

**On Introduction of Amendments and Supplements to the Constitutional Law of the Republic of Kazakhstan on "The Parliament of the Republic of Kazakhstan and the status of its deputies"**

*Unofficial translation*

Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 266

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**Article 1.** To introduce the following amendments and supplements to the Constitutional Law of the Republic of Kazakhstan about "The Parliament of the Republic of Kazakhstan and the status of its members" dated October 16, 1995 (Statement of the Supreme Council of the Republic of Kazakhstan, 1995, N 21, article 124; Statement of the Parliament of the Republic of Kazakhstan 1997, N 7, article 78; 1999, N 4, article 100; N 10, article 342; 2006, N 23, article 137) :

1) item '2' of Article 2 :

after the word 'Parliament' add the words 'and the Mazhilis of Parliament';  
the words 'cases and order provided' should be replaced by the words 'manner provided';

2) items 2, 3 and 4 of Article 4 shall read as follows:

2. The Senate is formed by deputies who, in accordance with the procedure established by Constitutional law, are two representatives of each region, the city of republican significance and the capital city of the Republic of Kazakhstan. Half of the elected deputies of the Senate are re-elected every three years.

3. Fifteen members of the Senate are appointed by the President of the Republic taking into account the need for the national-cultural and other significant public interest to be represented in the Senate.

4. The Mazhilis consists of one hundred and seven members, elected in accordance with Constitutional Law.

Ninety-eight deputies of the Mazhilis are elected from political parties on party lists under a single national constituency on the basis of universal, equal and direct suffrage of secret ballot. Nine of the deputies of the Mazhilis are elected by the Assembly of the People of Kazakhstan ;

3) in Article 6 :

in the second sentence of item 5 after the word 'Parliament' add the words 'as a rule';

in item 6 :

In the first sentence, the words 'extraordinary joint sitting of the Chambers' should be replaced with the words 'extraordinary session of Parliament';

In the second sentence :

the words 'in sitting' should be replaced by the words 'in session';  
the word 'his' should be replaced by the word 'her';

4 ) i n A r t i c l e 9 :

sub-item '6' of item 5 shall be read as follows:

"6) present to the Chambers candidates for appointment to the offices of two members of the Constitutional Council, two members of the Central Election Commission, three members of the Accounts Committee for Control over Execution of the Republican budget;

i n i t e m 8 :

In the first sentence the words 'for one elected deputy' should be replaced by the words 'two elected deputies';

in the second sentence the word 'replace' should be replaced with the words 'perform duties';

5 ) i t e m 2 o f A r t i c l e 10 :

after the word 'Bureau' add the word 'of Chambers';

add a second sentence to read:

'The Bureau of the Mazhilis also includes the Heads of factions of the political parties represented in the Mazhilis';

6) add Article 11-1 stating the following:

"Article 11-1. Advisory and Consultative Bodies of the Parliament of the Republic.

1. Advisory and consultative bodies whose decisions are advisory in nature may be set up to make suggestions to the Parliament of the Republic on matters within the competence of the Parliament and its Chambers.

2. The order of formation of a consultative and advisory body is determined by procedural orders of Parliament and its Chambers.

3. The working bodies of the consultative and advisory bodies of the Parliament of the Republic and its Chambers are the offices of the Chambers of Parliament;

7) item '1' of Article 14 shall be read as follows:

"1. The Parliament and its Chambers regulations establish:

1) Conditions and procedures for joint and separate sessions of the Senate and the Mazhilis;

2) Procedure for the formation of the working bodies of Parliament and its Chambers;

3) Organization of Parliament and its Chambers, and their working bodies;

4) Conditions and procedures for power to be exercised by the deputies and officials of Parliament.

The rules of the Mazhilis, subject to the regulations provided by this paragraph, determine the peculiarities of organization and the operating procedure for political party factions;

8 ) i n A r t i c l e 15 :

i n s u b - i t e m ' 2 ' :

sub-item '1' shall be read as follows:

"1) The President of the Republic who prepares a special message in order to introduce a draft legislation to the Mazhilis; add sub-item 1-1 as follows:

"1-1) Members of Parliament who prepare a presentation on the introduction of draft legislation to the Mazhilis; item '3' after the word 'made' add the words 'by the President of the Republic'; item '4' add a second sentence to read:

'For draft legislation introduced to the Mazhilis of Parliament as a legislative initiative by the President of the Republic, such a conclusion is not required.'

