



## **On Elections in the Republic of Kazakhstan**

### *Unofficial translation*

Constitutional Law of the Republic of Kazakhstan dated September 28, 1995 № 2464.

#### **Unofficial translation**

Footnote. Title reworded, the preamble excluded, in the text, the words "by this Decree," "The Decree," "of this decree" have been replaced by the words "by the present Constitutional Law," "The present Constitutional Law", "of the present Constitutional Law " by the Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 № 375.

Footnote. Throughout the text of the Constitutional Law, except for Chapter 14, the words "of members of the local self-government", "by member of a local self-government", "members of the local self-government", "members of the local government," "member of the local self-government" are replaced by the words "members of other local self-government", "by a member of other local self-government", "members of other local self-government", "members of other local self-government", "a member of other local self-government" by Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 No 268 ( into effect from the date of its publication).

## **I. General Part**

### **Chapter 1. General provisions**

#### **Article 1. Relations governed by this Constitutional Law**

This Constitutional Law governs relations arising during the preparation and conduct of elections of the President of the Republic of Kazakhstan, deputies of the Senate and Mazhilis of the Parliament of the Republic of Kazakhstan, maslikhats, akims of districts, cities of regional significance, cities of district significance, villages, towns, rural districts and members of other local governments, as well as when recalling deputies of the Mazhilis of the Parliament and maslikhats elected in single-member territorial constituencies, and establishes guarantees that ensure the freedom of expression of the will of citizens of the Republic.

**Footnote. Article 1 - as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 2. Freedom of elections**

Election in the Republic shall be based on the free implementation by any citizen of the Republic of the right to vote and to be elected.

### **Article 3. Principles of suffrage**

1. Elections of the President, deputies of the Mazhilis of the Parliament and maslikhats, akims of districts, cities of regional significance, cities of district significance, villages, settlements, rural districts (hereinafter in the text of this Constitutional Law referred to as akims), members of other local self-government bodies of the Republic shall be held based on universal, equal and direct suffrage by secret ballot.

2. Elections of deputies of the Senate of the Parliament of the Republic shall be held on the basis of indirect suffrage by secret ballot.

3. Participation of citizens of the Republic in the elections shall be voluntary. No one shall have the right to force a citizen to participate or not to participate in elections, as well as to restrict his will.

4. Foreign interference shall be prohibited in the preparation and conduct of elections.

**Footnote. Article 3 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 № 375; dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

### **Article 4. Universal suffrage**

1. Universal active suffrage shall be the right of citizens of the Republic to take part in the voting at elections upon reaching the age of eighteen years irrespectively of his/her birth, origin, social, official and property status, sex, race, ethnic origin, language, relation to religion, belief and faith, place of residence or any other circumstances.

2. Passive suffrage is the right of citizens of the Republic of Kazakhstan to be elected as the President, deputy of Parliament, maslikhat, akim or a member of another local self-government body.

3. The citizens, who have been recognized by a court as legally incapable, including those who kept in places of confinement under the court's sentence, shall not take part in elections.

4. The following persons may not be candidates for the President of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan, maslikhats, akims, as well as a candidate for membership in another local government body:

1) a person with a prior conviction, which has not been cancelled or withdrawn in the order established by law;

2) a person, who has been found guilty of committing corruption crime or offense by the court in the order established by law.

**Footnote. Article 4 as amended by the Constitutional Laws of RK dated May 8, 1998 № 222-I; May 6, 1999 № 375- I; April 14, 2004 № 545-II; April 15, 2005 № 44-III; June 19, 2007 № 268-III, February 9, 2009 № 124-IV; dated 24.05.2021 № 41-VII (shall be enforced**

upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 5. Equal suffrage**

1. Voters shall participate in the elections of the President, deputies of the Mazhilis of the Parliament and maslikhats, as well as in the elections of akims on equal terms and each of them shall have, respectively, one vote per ballot.

2. Voters shall take part in the election of members of other local self-government bodies of the Republic on equal basis and each of them shall have an equal number of votes.

3. The candidates shall be guaranteed with equal rights and conditions for participation in elections.

Footnote. Article 5 is with the changes, introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; June 19, 2007 № 268-III; dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 6. Direct suffrage**

The President, deputies of the Mazhilis of the Parliament and maslikhats, akims, and members of other local self-government bodies of the Republic shall be directly elected by citizens.

Footnote. Article 6 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 24, 2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 7. Indirect suffrage**

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

2. Electors shall participate in elections of deputies of the Senate on an equal basis and each of them shall have one vote in elections of deputies of the Senate.

Footnote. Article 7 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 8, 1998 № 222.

#### **Article 8. Secret ballot**

Voting at the elections of the President, deputies of the Parliament and maslikhats, akim, and members of other bodies of local self-government of the Republic shall be secret, excluding the possibility of any control over the will of voters.

Footnote. Article 8 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 24, 2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Article 9. Electoral systems**

1. During the elections of the President, and deputies of the Senate of the Parliament, the following candidate shall be considered as elected:

who received more than fifty percent of the votes of voters (electors) who took part in the voting;

who, in the repeat voting, received a greater number of votes of voters (electors) who took part in the voting compared to another candidate.

2. Deputies of the Mazhilis of the Parliament shall be elected according to a mixed electoral system: according to the system of proportional representation in the territory of a single nationwide constituency, as well as in single-seat territorial constituencies.

During the elections of deputies of the Mazhilis of the Parliament in single-mandate territorial constituencies, a candidate shall be considered as elected if a larger number of voters who took part in the voting voted for his candidacy compared to other candidates.

3. Deputies of maslikhats of regions, cities of republican significance and the capital shall be elected by a mixed electoral system: half of the deputies shall be elected by the system of proportional representation in the territory of a single territorial constituency, and the other half by single-seat territorial constituencies.

During the elections of deputies of maslikhats of regions, cities of republican significance and the capital in single-mandate territorial constituencies, a candidate shall be considered as elected if a larger number of voters who took part in the voting voted for his candidacy compared to other candidates.

In case of an odd number of mandates of deputies of maslikhats of regions, cities of republican significance and the capital, a mandate exceeding half shall be elected in a single-mandate territorial constituency.

4. Deputies of maslikhats of districts and cities of regional significance are elected in single-seat territorial constituencies.

During the election of deputies of maslikhats of districts and cities of regional significance, the candidate who, in comparison with other candidates, received a greater number of votes from voters who took part in the voting, shall be considered as elected.

5. In the election of the akim, the candidate shall be considered as elected, who, in comparison with other candidates, received a greater number of votes from the voters who took part in the voting.

6. In the election of members of other bodies of local self-government, candidates shall be considered as elected for whom a greater number of voters than other candidates who took part in the voting voted.

Footnote. Article 9 - as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

## Chapter 2. Election bodies

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

1. Election commissions shall be the state election bodies organizing preparation for and conduct of elections in the Republic.

2. A unified system of election commissions shall be comprised of:

1) Central Election Commission of the Republic;

2) territorial election commissions;

2-1) district election commissions;

3) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

4) precinct election commissions.

3. Territorial and district election commissions for the election of deputies to the Mazhilis of Parliament shall be formed by the Central Election Commission, and district election commissions for the election of deputies to maslikhats and precinct election commissions - by the respective territorial election commissions.

If the boundaries of constituencies for single-mandate territorial electoral districts coincide with the boundaries of administrative-territorial units, district electoral commissions shall not be created, their powers shall be exercised by territorial electoral commissions.

The composition of election commissions, except for the Central Election Commission, shall be formed by the respective maslikhats.

The term of office of election commissions shall be five years.

Members of territorial, district and precinct election commissions shall be elected by the respective maslikhats based on proposals from political parties.

Each political party shall have the right to recommend one candidate to the relevant election commission. A political party shall have the right to recommend to the election commission the candidates who are not members of this political party.

In the absence of proposals from political parties within the time limit set by the maslikhat, which must be at least fifteen days before the date of formation of election commissions, maslikhats shall elect an election commission at the recommendation of other public associations and higher election commissions.

Persons, recommended to the election commission, shall enclose statements of consent to participate in its work. The chairman, deputy chairman, secretary of the election commission shall be elected at a meeting of the election commission.

Members of territorial election commissions elected by maslikhats must meet the qualification requirements approved by the Central Election Commission.

The formation of a new composition of election commissions shall begin no later than two months and shall end no later than three days before the end of the term of office of election commissions.

The bodies forming the composition of election commissions shall be entitled to make changes in their composition during the term of office of election commissions.

4. Decisions on formation of the composition of election commissions, their composition and location shall be reported in the media.

5. Decisions of election commissions adopted within their competency shall be mandatory for implementation by all state bodies, organizations, local self-government bodies and officials in the corresponding territory.

6. Interference in the work of election commissions during the exercise of their authorities shall be prohibited.

7. The activity of an election commission may be terminated by the decision of the body that forms the election commission, or by a court decision based on the application of the Central Election Commission.

8. A member of an election commission cannot be deprived of his/her authorities, except the cases mentioned in clauses 6 and 7 of Article 19 of this Constitutional Law.

**Footnote. Article 10 is with the changes introduced by the Constitutional Law of RK dated April 14, 2004 № 545-II; dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

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

1. Central Election Commission shall head the single system of the election commissions of the Republic of Kazakhstan and operate as a permanent body.

2. Central Election Commission shall consist of the chairperson and six members.

The Deputy Chairman and secretary of the Central Election Commission are elected at a meeting of the commission.

**3. (Excluded by the Constitutional Law of RK dated June 19, 2007 № 268-III).**

4. Central Election Commission shall have its own personnel.

4-1. The Central Election Commission is in charge of subordinate organizations whose functions shall include promoting the organizational activities of territorial election commissions and ensuring in its electoral activities the creation, development, implementation, maintenance, administration, operation and system maintenance of

information and communication infrastructure facilities, an Internet resource, logistics, as well as organization, coordination and provision of work in the field of improving the legal culture of voters, training election organizers and other participants in the electoral process.

