of the first paragraph of item 4, the words "to the Fund, within ten days after the elections" should be substituted by the words "by the fund and of its sources, within ten days after publication of the results of the elections";

in item 8:

part one should be worded as follows:

"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 18:00 o'clock on the day preceding the day of elections";

should be supplemented with part two as follows:

"In the case of repeated voting the marginal sum of money to be allowed for transfer to the candidate's election fund shall be increased one and a half times";

11) in Article 41:

part one of item 6, after the words "member of the family", should be supplemented with the words "including the voters staying in remote and difficult to access places where no election stations were organised,";

should be supplemented with the item 6-1 as follows:

"6-1 When an elector changes the place of his or her residence within the period between submission of the register of votes for the public observation and the day of elections, the district election commission shall issue for such a voter an off-the-register-certificate that confirms his or her right to vote based on the request of the latter and submission of a

document identifying his or her personality. In this case an appropriate note shall be made in the register of voters. When a voter submits his or her off-the-register certificate for voting, the district election commission shall include the voter on the Election Day in the register of voters of the voting place where the elector is staying;

12) item 9 of Article 43 should be supplemented with part two as follows:

"The repeated counting of votes conducted on the basis of the election commission's decision shall be carried out before an official publication of the election results";

13) in Article 44:

Sub-item 1) of item 4 after the words "Senate of the Parliament" should be supplemented with the words ", political parties and their electoral blocs offering party lists,";

should be supplemented with the Article 6 as follows:

"6. Any form of expression of public, group or individual interests and protest encouraging the impact on voters or members of electoral commissions shall be prohibited from the end of the period of pre-election promotion until the official publication of the results of the elections";

14) Article 49 should be supplemented with parts four and five as follows:

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

The complaints on decisions and actions (inactivity) taken by the election commission and its members shall be 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 Law. (See V 9 9 0 8 3 6)";

15) part one of item 5 of Article 50-1, after the words "Electoral Commission" should be supplemented with the words "not less than";

16) in item 1 of Article 53, the words "the first Sunday of August" should be substituted by the words "the second Sunday of September";

17) in item 2 of Article 55, the words "three months" shall be replaced with the words "from the day after the announcement";

18) in Article 59:

item 2 should be supplemented with parts two-four as follows:

"Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies at 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 authorised 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 shall be checked by the tax bodies within fifteen days from the day of registration of a candidate.

In this case, the organisations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days from receiving the request";

item 5 should be supplemented with sub-item 4-2) as follows:

"4-2) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property";

item 6 should be supplemented with sub-item 3-2) as follows:

3-2) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property";

item 3-1) of item 7, after the words "in case of revealing" should be supplemented with the words "at the moment of submission of the Declaration";

19) in item 1 of Article 60, the words "before registration and after it" should be supplemented by the words "from the registration day and two days before voting";

2 0 ) A r t i c l e 7 3 :

Item 2 should be supplemented with parts two-four as follows:

"Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies at 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 authorised 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 shall be checked by the tax bodies within fifteen days from the day of registration of a candidate .

In this case, the organisations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days from receiving the request";

Item 4 should be supplemented with sub-item 4-2) as follows:

"4-2) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property";

Item 5 should be supplemented with sub-item 3-2) as follows:

"3-2) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property";

sub-item 3-1) of item 6 after the words "in case of revealing" should be supplemented with the words "at the moment of submission of the Declaration";

21) in item 1 of Article 74, the words "before registration and after it" should be substituted by the words "from the registration day and two days before voting";

22) item 2-2 of Article 87 should be supplemented with part four - twelve as follows:

"After the superior bodies of political parties take the decision to establish or to join the electoral bloc, the authorised representatives of these political parties shall sign a mutual

decision (Agreement) on the establishment of the electoral bloc.

A Coordination Council, composed of representatives of the political parties joining the electoral bloc shall be formed to manage the electoral block.

To register the electoral bloc its authorised representative shall provide the Central Election Commission with the following documents:

1) extracts from the transcripts of the superior body of the political parties to join the electoral bloc;

2) the mutual decision to establish an electoral bloc signed by the authorised representatives of the political parties and certified by the seals of those political parties.

Pointing at national, ethnic, religious, regional, community and gender characteristics and the use of names of individuals shall be prohibited in the name of an electoral bloc.

The superior body of a political party, assuming a decision to join the electoral bloc, shall have the right to nominate persons to be included in the party list of the electoral bloc, and (or) the persons who would be considered as candidates for the territorial constituencies.

The Coordinating Council of the electoral bloc shall form the common party list of persons joining it.

The Coordinating Council of electoral bloc shall be free to determine the single candidates put forward for the territorial constituencies, from among the candidates nominated by the supreme body of a political party.

The election fund of the single candidate on a territorial constituency from the electoral bloc can receive the means from political parties joining the electoral bloc, but not exceeding the limits established for the election funds of candidates by the present Constitutional Law.

The electoral bloc shall cease its activity after the summing up of the elections and the distribution of Deputy mandates";

23) Article 89:

should be supplemented with item 1-1 as follows:

"1-1. Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies at 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 authorised body of the Republic ensuring tax control over fulfilment of tax liabilities before the state.

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

In this case, the organisations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days from receiving the request";

item 2 should be supplemented with sub-item 3-2) as follows:

"3-2) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property ";

item 3 should be supplemented with sub-item 2-2) as follows:

"2-2) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property ";

sub-item 3-1) of item 6 the words "in case of revealing" should be supplemented with the words "at the moment of submission of the Declaration";

item 7 should be supplemented with sub-item 4-1) as follows:

"4-1) A reference from the tax body confirming that the candidate entering into the party list and his/her spouse have submitted declarations on income and property ";

24) in item 1 of Article 90 the words "before registration and after it" should be substituted by the words "from the registration day and two days before voting"

2 5 ) A r t i c l e 1 0 4 :

Should be supplemented with item 1-1 as follows:

"1-1. Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies at 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 authorised body of the Republic ensuring tax control over fulfilment of tax liabilities before the state .

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

In this case, the organisations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days from receiving the request. ";

item 2 should be supplemented with sub-item 5) as follows:

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

item 3 should be supplemented with sub-item 4) as follows:

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

sub-item 3-1) of item 6 after the words "in case of revealing" should be supplemented with the words "at the moment of submission of the Declaration";

26) in item 1 of Article 105 the words "before registration and after it" should be substituted by the words "from the registration day and two days before voting"

2 7 ) A r t i c l e 1 1 8 :

should be supplemented with item 1-1 as follows:

"1-1. Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies at 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 authorised body of the Republic ensuring tax control over fulfilment of tax liabilities before the state.

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

In this case, the organisations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days from receiving the request. ";

item 2 should be supplemented with sub-item 5) as follows:

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

item 3 should be supplemented with sub-item 4) as follows:

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

sub-item 3-1) of item 6 after the words "in case of revealing" should be supplemented with the words "at the moment of submission of the Declaration";

28) item 1 of the Article 119 should be worded as follows:

"1. The candidate for member of the body of local self-government within the period before registration and after it can withdraw his/her candidature through submission of a written application about it to the corresponding territorial election commission."

**Article 2.** This Constitutional Law shall be entered into force from the date of its official publication.

*P r e s i d e n t o f*

*the Republic of Kazakhstan*