

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 June 19, 2007 No. 268

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Article 1. To the Constitutional Law of the Republic of Kazakhstan dated September 28, 1995 "On Elections in the Republic of Kazakhstan" (The 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, N 7-8, Art. 71; No. 22, p. 290 1999, No. 10, p. 340; No. 15, p. 593, 2004, No. 7, of Art.; 45 2005, No. 7-8, Art. 17 2006, No. 23, p. 138)) the following amendments should be introduced:

1) throughout the whole text of the Constitutional Law, except for Chapter 14, the words "of the members of the agency of local self-government", "by the member of the agency of local government", "members of the agency of local self-government", "members of the agency of local government", "member of the agency of local authority" should be substituted by the words "of the members of other agencies of local self-government", "member of another agency of local authority", "members of other agencies of local authorities", "members of another agency of local authority", "member of another agency of local authority" respectively;

2) Paragraph 1 of Article 5: after the word "Parliament" the words "elected by party lists" should be supplemented;

3) Article 9:

the first paragraph of item 1 should be worded as follows:

"1. During the election of the President, deputies of the Senate and the Mazhilis of Parliament elected by the Assembly of People of Kazakhstan, the following system of counting votes shall be applied:";

should be supplemented with item 1-1 stating as follows:

"1-1. Deputies of the Mazhilis of Parliament from political parties shall be elected from party lists under a single national constituency";

4) In Article 11:

item 2 should be worded as follows:

"2. The Central Election Commission shall consist of a Chairperson and six members of the Commission";

item 3 should be excluded;

5) In Article 12:

item 3) should be excluded;
should be supplemented with item 6-1) stating as follows:
"6-1) shall determine the order of production and issuing of absentee voting certificates";
item 15) after the words "Maslikhats and" the word "other" should be supplemented;
in item 16), the words "Mazhilis of the Parliament and" should be excluded;

6) Article 14:
should be supplemented with item 2-1) stating as follows:
"2-1) shall register the agents of political parties that nominated their party lists, issue
them appropriate certificates";
in item 7) the words "members of the agencies of local self-government" should be
substituted by the words "members of other agencies of local authorities besides Maslikhats";
in item 11):
the words "members of the agencies of local self-government" should be substituted by
the words "members of other agencies of local authorities besides Maslikhats";
the words "members of the agencies of local self-government" should be substituted by
the words "members of other agencies of local authorities besides Maslikhats";
7) in item 1 of Article 15 the words "Mazhilis of the Parliament and" should be excluded;

8) Article 16:
in sub-items 2) and 5) the words "and the Mazhilis of the Parliament" should be excluded;
sub-item 10) should be excluded;

9) In sub-item 3 of Article 19, the words "Vice-President, Secretary," should be excluded;

10) Articles 20 and 20-1 should be worded as follows:
"Article 20. Organization of the activity of the Electoral Commissions and appeal against
their actions. Transparency of the activities of Election Commissions.
1. Election commissions shall act based on the principles of collegiality, publicity and
t r a n s p a r e n c y .
2. The first meetings shall be convened as follows:
1) The first meeting of the Central Election Commission shall be convened by its
Chairperson 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 every two weeks. At other times, commissions shall meet as and when
needed, upon the initiative of the Chairperson or at least one third of the commission's
m e m b e r s .
4. Election commissions shall be entitled to make legally binding decisions provided that
at least two thirds of the total numbers 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 make an effort 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 the respective election commissions and their agenda in advance.

Outsiders not involved in the election process shall not be allowed to be present on the election commission's premises.

8. On the day of the election, the following persons may be present at the same time since the opening of the polling station until the 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 the coming into force of its judgment based on the outcome of the 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 from 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 from 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 the period of preparations for and conduct of an election.

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

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

- 1) deputies of Parliament and Maslikhats and members of local self-administration bodies ;
- 2) candidates for presidency and for deputies of Parliament and Maslikhats and members of local self-administration bodies;
- 3) political civil servants;
- 4) judges sitting in courts of the Republic of Kazakhstan.

Marital partners 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.