5. Expenses on the maintenance of the Central Election Commission and its personnel shall be covered from the republican budget.

**Footnote.** Article 11 is with the changes introduced by the Constitutional Laws of RK dated June 19, 2007 № 268-III; February 9, 2009 № 124-IV; dated 15.06.2017 № 75-VI ( shall be enforced from the day of its first official publication); dated 29.06.2018 № 162-VI ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Article 12. Authorities of the Central Election Commission of the Republic of Kazakhstan**

The Central Election Commission shall:

1) implement in the territory of the Republic of Kazakhstan control over implementation of election legislation; ensure its uniform application; within the limits of its authority take the decisions to be mandatory for implementation in the entire territory of the Republic;

2) organize preparation for and conduct of elections of the President and deputies of the Mazhilis of Parliament; administer organization and conduct of elections of deputies of the Senate of Parliament;

2-1) consider the issue of admitting political parties to participate in the elections of a part of the deputies of the Majilis of the Parliament and deputies of maslikhats elected by party lists;

2-2) form constituencies for the election of deputies of the Mazhilis of Parliament for single-seat territorial constituencies and establish their boundaries, publish in the media a list of constituencies and information about their boundaries;

3) (excluded by the Constitutional Law of RK dated June 19, 2007 № 268-III).

3-1) (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

4) prepare and submit to the Government of the Republic a rough estimate of the cost of conducting an election campaign on the basis of budget requests, submitted by territorial election commissions in the manner, determined by the Central Election Commission;

5) manage election commissions for the election of the President, deputies of the Parliament, for the recall of deputies of the Mazhilis of the Parliament, elected in single-mandate territorial constituencies; cancel and suspend their decisions; distribute among them the funds of the republican budget allocated for the conduct of the election campaign; controls the creation of the necessary material and technical conditions for the activities of election commissions; consider applications and complaints against decisions and actions ( inaction) of election commissions; organize an explanation of the legislation on elections; organize and conduct training of participants in the electoral process; conduct seminars with representatives of political parties and other participants in the electoral process on the

organization and conduct of elections; carry out international cooperation in the field of electoral systems;

6) establish the form and text of the ballot paper for elections of the President and deputies of the Mazhilis of Parliament on party lists, the form of ballot papers for the election of deputies of the Senate of Parliament, deputies of the Mazhilis of Parliament elected in single-seat territorial constituencies, deputies of maslikhats, akim and members of other bodies of the local self-government, the procedure for their production, as well as the degree of security, forms of lists of voters (electors), a signature sheet for collecting signatures of voters in support of candidates for the President, collecting signatures of electors in support of candidates for deputies of the Senate and for collecting signatures of voters in support of candidates for akims, other election documents, the form of ballot boxes made of transparent voting material and samples of seals of election commissions, the procedure for storing election documents; ensure the production of ballot papers for the elections of the President and deputies of the Parliament;

6-1) organize the production, determine the procedure for issuing and recording absentee voter certificates;

6-2) determine the procedure for making changes to the ballot papers in cases of withdrawal of the candidature, cancellation of the decision to nominate a candidate, cancellation of the decision on registration of candidates, party lists;

7) shall be eligible to hear to the reports of the state bodies and organizations on the issues related to preparation and conduct of elections as well as the information of public associations on the issues of observance of the election legislation;

8) Register candidates to President of the Republic, grant them with the corresponding certificates, publish the communication on registration of candidates in mass media;

9) inform voters about the course of the election campaign for the election of the President and deputies of the Parliament, periodically publishes an information bulletin;

10) sum up the election results of the President and deputies of the Parliament in the Republic as a whole, register the elected President and Parliament deputies, publish relevant communication in mass media;

11) appoint and organize conduct of the rerun of a vote and a re-run of election of the President;

12) appoint a re-run of election of the Parliament deputies;

13) appoint a by-election of the Parliament deputies;

14) appoint the regular and early elections to Maslikhats;

15) when organizing and holding elections of deputies of maslikhats, akim and members of other local self-government bodies, exercise control over the compliance of the activities of territorial election commissions with the requirements of this Constitutional Law and, if violations of this Constitutional Law are revealed, cancel their decisions;



16) in accordance with the population of administrative-territorial units, determine the number of maslikhat deputies elected from them when forming a new convocation;

16-1) place on the official website (Internet- resource) of the Central Election Commission the legal acts on the election legislation, information on the appointment and conduct elections as well as on the results of vote count at the elections;

16-2) keep a single electronic Register of citizens - voters of the Republic of Kazakhstan;

16-3) during conduct of elections with the use of electronic electoral system conduct training of members of the corresponding election commissions on their application;

16-4) through mass media organize training for the population on the use of the electronic electoral system at elections;

16-5) form advisory bodies;

16-6) determine the procedure for the implementation of election campaigning and information support for the elections of the President of the Republic of Kazakhstan, deputies of the Parliament, maslikhats of the Republic of Kazakhstan, akim, as well as members of other local governments;

16-7) acquire goods, works and services for the creation, development, introduction, support, administration, operation and system maintenance of information and communication infrastructure facilities, Internet resource and material and technical support of electoral activities from a subordinate organization in respect of which it carries out state administration;

16-8) approve the instructions for equipping a premise at the polling station, the polling station;

16-9) approve the instructions for registration of agents;

16-10) develop and approve the rules for accreditation of public associations and non-profit organizations, the statutory activities of which include the implementation of election observation activities;

16-11) carry out accreditation of republican public associations and non-profit organizations, the statutory activities of which include the implementation of election observation activities;

16-12) develop and approve the rules for the acquisition of goods, works and services necessary for the organization and activities of election commissions during the preparation and conduct of elections, a referendum;

16-13) develop and approve qualification requirements for members of territorial election commissions;

17) exercise other authorities in compliance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 12 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 №375-I; April 14, 2004 № 545-II; changes and additions introduced by the Constitutional Laws of RK dated June 19, 2007 № 268-III; February 9, 2009 № 124-IV;**

dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (refer to Article 3 for the order of entry into force).

### **Article 13. Territorial election commissions**

1. Territorial election commissions shall be the regional (cities of republican significance and the capital of the Republic), district, town, district election commissions in a city.

2. Territorial election commissions shall:

1) ensure the organization and conduct of elections of the President, deputies of Parliament and maslikhats, akim, and members of other local governments;

2) be formed of seven members.

3. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545.

4. The composition of the territorial election commissions for the election of the President, deputies of the Parliament, maslikhats and akim shall be published in the media no later than ten days later, and the territorial election commissions for the election of members of other local self-government bodies - no later than seven days after the appointment or announcement elections.

Footnote. Article 13 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 № 375; amendments are made - dated April 14, 2004, № 545; dated 24/05 /2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

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

The corresponding territorial election commission shall:

1) supervise implementation of election legislation in the territory of an administrative-territorial unit;

2) ensure the preparation and conduct of elections of the President, deputies of the Parliament and maslikhats, akim, and members of other local self-government bodies;

2-1) register proxies of candidates to President, political parties, which have nominated their party lists, and issue corresponding certificates to them;

2-2) register the application of the initiator for the recall of deputies elected in single-mandate territorial constituencies;

2-3) appoint elections of deputies of maslikhats in constituencies instead of those who left

;

3) manage the activities of lower territorial, district and precinct election commissions; cancel and suspend their decisions; distribute among them the funds of the republican and local budgets allocated for the conduct of the election campaign; submit budget applications for the election campaign; control the creation of the necessary material and technical conditions for the activities of district and precinct election commissions; consider applications and complaints against decisions and actions (inaction) of district and precinct election commissions; organize the implementation of decisions of the Central Election Commission by all election commissions formed within the respective administrative-territorial unit;

3-1) receive protocols on registration of candidates for deputies of the respective maslikhat from the district election commissions and ensure that the lists of registered candidates are published by the district election commissions;

4) be eligible to hear to the reports of the election commissions, the state bodies and organizations on the issues related to preparation and conduct of elections as well as the reports of the public associations on the issues related to the implementation of the election legislation;

4-1) control the relevance and accuracy of information about voters and the boundaries of polling stations, the timeliness and accuracy of the voter lists for voting and their submission for public review;

5) ensure conduct of elections of the Senate deputies; register the candidates to the Senate deputies, their proxies, issue the corresponding certificates to them; publish in the mass media the communication on registration of candidates; prepare polling stations, ensure manufacturing of the polling booths and ballot-boxes; sum up the voting results at elections of the Senate deputies and submit the protocols with the summary of the voting results to the Central Election Commission for registration of the Senate deputies;

6) form constituencies for the election of deputies of maslikhats, akim and publishes their list, notify voters about the locations of election commissions;

6-1) establish a uniform numbering of electoral districts;

7) establish the text of ballot papers for the election of maslikhat deputies according to party lists, akims, and members of other local government bodies and ensure the production of ballot papers for the election of maslikhat deputies, akims, members of other local government bodies, as well as the delivery of ballot papers to the district, precinct election commissions;

8) organize and ensure the holding of elections of deputies of maslikhats; register party lists submitted by political parties nominating candidates for maslikhat deputies, register proxies of political parties and candidates, issue relevant certificates to candidates and proxies ; publish in the mass media messages about the registration of party lists;

8-1) appoint and organize the elections of akims, elections of akims instead of retired ones ; register candidates for akims and their proxies, issue appropriate certificates to them; publish in the mass media messages on the registration of candidates for akims;

9) establish the results of voting at polling stations in the relevant administrative-territorial unit, sum up the results of elections of deputies of maslikhats, akim, register elected deputies, akim and publish a message about this in the media; submit to the higher election commission the protocols of counting votes in the respective electoral districts and precincts for summing up the results of the elections and publishing them on the official Internet resource of the Central Election Commission;

10) organize repeated voting and repeated elections of deputies of the Senate, repeated elections of deputies of maslikhats, akim, as well as elections instead of retired deputies of the Senate of the Parliament and maslikhats;

11) appoint and organize the election of members of other local government bodies other than maslikhats, the repeated elections and election of members instead of retired members; register candidates for members of other, except for maslikhats, local government bodies, their agents, issue them the appropriate certificates; publish reports in the local media on the registration of candidates; sum up the results of election of members of other, except for maslikhats, local government bodies; publish in local media a report on the election results;

11-1) raise public awareness of the legislation on elections; arrange and conduct the training of electoral process participants; hold workshops with representatives of political parties and other electoral process participants on organizing and holding elections;

11-2) carry out accreditation of regional and local public associations and non-profit organizations, the statutory activities of which include the implementation of election observation activities;

11-3) exercise the powers of district election commissions if the boundaries of districts for single-member territorial electoral districts coincide with the boundaries of administrative-territorial units;

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

**Footnote. Article 14 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; June 19, 2007 № 268-III; February 9, 2009 № 124-IV; dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (refer to Article 3 for the order of entry into force).**

## **Article 15. District election commissions**

Footnote. Article 15 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 15-1. District election commissions**

1. District election commissions shall ensure the organization and conduct of elections of deputies of the Mazhilis of the Parliament and maslikhats in single-mandate territorial constituencies.

