

## 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 February 9, 2009 N 124-IV

### Unofficial translation

**Article 1.** To the Constitutional Law of the Republic of Kazakhstan of September 28, 1995 "On elections in the Republic of Kazakhstan" (the Bulletins of the Supreme Council of the Republic of Kazakhstan, 1995, N 17-18, Art.114, Bulletin of the Parliament of the Republic of Kazakhstan, 1997, N 12, of Art.192; 1998, N 7-8, Art.71; N 22, p. 290 1999, N 10, Art. 340; N 15, Art.593, 2004, N 7, Article. 45, 2005, N 7-8, Art.17 2006, N 23, p. 138, 2007, N 12, Art.85) the following amendments should be introduced:

1) Item 4 of Article 4 should be worded as follows:

"4. The following persons cannot be candidates for President of the Republic of Kazakhstan, for deputies of Parliament of the Republic of Kazakhstan, including those from party lists, Maslikhats, or a candidate for membership in a local authority:

1) a person with a criminal record, which is not canceled or withdrawn in accordance with the law;

2) a person whose conviction of corruption crimes and corruption offenses is recognized by the court in the manner prescribed by law";

2) item 2 of Article 11 should be supplemented with the second part as follows:

"Deputy Chairperson and Secretary of the Central Election Commission shall be elected at the first meeting of the commission";

3) Article 12:  
sub-item 5):

after the words "district election commissions" should be supplemented with the words "organized by an explanation of the electoral legislation";

after the words "political party" should be supplemented with the words "and other members of the electoral process";

sub-item 6-1) should be worded as follows:

"6-1) shall organize production, define the procedure for issuing and recording absentee ballots for the right to vote";

in the item 8) the words "their agents" should be excluded;

in the item 16-1) the words "web-site" should be substituted by "Internet resources";

4) Article 14:

sub-item 2-1) after the words "authorized persons" should be supplemented with the

words "presidential candidates";  
in the item 9) the words "web-site" should be substituted by the words "Internet resources";

5) Article 19:

A third part should be supplemented with the item 6 stating the following:  
"A decision made in the manner established by laws of the Republic of Kazakhstan on the Elimination of solutions of a political party shall be grounds to relieve their members, nominated by the territorial, district and precinct election commissions, of their duties";

in the item 7 the words "improper performance of duties" should be substituted by the words "the requirements of this Constitutional Law";

6) In item 11 of Article 20:

in the first part the words "preservation of the average wage" shall be substituted by the word "payment";

the second part should be worded as follows:

"Members of electoral commissions who are civil servants shall retain their average monthly salary at their ordinary place of work throughout the period of preparation for and the election. Wages for the other members of the election commissions at throughout this period shall be set at a rate of no less than three minimum wages and paid from the funds allocated for the elections";

7) in the fourth part of item 2 of Article 20-2 the words "or not having the practice of election observation" should be excluded;

8) In the item 5 of Article 23, the words "since the establishment of areas," should be substituted by the words "after calling or the announcement of the election";

9) Article 26:

item 3 should be supplemented with the second part as follows:

"The working schedule of precinct election commissions, save for the day of the election, shall be determined by the corresponding territorial election commissions";

in the second sentence of item 4, the words "the need for corrections in the list" should be substituted by the words "the need for inclusion in the voter lists, or the exclusion of these corrections in the voter lists";

10) item 7 of Article 27 should be supplemented with the following second part:

"The media must publish in equal volumes with equal print space and air time information about events to do with the nomination of all candidates and the party lists, as well as their registration with the electoral committees";

11) item 4 of Article 28 should be worded as follows:

"4. Local executive bodies and local authorities shall allocate the accommodation for the candidates for meetings with voters on a contractual basis. Terms of the allocation of accommodation should be uniform and equal for all candidates.