9) in Article 18:

add sub-item 2-1 stating the following:

"2-1. The draft legislation, reviewed and approved by at least two-thirds of the total number of deputies of the Mazhilis shall be submitted to the Senate, which must deal with it within no more than sixty days. If approved by at least two-thirds of all deputies of the Senate, a draft becomes Constitutional Law and within ten days is submitted to the President of the Republic for signature. The entire draft constitutional law can be rejected by a majority of the total number of deputies of either the Senate or the Mazhilis. The rejected draft constitutional law will be returned to its initiator.

Amendments and supplements to the draft legislation introduced by a majority of at least two-thirds of the members of the Senate are sent to the Mazhilis. If the Mazhilis agrees with the proposed amendments and supplements by at least a two-thirds majority of its members, the law will be passed.

If the Mazhilis does not agree with the proposed amendments and supplements by a majority of at least two-thirds of its members, the disagreement between the Chambers shall be resolved by the conciliation procedure;

In the third sentence of item '3' the words 'the constitutionally required number of votes' should be replaced by the words 'a majority of the deputies of each Chamber';

10) In item '2' of Article 19, the words 'fifteen working days' are replaced by the words 'one month';

11) Article 20 shall be read as follows:

" Article 20. Consideration by the Parliament of the Republic of the objections of the President of the Republic.

1. Repeat discussions and voting on laws or articles of the law that caused objections by the President of the Republic shall be held within one month from the date of the objection. Failure to comply with this deadline means the President's objections have been accepted.

2. The law or its article returned with the objections of the President, after the conclusion by the relevant standing committee of the Mazhilis, shall be submitted to the Mazhilis plenary session for a decision to be made by the Chamber.

If the Mazhilis by according to the results of the vote does not confirm the previously

adopted decision on the law by the Parliament, then all further considerations of the President's objections by the Chambers of Parliament cease and the law is not adopted or adopted in the form proposed by the President.

If the Mazhilis by a two-thirds majority of all members of the Chamber affirms its earlier decision on the law, the law with the objections of the President is forwarded to the Senate for further consideration.

The law or its articles with the objections of the Head of State, after a conclusion by the relevant standing committee of the Senate, is submitted to the plenary session of the Senate. If the Senate after a vote does not confirm the decision taken earlier by Parliament on the law, the law is not adopted or adopted in the form proposed by the President.

If the Senate by a two-thirds majority of all members of the Chamber affirms its earlier decision taken on the law, the President's objections are resolved according with the law. In this case, the law or the respective article shall be made in the version in which it was passed by Parliament for the first time, and the President shall sign this Act within one month from the date of its submission for signature.

3. In the course of the consideration by the Mazhilis of the President's objections, the President of the Republic shall have the right to modify his objections to the entire law or its individual articles in accordance with the suggestions proposed by the deputies.

4. Repeat discussions and voting of the law or its separate articles in the meetings of the Chamber of Parliament shall be on the law in general if the President objected to the law in general, or on the items that gave rise to the objections of the President of the Republic.

5. If objections of the President of the Republic are made to the Constitutional Laws enacted by Parliament, in this case, the objections will be considered in the manner prescribed by law for the consideration of such objections. In this case the President's objections to constitutional laws can be overcome by a majority of at least three-fourths of the members of each of the Chamber of Parliament.'

12) Chapter IV shall be amended as follows:

"Chapter IV The exercise of power by the Chambers of Parliament to give consent to the President for the appointment, election, appointment and dismissal of officials of the Republic

Article 21. Officers appointed by the President with the consent of the Chambers of Parliament are elected, appointed and dismissed by the Chambers of Parliament.

The list of officials of the Republic to be appointed by the President of the Republic with the consent of the Chambers of Parliament, elected, appointed and dismissed by the Chambers of Parliament is determined by the Constitution of the Republic.

Article 22. The procedure by way of which the Chambers of Parliament give consent to the President of the Republic for the appointment, election and dismissal of officials of the Republic.

1. The President of the Republic shall make written proposals to the Chambers of

Parliament of the Republic in order to obtain the consent of the Mazhilis of the Parliament on the appointment of the Prime Minister, and the consent of the Senate for the appointment of the Chairperson of the National Bank, the General Prosecutor and the Chairperson of the Committee of National Security of the Republic, and for election by the Senate of candidates for the posts and release from office of the Chairperson and Judges of the Supreme Court; on the basis of these representations a decision is made as to whether or not to include the issue in the agenda of the next meeting of the Chamber of Parliament.