2. District election commissions shall be formed with five members.

3. The composition of district election commissions shall be published in the media no later than ten days after the appointment or announcement of elections or after the appointment of voting in case of initiation of the recall procedure in accordance with Chapter 13-2 of this Constitutional Law.

Footnote. The Constitutional Law was supplemented by Article 15-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 16. Authorities of the district election commission**

Footnote. Article 16 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 16-1. Powers of the district election commission**

District Electoral Commission shall:

1) exercise control over the implementation of the electoral legislation on the territory of the respective electoral district;

2) organize the holding of elections of deputies of the Mazhilis of the Parliament and maslikhats in single-seat territorial constituencies;

3) conduct repeated elections and elections instead of retired deputies of the Mazhilis of the Parliament and maslikhats in single-mandate territorial constituencies;

4) establish the text of the ballot for the election of deputies of the Mazhilis of the Parliament and maslikhats in single-member territorial constituencies;

5) organize and coordinate the activities of precinct election commissions; cancel and suspend their decisions; controls the creation of the necessary material and technical conditions for the activities of precinct election commissions; consider applications and complaints against decisions and actions (inaction) of precinct election commissions;

6) registers candidates for deputies of the Mazhilis of the Parliament and maslikhats in single-mandate territorial constituencies, their proxies, issues them with appropriate certificates, publish notices on the registration of candidates in local media;

7) have the right to hear reports of state bodies and organizations located on the territory of the electoral district on issues related to the preparation and conduct of elections, as well as

information from bodies of public associations on issues of compliance with election legislation;

8) receive protocols on voting results from precinct election commissions;

9) ensure the transfer of the results of the voting in the electoral district to the higher election commission;

10) organize the conduct of voting in case of initiation of the recall procedure in accordance with Chapter 13-2 of this Constitutional Law;

11) exercise other powers in accordance with the legislation of the Republic of Kazakhstan.

**Footnote.** The Constitutional Law was supplemented by Article 16-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 17. Precinct election commissions**

1. Precinct election commissions shall ensure the organization and conduct of elections of the President, deputies of the Mazhilis of the Parliament and maslikhats, akim, members of other local governments at the respective polling stations.

The relevant territorial election commission shall determine the numerical composition of precinct election commissions:

1) from five to seven members with the number of voters in the relevant polling station up to two thousand;

2) between seven and nine members when the number of voters in the respective polling station exceeds two thousand.

The numerical composition of precinct election commissions should be odd.

2. The composition of precinct election commissions for the election of the President, deputies of Parliament and maslikhats, akim shall be published in the media no later than fifteen days later, and precinct election commissions for the election of members of other local self-government bodies - no later than seven days after the appointment or announcement elections.

**Footnote.** Article 17 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated May 24, 2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication); № 156-VII of 05.11.2022 (see Art. 3 for the procedure of enactment).

#### **Article 18. Authorities of the precinct election commissions**

Precinct election commission shall:

- 1) conduct electoral events at the polling station for the election of the President, deputies of the Mazhilis of the Parliament, maslikhats, akim and members of other local governments;
- 2) notify voters about location of the precinct election commission;
- 3) define more exactly the register of voters of the corresponding election district;
- 4) familiarize the citizens with voter registers, consider applications about errors and discrepancies in the registers and solve the issues of entering in them the appropriate alterations;
  - 4-1) take the necessary measures to implement the voting rights of citizens with disabilities;
- 5) notify the voters about the day, time and place of voting;
- 6) prepare the premises, ensure the availability of booths and ballot boxes;
- 7) organize the voting in the electoral district on the day of elections;
- 8) conduct vote count and define the voting results in the electoral district;
- 9) consider appeals and appeals in respect to the issues of preparation and organization of voting and take the decisions concerning them;
  - 9-1) raise public awareness of the legislation on elections; arrange and conduct the training of electoral process participants; hold workshops with representatives of political parties and other electoral process participants on organizing and holding elections;
- 10) exercise other authorities according to the legislation of the Republic.

**Footnote.** Article 18 is with an amendment, introduced by the Constitutional Law of RK dated April 14, 2004 № 545-II; dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Article 19. Status of a member of election commission**

1. Members of election commissions shall be the representatives of state bodies and shall be under the state protection.
2. The legal status of members of election commissions shall be determined by the Constitution, this Constitutional Law and other legislative acts of the Republic of Kazakhstan.
  - 2-1. The following persons cannot be a member of the election commission:
    - a person who has a criminal record, which has not been served or canceled in the manner prescribed by law;
    - a person recognized by a court as incapable or partially capable;
    - a person nominated and (or) elected based on a proposal from a political party or other public association financed by international organizations and international public associations, foreign state bodies, foreign legal entities and citizens, as well as stateless persons.

3. The chairman, members of the Central Election Commission, employees of its apparatus, chairmen, their deputies, secretaries, members of regional, cities of republican significance and the capital of territorial election commissions, as well as chairmen, deputies and secretaries of other territorial election commissions shall exercise their powers on a professional permanent basis.

The remuneration of labour of members of territorial election commissions exercising powers on a professional permanent basis is established in accordance with subparagraph 9-1) of Article 66 of the Constitution of the Republic of Kazakhstan.

A member of a territorial election commission exercising powers on a permanent professional basis shall not be entitled to carry out entrepreneurial activities, independently participate in the management of an economic entity, or engage in other paid activities, except for pedagogical, scientific or other creative activities.

4. Members of an election commission not listed in paragraph 3 of this article may not be dismissed from work or transferred to another job at the initiative of the employer without their consent during the election period.

5. A member of the election commission:

1) shall be notified of the meetings of the relevant election commission within forty-eight hours, except for the cases requiring the immediate adoption of a decision;

2) shall have the right to speak at a meeting of the election commission, to make proposals on matters within the competence of the relevant election commission, and to demand a vote on them;

3) shall have the right to ask questions to other participants of the meeting in accordance with the agenda and receive answers to them on the merits;

4) shall have the right to get acquainted with the documents and materials of the election commission, in which he is a member, to receive certified copies thereof;

5) by authority, confirmed by three fourths of the votes of the members of the election commission, in which he is a member, to carry out an inspection of the activities of the lower election commission;

6) shall be obliged to comply with the requirements of the Constitution, this Constitutional Law and other legislation of the Republic of Kazakhstan, generally accepted standards of ethics;

7) shall be obliged to fulfill the duties assigned to him, the decisions and instructions of the election commission and its chairman, the higher election commission;

8) shall be obliged to ensure the observance and protection of electoral rights and legitimate interests of citizens, to show impartiality and independence in making decisions, as well as refrain from public evaluation of the activities of candidates and political parties that have nominated the party list;

9) shall not be bound by decisions of a political party or other public association of which he is a representative, and shall not have the right to defend their interests.



6. A member of the election commission shall be relieved of his duties:
- 1) upon the expiration of the established term of office of the election commission;
  - 2) upon termination of the activities of the election commission.

By the decision of a higher election commission, a member of a lower election commission shall be relieved of his duties in the following cases:

- 1) filing an application for exemption from obligations at will;
- 2) loss of citizenship of the Republic of Kazakhstan;
- 3) departure to a permanent place of residence outside the administrative-territorial unit in which the maslikhat is located, which formed the composition of the relevant election commission;
- 4) the entry into force of a court conviction against him;
- 5) the entry into force of a court decision declaring him incapable, partially capable, missing or declaring him dead;
- 6) his death;
- 7) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, adoption of a decision by a political party that nominated him or the enacted court decision on liquidation of the political party that nominated him.

7. In the event of a repeated violation by a member of an election commission of official powers or the requirements of this Constitutional Law, he shall be dismissed from office by the maslikhat that formed the composition of this election commission.

8. If necessary, a higher election commission shall appoint a member of an election commission to a vacant seat before the election of a member of an election commission by the body forming the composition of the election commission, in the manner prescribed by Article 10 of this Constitutional Law.

9. More than half of the composition of the election commission should not be employees of the same organization, except for the cases of creation of polling stations provided for by paragraph 3 of Article 23 of this Constitutional Law.

10. A member of the election commission must reside in the territory of the administrative-territorial unit in which the maslikhat is located, which formed the composition of this commission.