Electoral Commission in cooperation with local executive bodies and local authorities

shall make a schedule of meetings of candidates with voters in the allocated premises and publish it in the media";

12), sub-item 1) of item 2 of Article 33 should be supplemented with the words "professionals, providing operation of the electronic electoral system";

13) in sub-item a) of item 3 of Article 34 the words "members of the electoral districts" should be excluded;

14) in the fourth sentence of item 1 of Article 38 the words "adopted and brought to the voters no later than seven days before voting day," should be substituted by the words "brought to the voters";

15) in the second part of item 2 of Article 39, the words "at a polling station" should be substituted by the words "in the polling place";

16) in sub-item 3) of item 2 of Article 48 the word "election day" should be deleted;

17) Item 2 of Article 50-5 should be supplemented with the second part stating as follows:

"The electronic electoral system shall be started at time established by the Central election commission";

18) in the second part of item 5 of Article 87: the words "fifteen days" should be substituted by the words "one month";

the word "ten" should be substituted by the word "twenty";

19) in the second part of item 8 of Article 89:

the word "ten" should be substituted by the word "twenty";

the word "five" should be substituted by the word "fifteen";

20) Article 97-1 shall read as follows:

"Article 97-1. Distribution of deputy seats on the basis of the results of the election by party lists

1. The Central Election Commission shall calculate the number of votes of electors for the united national district in favor of each party list which received seven or more percent of the total votes of those who took part in the vote. The number of votes of electors for all political parties which overcame the seven percent barrier, shall be divided by the number of allocated seats. This result shall be the first election quotient (quota).

2. If only one political party received over seven percent of voters, then seats will be distributed according to the list of this political party, as well as the party list of the party which gained the next highest number of voters of those who took part in the vote.

The number of the votes of electors for the two political parties shall be divided by the number of allocated seats. This result shall be the first election quotient (quota).

3. The number of votes received by each party list participating in the distribution of seats shall be divided by the first electoral quotient.

The number of votes obtained by a party list, which did not overcome the seven percent barrier, but is participating in the distribution of seats in accordance with item 2 of this article shall be divided by the first electoral quotient and multiplied by a correction factor of 0.7.

The result obtained by dividing the numbers shall be the number of seats received by the respective political party which formed the party list.

The political party that failed to pass the seven-percent barrier and is participating in the distribution of seats in accordance with item 2 of this article shall have at least two seats.

4. If after the procedure carried out in accordance with item 3 of this Article, there are undistributed mandates; their secondary distribution shall be carried out. Undistributed mandates shall be passed one by one to the party lists, which have the largest fractional part (remainder) of the number obtained by dividing in accordance with item 3 of this article. In case of equal maximum residue preference shall be given to the party list registered first.

The allocation of seats in accordance with item 2 of this article undistributed mandates shall be passed to the party list, which up to seven per cent of voting has overcome the barrier

5. The order of seat allocation shall be determined by the governing body of the political party of those candidates in the party list in accordance with item 4 of Article 89 hereof not later than ten days from the date of publication of the election.

If the terms of seat allocation are not determined by the governing body of a political party in accordance with the first part of this paragraph, the Central Election Commission shall distribute the seats according to the registered lists, in alphabetical order in the state language.

6. In the case of early retirement by a deputy, his mandate in accordance with the order of the Central Election Commission shall pass to the next candidate who will be determined by the governing body of the political party from among the number of candidates registered in the political party list in accordance with item 5 of this article.

If there is no candidate left in the relevant party list, the mandate shall remain vacant until the next election of deputies of the Mazhilis.

Political parties have the right to change the order of candidates on party lists by giving written notice to the Central Election Commission of this and enclosing extracts from the minutes of the meeting of the governing body of a political party.";

21) Item 4 of Article 101 should be worded as follows:

"4. Elections of the deputies of the Maslikhat to replace those who have retired from office shall be announced by the regional and city (cities of regional significance and the capital of the Republic) election commission.

Elections of deputies of the Maslikhat to replace the retired ones shall be held simultaneously on the last Sunday of March and (or) the last Sunday in October.

Elections of deputies of the Maslikhats to replace the retired ones may be rescheduled with the consent of the Central Election Commission, by the corresponding territorial election commission for another date";

22) In the second part of item 1 of Article 104 the words "the Central Electoral Commission" should be substituted by "local agencies".

**Article 2.** This Constitutional Law shall be enforced after its official publication except for sub-item 20) of Article 1, which shall be enforced after the termination of the powers of the deputies elected from party lists on August 18, 2007.

*P r e s i d e n t                      o f*  
*the Republic of Kazakhstan                      N. Nazarbayev*

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