The persons indicated in sub-item 2 hereof shall be relieved of their duties as election commission members from the day of registration of the relevant candidate.

Article 20-1. Observers from political parties, other public associations, non-profit organizations of the Republic of Kazakhstan

1. The 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 the election, 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 a f o r e m e n t i o n e d p r o c e d u r e s ;
- 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) observe voting outside the voting premises if voters cannot come to specified voting p r e m i s e s ;
- 8) be present during vote-counting and destruction by divisional election commission members o f u n u s e d b a l l o t s ;
- 9) take photo, audio and video records without intervening with the course of the election a n d i t s r e s u l t s ;
- 10) observe procedures for transfer of protocols of the results of the vote to higher e l e c t i o n c o m m i s s i o n s ;
- 11) after completion of the voting, read protocols by the election commission on voting returns and obtain their certified copies;
- 12) draw the attention of the members of the election commission to the violation of any of the requirements of this Constitutional Law, hand over to them relevant written applications, reports of irregularities and receive acknowledgment of receipt thereof. Following an application from agents or observers, the Chairperson of an election commission or his/her substitute shall attach to the vote counting protocol reports made by t h e m .

3. Observers of political parties, other public associations, nonprofit organizations of the Republic o f K a z a k h s t a n s h a l l :

- 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 which would interfere with the activities of the election c o m m i s s i o n ;
- 4) meet the requirements of the Chairperson of the election commission regarding following rules of conduct in polling premises as established by the corresponding election c o m m i s s i o n ;
- 5) base their comments on documented, true and verifiable facts;
- 6) follow the requirements hereof and of other legislative acts of the Republic of K a z a k h s t a n ;
- 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 s u c h a n o b s e r v e r .

11) supplement Article 20.2 as follows:

"Article 20-2. Observers of foreign states and international organizations, representatives of foreign media

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

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

Such an 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 by 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 a criminal offence, corruption practice or other illegal activities during the election period within 5 years prior to the application for accreditation.

3. The term of accreditation for 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 with 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 date of the election.

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 the right to:

- 1) be present at all stages of the electoral process;
- 2) be informed of 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 of 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 Chairperson of the election commission regarding following rules of conduct on 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 violation 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";

12) in items 1 and 4 of Article 21 of the words "Mazhilis of Parliament and" should be excluded ;

13) in the item 1 of Article 22, the words "Central, respectively, and" should be excluded;

14) item 6 of Article 28 should be supplemented as follows:

"Information on political parties that have nominated their party lists in the same standard format as set by the Central Election Commission shall be placed in the premises of the election commissions and voting premises";

15) Article 31 :

Item 5 should be worded as follows:

"5. Trustees shall have the rights, duties of the observers of political parties, other public associations, non-profit organizations in the Republic of Kazakhstan and act within the powers granted to them in written form by a candidate, political party that nominated the party list " ;

in the item 6 :

the words "in the case" should be substituted by "in the cases";

should be supplemented with the words "violation of this Constitutional Law";

16) item 2 of Article 33 should be supplemented with item 5) stating the following:

"5) manufacturing of information posters to be placed in election commission premises and voting premises about the candidates for president, deputies of the Senate of Parliament and Maslikhats, members of other agencies of local self-governments, and also about the political parties which have put forward party lists.";

17) the fourth paragraph of item 4 of Article 34 should be worded as follows:

"In case of election of deputies of Maslikhats - by the district election commissions";

18) Article 37:

in the second part of paragraph 2 the words "0.1 percent" should be substituted by the words "1 percent";

item 3 should be supplemented with the words "with a reserve of 1 percent of the total number of voters at a polling station";

19) in items 2 and 3 of Article 38, the words "members of agencies of local self-government" should be supplemented with the words "members of other agencies of local authorities besides Maslikhats";

20) in Article 40:

item 1, after the word "Mazhilis" the words "elected by party list" should be supplemented ;

item 2, after the word "Senate" the words "and the deputies of the Mazhilis of Parliament, elected by the Assembly of Peoples of Kazakhstan" should be supplemented;

21) item 6-1 of Article 41 should be supplemented with parts two and three as follows:

"Absentee certificates shall not be issued to those voters, who wish to vote in another polling district or another polling place within the same locality.