**Footnote. Article 19 as amended by the Constitutional Law of the Republic of Kazakhstan dated April 14, 2004 № 545; as amended by the Constitutional Law of the Republic of Kazakhstan dated 15.04.2005 № 44; dated 19.06.2007 № 268 (shall be enforced from the date of its official publication); dated 09.02.2009 № 124-IV (the order of enactment see art. 2); dated 29.06.2018 № 162-VI (shall be enforces upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

**Article 20. Arrangement of the election commissions' activities and appeals against their actions. Publicity in the activities of election commissions.**

1. Election commissions shall act on the basis of the principles of collegiate, publicity and transparency.

2. The first meetings shall be convened:

1) of the Central Election Commission – by the Chairman of the commission within fourteen days after the election of the commission;

2) of territorial election commissions of regions, cities of republican significance and the capital - by a person determined by the maslikhat that formed the composition of this commission, not later than seven days after the formation of the new composition;

3) of lower election commissions - by the chairmen of the relevant higher commissions not later than seven days after the formation of their composition;

4) district election commissions - by the chairmen of the territorial election commissions in whose territory the electoral district is located, no later than seven days after the formation of their composition.

3. In the course of preparations for and conduct of electoral campaign the meeting of commissions shall be convened at least once in two weeks. Otherwise, the meeting of a commission shall be convened by the initiative of the chairperson or at least one third of the commission's members.

4. Meetings of the election commissions shall be legally qualified if they are attended by at least two thirds of the total number of the commission's members.

5. Decisions of commissions shall be adopted through an open vote by a majority of total number of their members apart of other cases stipulated by this Constitutional Law. Members of an election commission, who disagree with its decision, shall be eligible to express their individual opinion, which shall be without delay brought to the notice of the superior election commission and attached in written form to the minute of the commission's meeting.

6. Election commissions shall create conditions for free familiarization of all persons with their decisions, which are posted on public telecommunications networks, and in the cases provided for by this Constitutional Law, are subject to another publication.

Political parties that do not have a representative in the election commissions shall be entitled to delegate their representative to the relevant election commission with an advisory vote for the period of preparation and conduct of an election campaign not later than ten days from the date of appointment or announcement of elections.

An act of delegating a representative of a political party, signed by persons authorized in accordance with the party's charter and stamped, shall be sent to the relevant election commission. The act shall be attached with the consent of the citizen on inclusion in the commission with an advisory vote.

The election commission shall decide on the appointment of a member of the election commission with an advisory vote.

Representatives of political parties with an advisory vote shall not be paid.

A representative of a political party with the right of an advisory vote shall have the right to speak at a meeting of the election commission, to make proposals on matters within the competence of the election commission, to appeal against the actions (inaction) of the election commission to a higher election commission or court.

Representatives of political parties with an advisory vote shall not vote when the commission makes a decision and shall not sign the commission's documents.

7. Candidates, proxies, observers and mass media representatives upon submission of a certificate of employment and the editor's assignment shall be eligible to attend meetings of election commissions.

The candidates to deputies, political parties, which have nominated their party lists, when considering the issues affecting them shall be notified about meetings of the corresponding election commission and their agenda in advance.

Presence in the premise of the election commission of unauthorized persons, who are not involved in the electoral process, shall be prohibited.

8. On the day of voting, from the moment the polling station is opened for voting until the establishment of the voting results when counting the votes of voters, one authorized person from each candidate or political party that nominated a party list, one representative from each mass media outlet may simultaneously be present at the polling station, no more than three representatives from each TV channel with an official ID and assignment from the editorial staff and one observer from each political party, other accredited public association, non-profit organization of the Republic of Kazakhstan and observers of foreign states and international organizations who may be accompanied by an interpreter.

9. Decisions or actions (inaction) of an election commission can be appealed to a superior election commission and/or to a court within ten days from the day of making such a decision or action (inaction), unless other deadlines for appeals have not fixed in this Constitutional Law. Upon expiration of the above mentioned deadlines appeals against decisions and actions (inaction) of an election commission shall not be considered.

When appeals are considered either by the election commission and the court at the same time, the election commission shall suspend proceedings until a court judgment shall come into effect. The court shall notify the election commission on the submitted appeal and on the effect of the court's decision on the basis of the results of proceedings.

10. The state bodies, organizations, bodies of local self-government as well as their officials must support to election commissions in exercising their powers, provide them with necessary data and materials, respond to the requests of election commissions within three days, whereas on the Election Day and the day prior Election Day the same must be done immediately.

11. Members of territorial, district, and precinct election commissions for the period of preparation and conduct of elections may, at their request, be released by decision of the

commission from performing production or official duties with payment from the funds allocated for the conduct of elections.

For the period of preparation for and conduct of elections the average monthly salary at the place of primary work shall be preserved for those members of the election commissions, who are civil servants. For this period the salary of other members of election commissions shall be set at a rate of not less than three minimum wages at the expense of funds, allocated for the conduct of elections.

Payment of overtime work, work on holidays and weekends, work at night by the members of elections commissions including those members who are civil servants shall be made from the funds, allocated for the conduct of elections.

12. The following persons cannot be members of election commissions:

1) deputies of Parliament, maslikhats, akims, and members of other local self-government bodies;

2) candidates for President, deputies of Parliament, maslikhats, akims, members of other local governments, as well as proxies of candidates;

3) persons holding the position of a political public servant;

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

A spouse (spouse) and close relatives of candidates, as well as persons who are directly subordinate to candidates, cannot be members of election commissions that ensure the direct organization and holding of elections in an electoral district in which this candidate participates.

Fulfillment of the duties of the persons, specified in subparagraph 2) of part one and two of this paragraph as a member of the election commission shall be suspended from the date of registration of the respective candidate by the decision of the election commission for the period of the election campaign.

Instead of a member of the election commission specified in part three of this paragraph, a member of the election commission may be appointed for the period of the relevant election campaign by the decision of a higher election commission.

The composition of election commissions cannot include close relatives (parents, children, adoptive parents (adopters), adopted (adopted), full and half siblings, grandfathers, grandmothers, grandchildren) or spouse (spouse).

**Footnote. Article 20 is with changes introduced by the Constitutional Laws of RK dated June 19, 2007 № 268-III; February 9, 2009 № 124-IV; dated 29.06.2018 № 162-VI (shall be enforces upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); № 156-VII dated 05.11.2022, refer to Article 3).**

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

Footnote. The heading of Article 20-1 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect sixty calendar days after the day of its first official publication).

1. Citizens of the Republic of Kazakhstan from political parties, as well as other accredited public associations, and non-profit organizations shall be allowed as observers.

The powers of the observer must be certified in writing, indicating his/her last name, first name, and patronymic (if it is indicated in the identity document). This document shall be certified by the seal of the organization that sent the observer and shall be valid upon presentation of an identity document of the observer. The documents shall be presented to the chairman of the election commission or to the person replacing him/her for the registration of the observer by entering data about him/her in the register.

1-1. The procedure for accreditation of public associations and non-profit organizations, whose statutory activities include the implementation of election observation activities, shall be determined by the Central Election Commission.

The term of accreditation shall be one year unless otherwise provided by this Constitutional Law.

To obtain accreditation, public associations and non-profit organizations must send the following documents to the relevant election commission:

- 1) an application in the form established by the Central Election Commission;
- 2) an extract from the charter confirming the right to observe the elections.

The term for consideration of an application for accreditation is thirty calendar days.

The grounds for denial of accreditation or cancellation of accreditation are:

- 1) failure to submit a complete list of documents;
- 2) non-compliance of the charter with the requirements of this Article;
- 3) suspension or termination of the activities of a public association, or non-profit organization.

At the request of election commissions, information from state bodies and organizations necessary to establish the existence of grounds for denial of accreditation or cancellation of accreditation shall be provided within twenty calendar days from the date of receipt of the request.

2. Observers of political parties, other accredited public associations, and non-profit organizations of the Republic of Kazakhstan shall have the right to:

- 1) be present at meeting of the election commission;
- 2) receive information on the number of voters, who have taken part in voting, including voting outside of premises of polling stations;
- 3) be present in a polling station of the corresponding electoral district during voting and vote count;
- 4) accompany portable ballot-boxes, including being in the vehicle transporting them;

5) observe the voting, procedures of vote count and tabulation of voting results at a polling station in the conditions enabling good observation of all above mentioned procedures ;

6) appeal against decisions, actions (inaction) of a respective election commission and/or of its members to a superior election commission or a court;

7) attend the conduct of voting outside of the polling station in the case if voters are unable to visit the polling stations;

8) attend the vote count and cancellation by members of the precinct election commission of unused ballot papers;

9) take photo, audio and video records without intervening with the course of voting and summing up its results;

10) observe the procedure of transfer of protocols on voting results to the superior election commissions;

11) be acquainted with protocols of an election commission on voting results and obtain their certified copies after completion of the voting;

12) draw attention of election commission's members to the violation of the requirements of this Constitutional Law, hand over to them the relevant written applications, reports on irregularities and receive notes of their receipt. Upon receipt of an application from proxies or observers the chairperson of election commission or the person substituting him/her shall be obliged to attach to the protocol on vote count the notes made by them.

3. Observers of political parties, other accredited public associations, and non-profit organizations of the Republic of Kazakhstan are obliged to:

1) carry documents, certifying their identity and authority;

2) not interfere with the electoral process, the procedures for vote count and decision-making by the election commission;

3) not take any actions interfering with the activities of the election commission;

4) fulfill the requirements of the election commission's chairperson regarding the rules of conduct in a polling station as established by the corresponding election commission;

5) base their comments on the documented, true and verifiable facts;

6) respect the requirements of this Constitutional Law and other legislative acts of the Republic of Kazakhstan;

7) be impartial, not to express preference in respect of a specific candidate or a political party;

8) when making and distributing photo, audio and video recordings, comply with the requirements provided for by the laws of the Republic of Kazakhstan.

4. In case of violation of the legislation of the Republic of Kazakhstan by observers of political parties, other accredited public associations, and non-profit organizations of the Republic of Kazakhstan, the relevant election commission shall have the right to cancel the registration of the observer.