2. The consent of the Mazhilis of Parliament to the appointment of the Prime Minister is given at a meeting of the Chamber.

The consent of the Chambers of Parliament for the appointment by the President of these officials has a preliminary or a subsequent character and is given at a meeting of the Chamber .

3. Nominations for candidates to be elected by the Senate for appointment to office and dismissal from the office of the Chairperson and judges of the Supreme Court prior to being considering at a meeting of the House are discussed at a meeting of the Committee of the Senate which is determined by the decision of the Bureau of the Senate. The committee makes a conclusion on each candidate under discussion and this will be announced at the meeting of the Chamber .

4. For consideration of the issue of consent to the appointment, the election and dismissal from office the nominations are presented by the President of the Republic or his authorized officer at a meeting of the Chamber .

5. At a session of the Chamber may be:

1) questions posed to the candidate and to the person representing the candidate;

2) views expressed by Deputies 'for' or 'against' the proposed candidate;

6. The debate on the proposed candidate may not be opened if the deputies do not insist on it .

7. In the event that the relevant Chamber of Parliament has not made a decision regarding consent to the candidates chosen by the President be appointed, elected to the post, the President may make written representations to the Chamber in support of the same or new candidates .

8. If the Senate has not taken a decision to release the Chairperson and Judges of the Supreme Court from office, the President shall have the right to re-submit this issue to the Senate .

Article 23. Decisions made by the Chambers of Parliament on the submitted candidates.

1. The Mazhilis and the Senate of the Parliament make a decision to consent to the appointment, the election and dismissal from office by a majority vote of all deputies of the Chamber of Parliament .

2. Decisions are made separately for each candidate by open vote, unless the relevant Chamber determines other voting procedures.

3. Decisions are made separately for each candidate by resolution of the relevant Chamber

4. In case of rejection of candidates submitted by the President for the appointment, the election and dismissal from office, the decision of the Chamber shall contain a detailed rationale for the deviation.

Article 23-1. The order of appointment of officers of the Republic by the Chambers of Parliament.

1. Each Chamber of Parliament appoints two members of the Constitutional Council on their own without the participation of the other Chamber; appoints for a five-year period for the posts of two members of the Central Election Commission, three members of the Audit Committee for Control over Execution of Republican Budget.

2. Appointments of persons referred to in item '1' of this Article shall be made at the session of the Chamber. The candidates proposed for appointment by the Chamber to offices referred to item 1 of this Article, prior to being considered at a session of the Chamber, are to be discussed at a meeting of the committee of the Chamber which is determined a decision of the Bureau of the Chamber. Following the consideration of nominations, the relevant committee will make a decision on each candidate, which shall be announced at a session of the Chamber.

3. The Chairperson of the Chamber presents the nominations to be considered for appointment at a session of the Chamber.

4. At a session of the Chamber:

- 1) questions may be posed to the candidate and the person representing the candidate;
- 2) views may be expressed by deputies who are 'for' or 'against' the proposed candidate.

5. The Debate on the proposed candidate may not be opened, if deputies do not insist on that.

6. If the relevant Chamber of Parliament did not approve the proposed candidates for appointment, the Chairperson must introduced to the appropriate Chamber written representations in favor of the same persons, or for new candidates.

7. The Mazhilis and the Senate of Parliament make a decision on the appointment of the persons referred to in item 1 of this article by a majority vote of all deputies of the Chamber of Parliament.

8. Decisions are made separately for each candidate by open vote, unless the relevant Chamber determines other voting procedures.

9. Decisions are made by relevant resolutions of the Chamber separately for each candidate.

10. In the event nominations submitted by the Chairperson of the Chamber for appointment are rejected, the decision of the Chamber shall contain a detailed rationale for the deviation.

13) Article 24 shall be read as follows:

"Article 24. Deputy of the Parliament of the Republic

1. The powers of a Deputy of the Parliament begin from the date of his registration as a Deputy of Parliament of the Republic with the Central Election Commission. A deputy swears the following oath to the people of Kazakhstan at the first session of Parliament in a joint session of its Chambers: 'I swear to serve the people of Kazakhstan faithfully, to strengthen the integrity and independence of the Republic of Kazakhstan, strictly abide by its Constitution and laws, conscientiously fulfill my high duties of the deputy'. The oath is taken by the President and it is conducted in a solemn ceremony in the presence of members of the Government, the Constitutional Council, Supreme Court justices and former presidents of the R e p u b l i c .