Delivery of absentee ballots shall be terminated at eighteen hours local time the day before Election Day";

22) in item 3 of Article 42, the words "members of the agencies of local self-government" should be substituted by the words "members of other agencies of local authorities, besides Maslikhat";

23) Article 43:

item 1, after the words "the Mazhilis of Parliament" should be supplemented with the words "elected by party lists";

item 2, after the words "Senate of Parliament" should be supplemented with the words "and the deputies of the Mazhilis of Parliament, elected by the Assembly of the People of Kazakhstan";

in sub-item 3) of item 5 the words "members of the local self-government" should be substituted by the words "members of local authorities other than Maslikhats";

items 7-1 and 9, after the word "Senate" should be supplemented with the words "and the deputies of the Mazhilis of Parliament, elected by the Assembly of the People of Kazakhstan"

;

24) Article 44:

in the item 2 the words "local authorities" should be substituted by the words "other local authorities";

in item 4:

sub-item 1) should be worded as follows:

"1) of the President, the Members of Parliament shall be published in the media of the Central Election Commission no later than ten days from the date of the election";

in the sub-item 3) the words "members of the local self-government" should be substituted by the words "of the members of other local authorities besides Maslikhat";

in item 5:

in the first part:

the words "the number of districts in which a new election would be held" should be substituted by the words "a number of administrative-territorial units, in which the second vote will be held";

after the words "for each political party in the respective administrative-territorial unit," should be supplemented with the words "number of votes cast for candidates for deputies of the Mazhilis of Parliament, elected by the Assembly of the People of Kazakhstan";

after the words "elected President, the Senate of the Parliament" the words "the deputies of the Mazhilis are elected by the Assembly of the People of Kazakhstan" should be supplemented;

in the second part, the words "deputies of the Mazhilis of the Parliament," should be excluded;

25) in Article 51 the word "seven" should be substituted by the word "five";

26) Article 53:

In the title the word "and designation" should be excluded;

item 3 should be supplemented with a second part stating the following:

"This restriction shall not apply to the First President of the Republic of Kazakhstan";

27) in the second sentence of item 2 of Article 54, the words "no less than fifteen" should be substituted by the words "the last fifteen";

28) sub-item 1) of item 2 of Article 71 after the words "political party" the words "other public associations" should be supplemented;

29) Article 85:

Sub-item 2) of item 1 should be supplemented with the words "or the Mazhilis of the Parliament";

in item 3:

after the words "dissolution of Parliament" the words "or the Mazhilis of Parliament" should be supplemented;

after the words "early termination of powers of Parliament" the words "or the Mazhilis of

Parliament" should be supplemented;
should be supplemented with the item 3-1 stating the following:

"3-1. The day of election of deputies to the Mazhilis elected by the Assembly of the People of Kazakhstan, may not coincide with the day of the election of deputies to the Mazhilis who are elected by party list";

30) Article 87 should be worded as follows:

" Article 87. Nomination of Candidates for deputies of the Mazhilis

1. The right to nominate candidates for deputies of the Mazhilis based on party lists shall belong to political parties registered in accordance with the set procedures, while the right to nominate candidates to deputies of the Mazhilis to be elected by the Assembly of the People of Kazakhstan shall belong to the Board of Assembly.

2. Individuals shall be included in a party list to be elected as deputies of the Mazhilis in the national electoral precinct by a majority vote of the total number of members of the supreme body of a political party. Political parties may not include in party lists those individuals who are not members of this political party.

The decision of the supreme body of a political party shall be forwarded to the Central Election Commission together with an individual's consent to be included in the party list.

3. Political parties shall make party lists in alphabetical order of the state language. Party list shall then be submitted to the Central Election Commission by a representative of the political party along with an extract from the minutes of the supreme body of the political party regarding the nomination of the party list. The authority of such a representative must be proven with the relevant documents.

4. Candidates for deputies to the Mazhilis of Parliament to be elected by the Assembly of the People of Kazakhstan shall be nominated by the Board of the Assembly. Relevant decisions shall be made by a majority vote and shall be recorded in the minutes of the Board.