Footnote. Article 20-1 is in edition of the Constitutional Law of RK dated June 19, 2007 № 268-III; as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect sixty calendar days after the day of its first official publication).

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

1. The invitations to foreign states and international organizations to take part in election observation in the Republic of Kazakhstan shall be forwarded by the Chairperson of the Central Election Commission or the Minister of Foreign Affairs of the Republic of Kazakhstan.

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

The invitation may contain wishes in respect to the number and the composition of election observation mission as well as on ensuring gender balance and country representation

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

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

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

Individuals, who have political, economic or other interests in the Republic of Kazakhstan, or whose accreditation has been earlier revoked (canceled) due to a breach of law of the Republic of Kazakhstan, the foreign state or universally recognized norms of international law, or who has been found guilty in commitment of crime, corruption offence or other illegal activities during the election period 5 years prior to the application for accreditation, shall not be accredited.

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

4. Accredited observers of foreign states and international organizations provided with an identity card of the established by the Central Election Commission format, which entitles them to perform activities during preparation for and conduct of the election. Accreditation shall end at 18.00 local time five days before voting day.

5. The observers of foreign states and international organizations, representatives of foreign mass media shall not be eligible to use their status to perform activities, which are not related to the election observation in the Republic of Kazakhstan.

6. Observers of foreign states and international organizations as well as the representatives of foreign mass media shall be eligible to:

- 1) observe all stages of the electoral process;
- 2) be informed on the progress of the electoral process by election commissions;
- 3) have access to the polling station during voting and vote count;
- 4) meet the stakeholders of the electoral process;
- 5) inform members of an election commission on his findings, observed violations, recommendations;
- 6) make public statements;
- 7) observe the handover of protocols on voting results to a superior election commission.

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

- 1) carry the documents identifying them and certifying their accreditation;
- 2) not interfere in the electoral process, the vote count and decision-making by the election commission;
- 3) not take any actions that impede the work of an election commission;
- 4) fulfill the requirements of the election commission's chairperson regarding the rules of conduct at the polling station as established by the corresponding election commission;
- 5) be impartial, restrain from expressing preferences in respect to a specific candidate or a political party;
- 6) respect the requirements of this Constitutional Law and other legislation of the Republic of Kazakhstan.

8. In the cases stipulated by this Constitutional Law the Central Election Commission shall be eligible to revoke accreditation of the observer of foreign state or international organization.

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

Accreditation of an observer of a foreign state or an international organization may be revoked by the Central Election Commission on the basis of an appeal from the relevant foreign state or international organization upon recommendation of the Ministry of Foreign Affairs of the Republic of Kazakhstan.

**Footnote. Article 20-2 is added by the Constitutional Law of RK dated June 19, 2007 № 268-III; changes are introduced by the Constitutional Law dated February 9, 2009 № 124-IV; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Chapter 3. Constituencies and electoral districts**



## **Article 21. Constituencies and their system**

1. In the Republic of Kazakhstan, during the elections of deputies of the Mazhilis of the Parliament in single-seat territorial constituencies, deputies of maslikhats, akims, and members of other local governments, a system of territorial constituencies shall be created and used.

During elections of deputies of the Mazhilis of the Parliament in single-mandate territorial constituencies, constituencies are formed taking into account the administrative-territorial division of the Republic and the number of voters.

2. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. At elections of the President of the Republic and the deputies of Mazhilis to be elected on the basis of the party lists under the proportional representation system the whole territory of the Republic of Kazakhstan shall be considered as a single national constituency.

4. During the election of deputies of maslikhats, akim, a territorial constituency shall be formed on the territory of the corresponding administrative-territorial unit.

During elections of maslikhat deputies in single-mandate territorial constituencies, constituencies shall be formed taking into account the administrative-territorial division of regions and the number of voters.

5. At elections of members of the local self-government bodies the multiple-member constituencies shall be formed, which shall cover the territories of urban and rural communities.

Footnote. Article 21 is with the changes, introduced by Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545- II; June 19, 2007 № 268-III; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Article 22. Formation of the constituencies and delimitation of their borders**

1. Constituencies for the election of deputies of the Mazhilis of the Parliament for single-seat territorial constituencies shall be formed by the Central Election Commission.

Constituencies for the election of deputies of maslikhats, akim, and members of other local self-government bodies shall be formed by territorial election commissions.

2. The list of electoral districts with indication of their borders and locations of territorial election commissions shall be published in the relevant media by the relevant election commissions not later than ten days after the appointment or announcement of elections.

2-1. Determination of the boundaries of the electoral district and the location of district election commissions shall be carried out by the relevant election commission.

The list of electoral districts, indicating their boundaries and locations of district election commissions, shall be published in the relevant mass media by the relevant election commissions no later than ten days after the appointment or announcement of elections.

3. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 22 is with the changes introduced by the Constitutional Law of RK dated June 19, 2007 № 268-III; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

### **Article 23. Formation of electoral districts**

1. For the conduct of voting and counting of votes in districts and cities, by the decisions of the relevant akims in consultation with the territorial election commissions, the polling stations shall be formed. Polling stations shall be formed in order to create maximum convenience for voters and taking into account local and other conditions.

2. Electoral districts shall be formed taking into account the following conditions:

1) not more than three thousand voters per each electoral district;

2) observation of the borders of the administrative-territorial division within the administrative-territorial units;

3) (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II);

3. In the military units, on boards of the ships belonging to the Republic of Kazakhstan that on the Election Day are in navigation; in the rest houses, health resorts, medioprofilactic institutions; in the places of citizens' stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers, the electoral districts shall be formed and included in the constituencies according to the place of their dislocation, port of registry of a vessel or disposition. The polling stations formed in the representations of the Republic of Kazakhstan in foreign states shall relate to the constituency in which territory the Ministry of Foreign Affairs of the Republic is located.

4. Formation of electoral districts shall be conducted by the corresponding akims and the Ministry of Foreign Affairs of the Republic upon proposals of the captains of ships, commanders of military units or body of troops, heads of establishments mentioned in clause 3 of this Article.

5. The relevant akims, within fifteen days, and during the election of members of other local government bodies, - within seven days after the appointment or announcement of elections, shall notify voters through the media about the boundaries of polling stations.

Footnote. Article 23 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545; April 15, 2005 № 44-III; June 19, 2007 № 268-III; February 9, 2009 № 124-IV (the order of enactment see Art. 2); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Chapter 4. Registers of voters (electors)**

##### **Article 24. Register of voters (electors) and the order of their compilation**

1. Lists of voters shall be compiled during the elections of the President, deputies of the Mazhilis of the Parliament and maslikhats, akim, and members of other local governments. Lists of electors shall be drawn up during the elections of deputies of the Senate.

2. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

3. The grounds for enrolment of a citizen in the voter register shall be the fact of his/her registration in the place of residence in the territory of the given electoral district.

4. Voter lists shall be compiled in alphabetical or other order. The list shall include the last name, first name, patronymic name, year of birth (at the age of eighteen - day and month additionally), individual identification number and address of the voter's residence. The lists of electors shall be compiled in alphabetical or other order and include the last name, first name, patronymic, year of birth, individual identification number, name of the maslikhat whose deputy he is, and his address of residence.

5. The voter list at the place of residence shall be compiled by the relevant local executive body on the basis of the state database of individuals.

Each voter shall have the right to register as a voter in the relevant local executive body from the moment of announcement or appointment of elections.

If it became known to the voter no later than thirty days before the election that he would not be able to arrive at the polling station on the election day at the place of his registration, he shall have the right to apply to the local executive body in writing at his place of residence for inclusion in the relevant voter list.

When citizen appeals in accordance with this paragraph, the local executive body shall organize the exclusion of a citizen from the voter list at the place of registration and his inclusion in the voter list of the polling station where the citizen will vote.

Voter lists for each polling station shall be signed by the akim, whose decision establishes the polling station, and shall be submitted by the act twenty days before the voting begins.

By July 1 and January 1 of each year, information about voters and the boundaries of polling stations shall be submitted by the local executive body in electronic form to the appropriate territorial election commissions, which ensure the verification and submission of information to the higher election commissions.

The procedure for verification and submission of information shall be determined by the Central Election Commission.

Officials of local executive bodies shall be responsible for the accuracy of voter lists, as well as information about voters submitted by the relevant election commission.

6. Students in secondary special and higher educational institutions, as well as those under professional postgraduate educational programs of full-time education, living in dormitories, shall be included in the voter list at the dormitory's location.

7. The register of voters, who are military servicemen in the military units as well as members of their families and other voters living in the locations of military units, shall be compiled on the basis of the data submitted by commanders of the military units.

8. The voter register by electoral districts to be formed in the rest houses, health resorts, medioprofilactic institutions, in the places of the citizens' stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers as well as in the representative offices and agencies of the Republic of Kazakhstan in foreign states, on board of ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation shall be compiled on the basis of the data submitted by the chiefs of the named establishments, corresponding akims, chiefs of the named representative offices and agencies and captains of ships.

The voter registers 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 centers, 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.

9. Lists of electors for the election of deputies of the Senate of the Parliament shall be compiled by the respective territorial election commissions on the proposal of the chairman of the respective regional, city (city of republican significance and the capital of the Republic) maslikhat.

10. Making changes in the voter register since the beginning of vote count shall be prohibited.

**Footnote.** Article 24 is with the changes introduced by the Constitutional Laws of RK dated April 14, 2004 № 545-II; April 15, 2005 № 44-III; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Article 25. Enrolment in the registers of voters (electors)**

1. The voter register shall include:

1) the citizens of the Republic with active suffrage;

2) citizens shall be included at the place of residence in the territory of the respective polling stations.