2. The deputy does not have a right to be the deputy of another representative body, hold other paid offices except teaching, research and creative activities, engage in entrepreneurial activity or serve on the governing body or the supervisory board of a commercial organization . Violation of this rule shall result in termination of the powers of the deputy upon the proposal by the Central Election Commission of the Republic.

3. The powers of deputies of Parliament will end in the event of resignation, death and the pronouncement of Deputy by a valid court order to be legally incompetent, dead or missing, and in other cases stipulated by the Constitution and the present Constitutional Law.

4. The powers of the Deputies elected by the Assembly of People of Kazakhstan may be terminated by its decision.

5. The powers of appointed Deputies of the Senate may be terminated ahead of time by the President of the Republic.

The powers of the deputies of the Senate, elected at a joint session of electors represented by deputies, all Maslikhats of the regions, the city of republican significance and the capital city of the Republic of Kazakhstan may be terminated ahead of time by a decision of the e l e c t o r s .

6. A deputy of Parliament shall be deprived of his mandate in the event of:

- 1) him taking on permanent residence outside of Kazakhstan;
- 2) the entry into force of his conviction by a court;
- 3) loss of Citizenship of the Republic of Kazakhstan.

7. A deputy of the Mazhilis of Parliament shall be deprived of his mandate in the event of:

- 1) withdrawal or expulsion from his political party, from which, in accordance with Constitutional law, he was elected;
- 2) Termination of a political party, from which, in accordance with Constitutional law, he was elected .

8. Upon termination of the powers of a Deputy of Parliament on the grounds specified in items 3 and 6 of this Article, the Central Election Commission will adopt a solution outlining the fact of and the reasoning behind the termination of powers of a Deputy of Parliament and

a decision will be made to present an amendment to the relevant Chamber of Parliament regarding the early termination of powers of a Deputy of the Parliament.

On the basis of representations made by the Central Election Commission, the Chamber of Parliament shall terminate the powers of the relevant Deputy of Parliament.

9. Upon termination of the powers of a Deputy of Parliament on the grounds provided in items 4, 5 and 7 of this Article, the Central Election Commission will adopt a resolution stating the fact that the person has lost his powers of a Deputy of Parliament.

10. The powers of the Deputies of the Mazhilis of Parliament and the Parliament shall be terminated in the event of dissolution of Parliament or the Mazhilis of the Parliament’;

14) In sub item 3 of item 2 of Article 25, the words ‘by the Parliament and its Senate’ shall be replaced with the words ‘by the Chambers of Parliament’;

15) item 5-1 of Article 30 after the words ‘dissolution of the Parliament’ add the words ‘  
o r t h e M a z h i l i s ’ ;

16) in items 1 and 2 of Article 31, the word ‘by legislation’ shall be replaced with the  
w o r d ‘ b y l a w ’ ;

17) Add item 5 to Article 33 stating the following:

"5. The question of application of sanctions against deputies of the Mazhilis, as stipulated in this article, may be initiated by the factions of the political parties represented in the Mazhilis, of which the deputies are members;

18) Article 34 and 36 shall read as follows:

"Article 34. The Associations of Deputies in the Parliament of the Republic

1. Deputies of Parliament may form deputy associations in the form of political party  
f a c t i o n s a n d d e p u t y g r o u p s .

2. A fraction of a political party is an organized group of deputies representing political parties registered in the manner prescribed by law, in order to express the interests of the respective political party, created in the Mazhilis of the Parliament. The minimum number of factions of political parties is regulated by the procedure rules of the Mazhilis of the Parliament. The composition of the fraction of a political party can include deputies of the Mazhilis of Parliament. A deputy has the right to be in only one fraction of a political party.

3. A deputy group is a union of deputies for the purpose of joint exercise of their powers. A deputy group is formed by at least fifteen deputies of Parliament.

4. The registration of fractions of political parties is carried out by the Bureau of the Mazhilis and the registration of deputy groups is carried out by the Bureau of Chambers of Parliament. The registration of political party fractions and deputy groups can be carried out  
w i t h o u t a p r i o r a r r a n g e m e n t .

5. The powers, organization and activities of political party fractions in the Mazhilis of Parliament and the deputy groups of Parliament are defined by the procedure rules of  
P a r l i a m e n t a n d i t s C h a m b e r s .

Article 36. Early termination of powers of the Parliament of the Republic and the