The decision of the Board of the Assembly of the People of Kazakhstan shall be submitted to the Central Election Commission together with the individual's consent to run for the Mazhilis.

5. Nomination of candidates for deputies of the Mazhilis to be elected based on party lists shall commence two months in advance of and end forty days prior to the election unless other deadlines are set at the time of calling of the election.

Nomination of candidates for deputies of the Mazhilis to be elected by the Assembly of the People of Kazakhstan shall commence fifteen days and end ten days prior to the election";

31) Article 88 should be worded as follows:

" Article 88. Election Fee

1. At their own expense, political parties nominating party lists shall transfer to the account of the Central Election Commission an election fee equal to 15 times the minimum wage set by the law of the Republic of Kazakhstan for each person on the party list.

2. No election fee shall be payable by political parties, which have received votes of seven

and more percent of all voters at the previous election to the Mazhilis.

3. A political party, which received votes of five to seven percent of all voters at the previous Mazhilis election, shall pay an election fee equal to fifty percent of the amount of the election fee set in clause 1 hereof.

A political party, which received votes three to five percent of all voters at the previous Mazhilis election, shall pay an election fee equal to seventy percent of the amount of the election fee set in clause 1 hereof.

4. The paid fee shall be refunded to a political party if it receives votes of at least seven percent of all voters, and in the event of death of the only candidate on the party list. In all other cases the fee paid shall not be refunded and shall be supplemented to the republican budget " ;

32) Article 89 should be worded as follows:

Article 89. Registration of candidates to the Mazhilis

1. Party lists submitted by political parties and candidates nominated by the Board of the Assembly of the People of Kazakhstan are registered by the Central Election Commission.

2. Prior to registration, a candidate and his/her spouse shall submit to the relevant tax bodies an income and property statement as of the first day of the month when the nomination term established hereby commences, such statement shall be in accordance with procedures and format established by the authorized state body of the Republic of Kazakhstan performing tax control over performance of tax liabilities to the state.

Accuracy of the income and property data provided by the candidate nominated by a political party and his/her spouse shall be verified by tax authorities within fifteen days of the registration of the party list.

Entities in receipt of requests by the tax authorities to provide data on the income and property of the candidate nominated by a political party and his/her spouse shall provide requested information within four days of receipt of such a request.

Accuracy of the income and property data provided by the candidate nominated by the Board of the Assembly of the People of Kazakhstan and his/her spouse shall be verified by tax authorities within three days of the registration of the candidate.

Entities in receipt of requests by the tax authorities to provide data on the income and property of the candidate nominated by the Board of the Assembly of the People of Kazakhstan and his/her spouse shall provide the requested information within two days of the receipt of such a request.

3. Party lists shall be registered subject to availability of the following documents:

1) extracts from the minutes of the supreme body of a political party regarding nomination of the party list together with a copy of the registration certificate of a political party with the Ministry of Justice of the Republic;

2) an individual's consent to be included in the party list;

3) background of each person on the party list;

4) tax authorities' certificate of receipt of an income and property statement of the candidate and his/her spouse;

5) a receipt confirming that the election fee was paid by a political party;

6) confirmation of membership of a person in the political party, which put forward the party list.

4. Only one list of either political party shall be permitted to be registered, with the number of people on such list not to exceed the set number of deputy mandates allocated among political parties by more than thirty percent.

5. Candidates nominated by the Board of the Assembly of the People of Kazakhstan shall be registered subject to availability of the following documents:

1) extracts from the minutes of the Board of the Assembly regarding nomination of candidates;

2) an individual's consent to run for the Mazhilis;

3) background of each person nominated by the Assembly of the People of Kazakhstan;

4) tax authorities' certificate of receipt of an income and property statement of the candidate nominated by the Assembly of the People of Kazakhstan and his/her spouse;

6. The Central Election Commission shall:

1) publish in mass media an announcement of registration specifying the name of the political party and number of persons on the party list as well as the surname, name, patronymic, year of birth, job (occupation), place of employment and residence of each candidate on the party list within seven days of the registration of the party list;