Temporarily registered citizens shall be included in the voter lists on the basis of an application submitted by them to the local executive body with exclusion from the list at the place of permanent registration;

3) in the electoral districts to be formed in the rest houses, health resorts, medioprophilactic institutions, in the places of the citizens' stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers and boards of ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation - all citizens, who on the Election Day stay in the named institutions and organizations or on the board the ships;

4) in the military units - all military servicemen, who stay in military units as well as their family members and other voters living in the locations of military units. The military servicemen living outside the military units shall be enrolled in the voter registers in the place of their residence on the general grounds;

5) at the polling stations formed in the representative offices of Republic in foreign states - all citizens who live or are in continuous business trip in the corresponding foreign state and who have valid passports of the Republic's citizens.

The citizens of the Republic of Kazakhstan arriving in foreign states by private invitations , to business and tourist trips shall be enrolled in the voter register upon their application to the precinct election commission and submission of a valid passport of the citizen of the Republic.

2. The elector register shall include all deputies of:

1) Maslikhats, located in the territory of oblast;

2) Maslikhat of the city of the republican status and the capital of the Republic.

3. A citizen (elector) can be enrolled only in one voter (elector) register.

**Footnote. Article 25 is with the changes introduced by the Constitutional Laws of RK dated April 14, 2004 № 545-II; April 15, 2005 № 44-III; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

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

1. The voter register by electoral districts to be formed in the place of residence of citizens shall be presented to voters by the corresponding election commissions for familiarization with the named registers fifteen days before the day of election.

The voter register by electoral districts to be formed in the military units, on board the ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation, in the rest houses, health resorts, medioprophilactic institutions, in the places of the citizens' stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers as well as in the representations of the Republic of Kazakhstan in

foreign states shall be presented to the voters for familiarization five days before the Election Day; in the electoral districts to be formed at elections of members of other local self-government bodies - seven days before the Election Day.

2. The lists of electors for the elections of deputies of the Senate shall be submitted for review by publishing in local mass media, and shall be also posted on the Internet resources of maslikhats of regions, cities of republican significance and the capital at least seven days before the elections.

3. In the premises of the corresponding election commissions citizens (electors) shall be provided with the opportunity to be familiarized with voter (elector) registers and check the correctness of the data about voters (electors).

Working hours of a precinct election commission, except the day of voting, shall be established by the corresponding territorial election commissions.

4. Every citizen (elector) has the right to verify the data concerning him/her in voter lists and appeal against non-inclusion, improper inclusion in or exclusion from the list, as well as inaccuracies in the data on a voter (elector). Applications for inclusion in, exclusion from or making corrections in voter lists are considered by an election commission on the day of the application's submission to the relevant election commission. If the application is rejected, the election commission shall promptly deliver the applicant a copy of the reasoned decision to reject his/her application. The decision can be appealed to a court having jurisdiction over the relevant election commission, which shall examine the complaint on the day of its receipt. If the decision is positive for the applicant, the correction in the list of voters (electors) or inclusion of a voter, who was not included in the list, shall be made by the election commission immediately.

**Footnote. Article 26 is with the changes, introduced by the Constitutional Laws of RK dated April 14, 2004 № 545-II; February 9, 2009 № 124-IV; dated 31.07.2015 № 340-V ( shall be enforced from 01.01.2016); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 26-1. Formation of voters list for voting**

1. The lists of voters for each electoral precinct shall be submitted by the relevant akim according to the act to the precinct election commission twenty days before the start of voting in electronic form and (or) on paper, to the territorial and district commissions - in electronic form.

2. In the event of a change in the voter list, the precinct election commission shall inform the higher election commission about this.

3. The subordinate territorial election commission shall submit voter lists in electronic form to a higher commission for inclusion in the electronic Register of citizens - voters of the Republic of Kazakhstan.

4. The procedure for compiling voter lists for voting as well as their submission to election commissions shall be determined by the Central Election Commission.

Footnote. Chapter 4 shall be supplemented by Article 26-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

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

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

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

The foreigners, stateless persons, foreign legal entities and international organizations shall be prohibited to conduct the activities, which may hinder and (or) facilitate nomination and election of candidates, political parties nominated their party lists, and achievement of certain results at elections.

2. The pre-election campaign shall begin since the moment of closure of the candidates' registration and shall end at midnight by the local time on the day before election. In case of conduct of the rerun of a vote the pre-election campaign shall begin from the day of assignment of a day for the rerun of a vote and shall end at midnight by the local time of the day before election.

3. The pre-election campaign shall be conducted:

1) through mass media;

2) by holding of public pre-election campaign (pre-election meetings and meetings with voters (electors), public debates and discussions, meetings, processions, demonstrations and other activities in the order established by the legislation and not forbidden by this Constitutional Law), personal meetings of candidates and their proxies with voters (electors);

3) through issue and (or) distribution of printed, audiovisual and other campaign materials

;

4) through online platforms.

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

1) state bodies, local self-government bodies as well as their officials, while on duty;

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

3) members of election commissions;

4) religious associations.

It shall be prohibited for TV and radio broadcasters to distribute any campaign materials in news and analytical programs.

5. Taking advantages of the official status by the candidates, who are officials of the state bodies, shall be forbidden.

Under the use of advantages of the positional or official status, this Constitutional Law shall consider the following:

1) involvement of persons, who are subordinated or dependent on candidate, to the conduct of a pre-election campaign, except the cases when the above-mentioned persons conduct campaigning as proxies of a candidate;

2) using the premises occupied by the state bodies to promote the election of a candidate or a political party that nominated a party list, if other candidates, political parties are not guaranteed by the use of these premises on the same conditions.

Compliance with the restrictions stipulated by this clause must not create obstacles for implementation by the officials of their duties.

6. Journalists, officials of the editorial staff of mass media, registered as candidates or their proxies, shall not be entitled to take part in the election coverage by mass media.

7. Mass media shall be obliged to carry out objective coverage of the election campaign of candidates, political parties; refrain from publishing campaign materials and other information that obviously defames the honor, dignity and business reputation of a candidate or political party; provide these persons with the possibility of free publication of a denial in defense of honor, dignity and business reputation in the next issue of the print edition in the same volume, in the same font and in the same place where the refuted message or material was placed. On radio and television, the refutation must be broadcast at the same time of day and in the same television and radio program as the refuted message or material, and in cases of the closure of the said television and radio program, - in another television and radio program with a corresponding thematic focus.

The volume of refutation may not exceed twice or more the volume of the refuted message or material.

The mass media shall be obliged to disseminate information about events for the nomination of all candidates and party lists, their registration by election commissions in equal volumes of print space and airtime.

The media shall immediately provide the opportunity to the relevant election commissions to publish information on the progress of the election campaign and the messages, established by this Constitutional Law.

7-1. Users of online platforms shall be required to refrain from publishing campaign materials and other information that deliberately discredits the honour, dignity and business reputation of a candidate or political party; provide these persons with the opportunity to publish a refutation free of charge in defence of their honour, dignity and business reputation.



8. The officials of mass media shall not bear responsibility for the statements of candidates and political parties during electoral campaigns, except for cases of publication of materials indicated in clause 1 of Article 29 of this Constitutional Law.

9. Conduct of the pre-election campaign accompanied by granting to voters of goods, services, securities free of charge or on favorable terms as well as conduct of lotteries, charitable actions, payment of money or promise to provide the latter shall be considered as inadequate pre- electoral campaign, except for free distribution of the printed and illustrative materials, badges, flags and the tags specially produced for the electoral campaign. Conduct of inadequate pre-election campaigns shall be forbidden.

Since the moment of announcement (appointment) of elections the candidates, political parties, which nominated their party lists, any physical persons and legal entities acting on behalf of them or in their support shall be forbidden to carry out charitable actions except the conduct of entertainment and sports events.

Infringement by a candidate or a political party nominated a party list and their proxies of the rules established by this clause shall entail cancellation of the decision on registration of the candidate and the party list.

10. Conduct a pre-election campaign using the image of any person without his/her written consent and in case of his/her death - without permission of his/her heirs shall be forbidden.

**Footnote.** Article 27 is with the changes, introduced by the Constitutional Laws of RK dated April 14, 2004 № 545-II; April 15, 2005 № 44-III; February 9, 2009 № 124-IV (the order of enactment see Art. 2); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (refer to Article 3 for the order of entry into force).

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

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

The Citizens and the public associations which according to this Constitutional Law have not established any election funds shall be eligible to conduct a pre-election campaign which does not need any financing.

2. From the moment of the expiration of the registration period established in accordance with this Constitutional Law and until the end of the campaign, candidates, and political parties that nominated a party list, shall have the right to campaign and promote their election program.

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

3. The state guarantees candidates an equal allocation of funds to present their programs. The procedure and volumes of allocation of funds to candidates shall be determined by the Central Election Commission.

Candidates for the President and political parties that have nominated party lists of candidates for deputies of the Mazhilis of the Parliament shall have the right to participate in pre-election debates organized by the Central Election Commission.

Political parties that have nominated party lists of candidates for deputies of maslikhats, candidates for deputies of the Senate of the Parliament, as well as candidates for deputies of the Mazhilis of the Parliament and maslikhats in single-seat territorial constituencies, candidates for akims may participate in pre-election debates, which are entitled to organize the relevant territorial election commissions.

The procedure and conditions for conducting pre-election debates, determined by the Central Electoral Commission, must be equal and not create advantages for one or another candidate or political party.

The mass media, on a contractual basis, provide airtime, and print space for the publication of campaign materials to registered candidates and political parties that have nominated party lists.

Users of online platforms, on a contractual basis, shall provide the amount of information for the publication of campaign materials to registered candidates and political parties that have nominated party lists.

The terms of the contract for the publication of campaign materials should not create advantages for this or that candidate, or political party.

Information on the amount of payment, and conditions for posting campaign materials submitted on a contractual basis must be announced and published by the relevant mass media, the user of the online platform no later than five days before the start of the election campaign, and also submitted to the Central Election Commission during the presidential elections and deputies of the Mazhilis of the Parliament on party lists, to other territorial election commissions - in the election of deputies of the Senate of the Parliament, the Mazhilis of the Parliament in single-member territorial constituencies, deputies of maslikhats, akims and members of other local governments.