2) publish in mass media an announcement of registration specifying the name of the Assembly of the People of Kazakhstan, number of persons nominated by the Board of the Assembly of the People of Kazakhstan as well as the surname, name, patronymic, year of birth, job (occupation), place of employment and residence of each nominee as well as his/her ethnic background, the latter to be specified at his/her discretion, within three days of the registration of candidates nominated by the Board of the Assembly of the People of Kazakhstan;

3) issue relevant certificates to candidates upon registration;

4) refuse to register or cancel a decision to register a party list in the following circumstances:

breach by a political party of rules of nomination of a party list, failure to submit documents required for registration;

a pre-election campaign by a political party, which has nominated a party list, by candidates it has nominated, its authorized representatives prior to its registration;

more than fifty percent of the whole party representatives leaving the party list;

if a court finds out that a political party nominating the party list or its authorized representatives disseminate false information denigrating the honor and dignity of a candidate of another political party, which has nominated a party list or of a person on the party list,

impairing his/her business reputation;
if a court finds out that a political party nominating the party list or its authorized
representatives bribed voters;
in other cases stipulated hereby.

Cancellation of a decision to register the party list or restoration of a previously
deregistered party list shall not be permitted two days prior to the Election Day;

5) deciding to the list a person listed on the party list in the following circumstances:
failure of a person listed on the party list to comply with the requirements set by the
Constitution of the Republic of Kazakhstan and this Act;
if a person listed on the party list avails himself/herself of his/her official position in his/
her pre-election campaign;
the carrying out of a pre-election campaign by a person listed on the party list prior to the
registration of the party list;

if a court finds out that a person listed on the party list disseminates false information
denigrating the honor and dignity of a candidate, a political party, which has nominated a
party list or another person on the party list, impairing their business reputation;

if income and property data submitted by the person on the party list and his/her spouse is
found to be false, as per the anti-corruption legislation of the Republic of Kazakhstan;

if a court finds out that a person listed on the party list or his/her authorized
representatives bribed voters;
in other cases stipulated hereby.

A decision to de-list a person listed on the party list can be appealed to a corresponding
final court by the political party, which has nominated the party list, or by a person removed
from the party list.

A decision to de-list a person listed on the party list shall not be allowed two days prior to
the voting day;

6) to refuse to register or cancel the decision to register the candidate nominated by the
Board of the Assembly of the People of Kazakhstan, in the following circumstances:

failure of a person listed on the party list to comply with the requirements set by the
Constitution of the Republic of Kazakhstan and this Act;

if he/she avails himself/herself of his/her official position in his/her pre-election campaign
;

breach by the Board of the Assembly of the People of Kazakhstan of rules for nomination
of candidates, failure to submit documents required for registration;

conduct of a pre-election campaign by a candidate or his/her authorized representative
prior to registration;

if a court finds out that a candidate or his/her authorized representative disseminates false
information denigrating the honor and dignity of a candidate, impairing his/her business
reputation;

if income and property data submitted by the candidate and his/her spouse is found to be false, as per the anti-corruption law of the Republic of Kazakhstan;
if a court finds out that a candidate or his/her authorized representatives bribed voters;
in other cases stipulated hereby.

Cancellation of a decision to register the candidate or restoration of a previously deregistered candidate shall not be permitted two days prior to the voting day.

7. The refusal to register or the cancellation of a decision to register the party list may be appealed to the Central Election Commission and/or court within seven days. The Central Election Commission or the court shall issue its decision on the complaint within seven days of the date of submission of the complaint.

Refusal to register or cancellation of the decision to register the candidate nominated by the Board of the Assembly of the People of Kazakhstan may be appealed to the Central Election Commission and/or court within two days. The Central Election Commission or the court shall issue its decision on the complaint within one day.

8. Registration of party lists shall commence two months and end one month prior to the election unless other deadlines are set at the time of calling of the election.