On the Internet resources of the Central and Territorial Election Commissions, the information provided by the media, users of online platforms on the amount of payment, and conditions for placing campaign materials shall be posted. The media, users of the online platform that provide airtime, print space and the amount of information on a contractual basis, may not place or distribute campaign materials of candidates, or political parties that have nominated party lists, until the publication of information on the amount of payment, conditions for posting campaign materials.

During the period of pre-election campaigning, the circulation of a periodical printed publication related to the pre-election campaigning of candidates, political parties that

nominated party lists must be the same for all candidates, and political parties nominated party lists.

Consent to the placement of campaign materials on a contractual basis, given by the mass media, the user of the online platform to one of the candidates, and the political party that nominated the party list, shall be the consent to the placement of campaign materials to other candidates, political parties that nominated party lists.

The order of speeches of candidates and political parties that nominated party lists in the media, on online platforms shall be established in the order in which written applications are received or by draw if the applications are received simultaneously.

It shall be prohibited to interrupt and comment on the speeches of candidates and representatives of political parties that nominated party lists on television and radio immediately after the speech, as well as in print media in the same issue.

4. Local executive bodies and local self-government bodies provide candidates on contractual basis space for meetings with voters. Terms for rent of premises shall be uniform and equal for all candidates.

Election commissions in cooperation with local executive bodies and with local self-government bodies shall compile a schedule of meetings of candidates with voters in the premises and publish it in the mass media.

5. For the publication of posters, leaflets, slogans and other campaign materials, the relevant election commissions shall allocate an equal amount of money to candidates, except for those running on party lists. All campaign materials must contain information about the organization that issued these materials (for printed materials - the place of their printing and circulation), the persons who made the order, and from what funds it was paid. It shall be prohibited to produce campaign materials outside the territory of the Republic of Kazakhstan, to distribute anonymous campaign materials.

The requirements of this paragraph concerning online platforms shall apply if users of online platforms have produced campaign materials on a contractual basis.

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

The candidates shall be eligible to hang out their printed campaign materials in other places with the consent of the owner of the corresponding premises or a facility.

Posting of any campaign materials on monuments, obelisks, buildings and the structures having historical, cultural or architectural value as well as at the polling stations shall be forbidden.

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

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

7. Candidates and political parties that have nominated party lists shall have the right to pay from their election funds the expenses associated with speaking in the media, on online platforms, holding public election events, publishing additional campaign materials, as well as cover transportation and travel expenses. It shall be prohibited to attract other money from other sources for these purposes, to accept any goods, works and services of individuals and legal entities that are not paid for from the election funds of candidates, used by the candidate during the election campaign, to provide these individuals and legal entities with any assistance from the candidate for providing these services.

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

8. Information subject to compulsory publication in accordance with this Constitutional Law shall be posted on the Internet resources of local executive bodies and election commissions. Periodicals shall place information from election commissions in the manner and amount, determined by the Central Election Commission, at the expense of funds, provided by the republican and local budgets.

9. The media, and online platforms, when publishing the results of public opinion polls related to elections, shall be required to indicate the legal entity that conducted the poll, the persons who ordered the poll and paid for it, the time of the poll, the method of collecting information, the exact wording of the question, the number of respondents and coefficient of error of the survey results.

Public opinion survey may be conducted by legal entities, registered in accordance with the legislation of the Republic of Kazakhstan, having at least five years of experience in conducting public opinion survey, having previously notified the Central Election Commission in writing with the relevant documents attached. The notification sent to the Central Election Commission shall indicate information on the specialists participating in the survey and having experience in this field, on the regions in which public opinion surveys will be conducted, on the methods of analysis used.

The publication of the results of public opinion polls, forecasts of election results, other research related to elections, and voting in support of candidates or political parties in the media, on online platforms, shall not be allowed within five days before voting day and on voting day.

It is forbidden to conduct a public opinion survey on the election day in the premises or polling station.

Footnote. Article 28 is in edition of the Constitutional Laws of RK dated April 14, 2004 № 545-II; June 19, 2007 № 268-III; February 9, 2009 № 124-IV (the order of enactment see Art. 2); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (refer to Article 3 for the order of entry into force).

### **Article 29. Election program of the candidate, the political party**

A candidate for President, for deputies of Parliament and maslikhat, for akims, for members of another local self-government body, a political party that has nominated a party list, come up with an election program for their future activities. The election program should not proclaim the idea of forcibly changing the constitutional order, violating the integrity of the Republic, undermining the security of the state, inciting social, racial, national, religious, class and tribal hatred, the cult of cruelty and violence, as well as the creation of paramilitary formations not provided for by law.

In case of infringement of the above-mentioned requirements the corresponding election commission shall be eligible to refuse the candidate in his/her registration and the political party in registration of the party list. In case of putting forward by the candidate or the political party of such an election program after registration - to cancel the decision on registration of the candidate or the party list.

Footnote. Article 29 is in edition of the Constitutional Law of RK dated April 14, 2004 № 545-II; as amended by the Constitutional Law of the Republic of Kazakhstan dated May 24, 2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

### **Article 30.**

The article 30 is excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II

### **Article 31. Proxies**

1. Candidates, the political parties which have nominated their party lists shall be eligible to have proxies to help them in conducting of electoral campaigns, pre-election campaigns and to represent the interests of candidates and political parties.

2. Candidates and the political parties which have nominated the party lists shall determine their proxies at their own discretion in the number that shall not exceed three persons per each electoral district of the corresponding constituency and shall notify the corresponding election commission for their registration.

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

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

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

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

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

6. Proxies shall lose their status after completion of electoral campaign by their own initiatives or by a decision of a candidate and a political party which has nominated the party list as well as in cases of cancellation of registration of a candidate or a party list, breach of this Constitutional Law.

**Footnote. Article 31 is in edition of the Constitutional Laws of RK dated April 14, 2004 № 545-II; April 15, 2005 № 44-III; June 19, 2007 № 268-III.**

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

1. Conduct of any pre-election campaigns on the day of elections and the day preceding it shall be forbidden.

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

Campaign materials previously posted on the Internet may be stored in their original places. The removal of previously posted materials on the main pages of Internet resources shall not be allowed.

**Footnote. Article 32 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

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

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

1. Elections of the President, deputies of the Parliament, maslikhats, members of other local government bodies shall be financed from the republican budget through the accounts of local executive bodies opened for these purposes. The spending of budgetary funds coming

into these accounts from the republican budget shall be carried out by territorial election commissions. The financing procedure shall be established by the budget legislation of the Republic of Kazakhstan.

1-1. Elections of akims shall be financed from the local budget through the accounts of local executive bodies opened for these purposes. The disposal of budgetary funds for these purposes shall be carried out by territorial election commissions. The procedure for financing shall be established by the budgetary legislation of the Republic of Kazakhstan.

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

1) for organization and activity of election commissions, rent of premises, travel and living allowances, salary of advisers, experts, members of the linguistic commission, specialists, maintenance of electronic electoral system;

2) for speeches of candidates in mass media, except the candidates who stand for elections under the party lists, according to provisions established in clause 3 of Article 28 of this Constitutional Law;

3) for the conduct of public pre-election activities of candidates and for issue of campaign materials of candidates, except the candidates who stand for elections under the party lists to be covered in accordance with clauses 4 and 5 of Article 28 of this Constitutional Law;

4) for transport charges of candidates, except the candidates who stand for elections under the party lists to be covered in the size established by the Central Election Commission;

5) production of information posters placed in the premises of the election commission and the polling station about candidates for President, deputies of Parliament and maslikhats, members of other local governments, as well as about political parties that nominated party lists.

2-1. The local budget covers the costs of:

1) organization and activities of election commissions, rental of premises, travel expenses, remuneration of consultants, experts, specialists who ensure the operation of the electronic electoral system;

2) speeches of candidates for akims in the media in accordance with paragraph 3 of Article 28 of this Constitutional Law;

3) holding public pre-election events of candidates and issuing campaign materials for candidates for akims, carried out in accordance with paragraphs 4 and 5 of Article 28 of this Constitutional Law;

4) transportation costs of candidates for akims in the amount established by the relevant territorial election commission;

5) production of information posters about candidates for akims placed in the premises of the election commission and the voting room.

The amount of expenses allocated to candidates for akims specified in sub-paragraphs 2) - 4) of part one of this paragraph is determined by the relevant regional election commission.

2-2. Procurement related to the acquisition of goods, works and services intended for the preparation and conduct of elections, a referendum, during the preparation and conduct of elections, a referendum, shall not be subject to the legislation of the Republic of Kazakhstan on public procurement.

Procurement related to the acquisition of goods, works and services intended for the preparation and conduct of elections, a referendum, during the preparation and conduct of elections, a referendum, shall be carried out in the manner determined by the Central Election Commission.

3. Financing of elections in the Republic on the part of international organizations and international public associations, foreign state bodies, foreign legal entities and citizens as well as stateless persons, any their direct or indirect participation in financing of elections in the Republic of Kazakhstan shall be forbidden.

4. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

Footnote. Article 33 is in edition of the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; dated April 15, 2005 № 44-III; June 19, 2007 № 268-III; February 9, 2009 № 124-IV (the order of enactment see Art. 2); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 34. Private financing of elections**

1. Election campaigning of candidates for the election of the President, deputies of the Parliament and deputies of maslikhats may be financed from the funds formed in accordance with the procedure established by this Constitutional Law from election funds.

2. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. The election funds shall be formed from the following sources:

1) personal means of candidates, funds of political parties;

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

3) voluntary donations of citizens and organizations of the Republic. The voluntary donations of the state bodies and organizations, local self-government bodies, charitable organizations, religious associations, legal entities of Kazakhstan having foreign stock in their charter capital as well as anonymous donations of physical persons and legal entities shall be forbidden.