The registration of candidates nominated by the Board of the Assembly of the People of Kazakhstan shall commence ten days and end five days prior to the election unless other deadlines are set at the time of calling of the election";

33) Article 90 should be worded as follows:

"Article 90. Withdrawal of a candidature, cancellation of the decision to nominate a candidate for deputy of the Mazhilis

1. A person included in the party list may withdraw his/her candidature from the party list, having made written representations about it to the Central Election Commission. In these cases, the Central Election Commission shall decide to exclude a person from the party list.

2. The Council of the Assembly of the People of Kazakhstan and a candidate nominated by it may withdraw his/her candidacy, having addressed with the written statement made written representations about it to the Central Election Commission. In this case, the Central Election Commission shall decide to cancel the registration of the candidate";

34) Articles 92 and 93 should be excluded;

35) should be supplemented with Article 93-1 stating the following:

"Article 93-1. The Procedure for conducting a session of the Assembly of the People of Kazakhstan on elections of deputies to the Mazhilis

1. Elections of deputies of the Mazhilis of Parliament who are elected by the Assembly of the People of Kazakhstan, shall be held at a session of the Assembly of the People of Kazakhstan convened by the President of the Republic.

2. At the session of Assembly of the People of Kazakhstan the Chairperson and members of the corresponding territorial election commission, the capital city of the Republic or of the city of national importance, in which territory the session is held shall be present.

The Council of the Assembly of the People of Kazakhstan shall notify the Central Election Commission about the place of the election no later than ten days before Election Day.

3. In the premises where the session of the Assembly of the People of Kazakhstan is conducted, the election commission shall organize the site for election of deputies to the Mazhilis of Parliament.

4. The transcript of the session, which must be submitted to the territorial election commission, is the document certifying the session of the Assembly of the People of Kazakhstan on the issue of election of deputies to the Mazhilis.

5. The session shall be closed after the corresponding territorial election commission announces the results of election of deputies to the Mazhilis";

36) Article 94 shall be worded as follows:

Article 94. Counting of votes of the elections of deputies to the Mazhilis from party lists

1. The Precinct Election Commission shall make the poll deed, based on the results of the elections, which shall be immediately sent to the corresponding territorial election commission.

2. The results of the elections based on the party lists shall be established at a meeting of the Central Election Commission on the basis of the relevant protocols of territorial election commissions, which shall be forwarded to the Central Election Commission no later than within two days from the date of the election. The results of the election shall be recorded.

3. Other issues relating to the determination of the results of counting of votes and the election shall be determined in accordance with the rules established in the General part of this Constitutional Law";

37) should be supplemented with Article 94-1 stating the following:

"Article 94-1. Counting the votes of the election of deputies to the Mazhilis elected by the Assembly of the People of Kazakhstan

1. The results of the election of deputies to the Mazhilis elected by the Assembly of People of Kazakhstan shall be determined at a meeting of the relevant territorial election commission, held at the voting precinct.

2. The territorial election commission shall make, on the basis of the results of the vote, a poll deed of Mazhilis Deputy Elections, which shall be disclosed at the session of Assembly of the People of Kazakhstan and sent to the Central Election Commission no later than within a period of two days from the date of the election.

3. Other issues relating to the determination of the results the vote shall be resolved in accordance with the rules established in the general part of this Constitutional Law";

38) Articles 95 and 96 should be worded as follows:

Article 95. Repeat voting on the Mazhilis Deputy Elections.

1. The Central Election Commission, pursuant to the proposal of the corresponding territorial election commission or the appeals of citizens, may invalidate Mazhilis Deputy

Elections of the respective administrative-territorial unit if the election or the counting of votes or the determination of the election results were in violation of this Constitutional Law, so as not to allow to determine with certainty the results of the vote by citizens. In this case, the Central Election Commission shall schedule a repeat election in the respective administrative-territorial unit.

2. Repeat voting shall be conducted in accordance with the terms established by the Central Election Commission for the same party lists in the same polling stations and for the same voter lists, which were used for the initial election. Reports about the re-election it shall be published in mass media.

Article 96. Repeat Mazhilis Deputy Elections

1. If the Mazhilis Deputy Elections on party lists are declared invalid the Central Election Commission will decide to hold a re-election of the deputies by party lists. Voting shall be conducted in the same polling stations and with the same voter lists, which were used for the initial election.

2. Repeat elections for deputies of the Mazhilis of Parliament, elected by the Assembly of People of Kazakhstan, shall be announced by the Central Election Commission in cases where the election was declared invalid or a person was not elected during the initial election.

3. Repeat elections shall be held no later than within two months of the initial election or within a period determined by the Central Election Commission. Ballot measures that are foreseen in the by-elections shall be conducted in accordance with the present Constitutional Law. With this the shortened period of election actions shall be defined by the Central Election Commission.

4. Reports on the re-election it shall be published in mass media";

39) item 2 of Article 97 should be excluded;
40) Article 97 - 1 :

In item 1 the words "ten - the number of seats to be allocated for a single national constituency" should be substituted by the words "the number of allocated seats";

item 4 should be worded as follows:

"4. The order of allocation of deputy mandates is determined by the governing body of the political party whose candidates are included in the party list in accordance with item 4 of Article 89 hereof no later than ten days from the date of publication of the election results.

If the governing body of a political party does not determine the order of allocating deputy mandates within the terms prescribed in item 1, distribution of deputy mandates shall be carried out by a resolution of the Central Election Commission according to the registered lists, in alphabetical order of the state language.";

in the item 5 :

the first part should be worded as follows:

"5. In the event of early retirement of a deputy, the Central Election Commission shall take a decision to transfer his/her mandate to the next candidate to be nominated by the

governing body of the political party from candidates included in the party list in compliance with item 4 of this Article"; Part 3 should be excluded;

in part 4 the word "higher" should be substituted by the word "managing";

41) Article 98 should be worded as follows:

"Article 98. Registration of deputies of the Mazhilis
The Central Election Commission shall register the elected deputies of the Mazhilis";

42) Article 100:

Item 3 should be worded as follows:

"3. In the event the Constitutional Council recognizes non-compliance of the election of deputies to the Mazhilis from party lists with the Constitution, in the territories of those administrative-territorial units where Constitution infringements have been established, the Central Election Commission shall take a decision on pronouncing the election invalid in the territory of these administrative-territorial units and on scheduling a repeat election";

add paragraph 4 with the following wording:

"4. In the event the Constitutional Council recognizes non-compliance of the election of deputies to the Mazhilis elected by the Assembly of the People of Kazakhstan with the Constitution, the Central Election Commission shall take a decision on pronouncing the election invalid and on scheduling repeat elections for Mazhilis deputies elected by the Assembly of the People of Kazakhstan";

43) in item 3 of Article 101:

the words "decision of the Senate" should be substituted by the words "presidential decree";

after the word "Maslikhat" the words "the decision of the Maslikhat about dissolution" should be supplemented;

44) in Article 104:

Item 1 should be supplemented with part 2 stating the following:

"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 for deputy of the Maslikhat shall deposit into the account of the local executive bodies an election contribution equal to 5 minimum wages as stipulated by law. The paid contribution shall be refunded to the candidate if the candidate is elected as a deputy of a Maslikhat or the candidate received votes of at least five percent of the total number of votes and in event of the candidate's death. In all other cases, the deposited contribution shall not be refunded and shall proceed to the republican budget";

item 2 should be supplemented with sub-item 6) stating the following:

"6) a document confirming that the candidate deposited the election contribution.";

item 3 to be supplemented with sub-item 5) stating the following:

"5) a document confirming that the candidate deposited the election contribution";

45) in the title of Chapter 14, after the word "election" the word "other" should be supplemented ;

46) in Article 131 :

after the word "Constitution of the Republic" the words "other than Maslikhats" should be supplemented ;

the words " entry into force" should be substituted by the word "enactment";

the words "but no later than two months from the date of entry into force of the law in question" should be excluded.

Article 2. This Constitutional Law comes into force from the date of its official publication, with the exception of sub-item 3) of Article 1, which shall come into force after the expiration or termination of office of the Central Election Commission of the Republic of Kazakhstan.

P r e s i d e n t o f

the Republic of Kazakhstan