4. Only legally obtained funds may be sent to election funds. Information on the total amount of money and the number of voluntary donations received by the fund, its sources and



expenses for the election campaign within five days after the publication of the election results shall be published in the media:

during the elections of the President, deputies of the Mazhilis of the Parliament - by the Central Election Commission;

during elections of deputies of the Senate of the Parliament - by regional, cities of republican significance and the capital by election commissions;

at elections of deputies of maslikhats – by territorial election commissions.

5. The maximum size of the financial resources which can be transferred to the election funds from the aforementioned sources shall be determined in the Special part of this Constitutional Law. The financial resources received above the established limit shall not be transferred to the election funds and shall be refunded to the citizens and organizations that have donated the money. In this case the expenses associated with refund of the indicated money shall be covered at the expense of citizens and organizations that have contributed in these funds. Anonymous donations shall be transferred to the republican budget as the state revenue.

6. The financial resources forming the election fund shall be kept at a special temporary bank account, opened in the financial bodies by the corresponding election commission after registration of the candidate or the party list. No income shall be charged or paid for this account. The right to give the name of the election fund for the purposes specified in this Constitutional Law shall belong exclusively to the candidate and the political parties, which have nominated their party lists. The banks shall submit to the corresponding election commission a weekly report on the transfers to the funds to the special temporary bank accounts as well as on spending. Upon the inquiry of the corresponding election commission, the same data shall be provided within twenty four hours. The procedure for opening a special temporary account, spending of electoral funds and the relevant banking institution shall be determined by the Central Election Commission.

7. In case of withdrawing by the candidate of his/her candidature, calling back by the political party of the party list or cancellation of the decision to nominate a candidate, a party list or registration of the candidate, the party list, the financial resources which have been contributed to the election fund shall be immediately refunded to the citizens and organizations that have contributed their money. In this case the cost of refund of the indicated finances shall be covered at the expense of the above mentioned citizens and organizations.

8. All financial transactions including settlements with physical persons and legal entities, due deductions, taxes and other payments to the budget from the special temporary bank accounts shall be stopped at 6 pm on the day proceeding the day of elections.

In case of a rerun of a vote the marginal sum of money to be allowed for transfer to the candidate's election fund shall be increased by one and a half times.

At the conduct of a rerun of a vote, the financial transactions to special temporary bank accounts of candidates in respect to whom the rerun of a vote is conducted shall be resumed on the day of appointment of a rerun of a vote and shall be stopped at 6 pm on the day proceeding the day of elections.

The total sum of the money to be transferred to the election fund from the moment of its formation should not exceed the limits established by this Constitutional Law.

9. Two-thirds of the funds of the election fund remaining unspent for the election campaign shall be sent to the republican budget, and one-third shall be returned to the candidate or the political party.

10. Infringement by the candidate and the political party that has nominated its party list of the rules stipulated by clauses 1-8 of this Article as well as of the procedure on spending the funds from the election funds established by the Central Election Commission shall entail cancellation of the decision on registration of the candidate or the party list. After conduct of elections before registration of the candidate as the President, the deputy of the Parliament, the Maslikhat deputy and member of other local self-government bodies - declaration of the elections in the corresponding territory or district as null and void.

**Footnote. Article 34 is in edition of the Constitutional Laws of the Republic dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; April 15, 2005 № 44-III; June, 19 2007 № 268-III; February 9, 2009 № 124-IV (the order of enactment see Art. 2); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

### **Article 35. Financing of the election events by election commissions**

1. The financing of the election events at elections of the President of the Republic of Kazakhstan, deputies of the Parliament, Maslikhats as well as members of other local self-government bodies shall be carried out by the Central Election Commission.

2. The chairperson of the election commissions shall dispose the financial resources and shall bear the responsibility for the conformity of the financial documents with the decisions of the election commissions on financial issues.

**Footnote. Article 35 is in edition of the Constitutional Law of RK dated April 14, 2004 № 545-II.**

### **Article 36. Control over spending of the funds allocated for the conduct of electoral campaign**

1. Control over spending by candidates of the funds allocated from the republican budget for the election campaigns shall be exercised according to legislation of the Republic of Kazakhstan.

2. Control over spending of the funds from the election funds shall be exercised by the corresponding election commissions and financial institutions.

3. By suggestions of the corresponding election commissions, the experts of the state bodies within their competency can be involved in the conduct the aforementioned control.

Footnote. Article 36 is in edition of the Constitutional Laws of the Republic dated May 6, 1999 № 375-I; April 14, 2004 № 545-II.

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

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

1. The ballot paper shall include all registered candidates indicating the last name, first name, patronymic (if it is indicated in the identity document) in alphabetical order of the state language and the line "Against all". The ballot for voting for political parties shall include the names of political parties in the order determined by lottery and the line "Against all". The draw is carried out by the Central Electoral Commission. The procedure for the drawing of lots is determined by the Central Election Commission.

1-1. The Central Election Commission shall determine the procedure for amending the ballots in case of withdrawal of the candidature, cancellation of the decision to nominate a candidate, cancellation of the decision on registration of candidates, party lists.

2. The ballots shall be printed in the State and Russian languages.

The ballots shall be produced in the amount equal to the number of voters in electoral district with a reserve of one percent of the total number of voters of the given electoral district.

3. Ballot papers shall be delivered to precinct election commissions no earlier than three days and no later than one day before the elections with a reserve of 1 percent of the total number of voters in the polling station.

4. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

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

Footnote. Article 37 is in edition of the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; June 19, 2007 № 268-III); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

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

1. Voting for the election of the President, deputies of the Mazhilis of the Parliament and maslikhats, akim, and members of other local self-government bodies shall be held on the election day from 7:00 am to 20:00 local time. Territorial election commissions, on the proposal of the relevant akim, precinct election commissions, shall have the right to establish a different time for the start and end of voting. Wherein, voting may not begin earlier than six

o'clock and end later than twenty-two. The decision of the territorial commissions to change the start and end time of voting must be communicated to the voters.

2. Precinct election commission shall notify voters via mass media and in other ways about the time and place of voting not later than ten days before the day of election; and not later than five days before the day of election of members of local self-government bodies other than Maslikhats.

3. At the polling stations to be formed on board the ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation, in the military units, in the rest houses, health resorts, medioprofilactic institutions, in the places of the citizens' stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers as well as in the representative offices of the Republic of Kazakhstan in foreign states, the precinct election commission shall announce the voting as finished at any time if all voters enrolled in the registers have voted. The list of such electoral districts shall be approved by the corresponding election commission not later than seven days before elections while at conduct of elections of members of local self-government bodies other than Maslikhats - not later than three days before elections.

4. Voting during elections of the Senate deputies shall be conducted within one day. In this case the time of voting shall be fixed by the territorial election commission.

**Footnote. Article 38 is with the changes introduced by the Constitutional Laws of the RK dated April 14, 2004 № 545-II; June 19, 2007 № 268-III; February 9, 2009 № 124-IV (the order of enactment see Art. 2); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

### **Article 39. The polling station**

1. Voting at the elections of the President, deputies of the Parliament, maslikhats, akim, and members of other bodies of local self-government should be held in specially designated premises, in which there should be equipped with a sufficient number of booths for secret voting, places for issuing ballots should be determined and ballot boxes should be installed for such in such a way that voters when approaching them, must pass through the booths for secret voting. Wherein, an opportunity should be provided for observers, proxies, representatives of the media and members of the election commission to observe the ballot boxes, entering and leaving the booths for secret voting.

1-1. When equipping a polling station, conditions must be provided for unimpeded access of voters who are citizens with disabilities and for voting in it.

2. The persons who are at the polling station shall be strictly obliged to observe the rules established by the election commission. The chairperson of the corresponding election commission shall regulate the number of the voters in the polling station, shall be responsible

for the order and shall be eligible to demand from anyone who offends the provisions of this Constitutional Law and hinders the conduct of voting to leave the polling station.

On Election Day, all the persons, who are not involved in the electoral process, shall be forbidden to stay in the premise of polling stations.

In case of infringement of the Constitutional Law of the Republic of Kazakhstan at elections, the member of the precinct election commission shall immediately be removed from the participation in the work of the commission, the observer and other persons shall leave the polling station on the basis of the well-grounded decision of the election commission accepted in written form.

Fulfillment of the given decision shall be realized by the law-enforcement bodies, the latter shall also undertake all possible measures to make answerable the discharged member of the election commission and the sent away observer or any other person for their violation of the provisions and rules of the laws of the Republic of Kazakhstan.

3. Ensuring the order at the polling stations shall be assigned to the law-enforcement bodies.

The employees of the law-enforcement bodies shall enter and stay at the polling station only by invitation of the commission chairperson and shall be obliged to leave it immediately after recovering of order or at a request of the chairperson.

**Footnote. Article 39 is with the changes introduced by the Constitutional Laws of RK dated April 14, 2004 № 545-II; dated February 9, 2009 № 124-IV (the order of enactment see Art. 2); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 40. Opening of the voting**

1. On the day of voting for the election of the President, deputies of the Mazhilis, maslikhats, akim, and members of other local government bodies, one hour before the start of voting, precinct election commissions must begin to open polling stations.

2. On the day of voting for the election of deputies of the Senate, the relevant territorial election commissions, one hour before the start of voting, must proceed to the opening of polling stations.

**3. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).**

4. The chairperson of the local (territorial) election commission:

1) thirty minutes prior to the beginning of voting in presence of the commission members shall check the ballot-boxes for availability or absence of ballots in them, integrity of ballot-boxes, seals or stamps on the ballot-boxes;

2) shall nominate the members of the commission to be responsible for issuing ballots.

Footnote. Article 40 is with the changes introduced by the Constitutional Laws of RK dated April 14, 2004 № 545-II; June 19, 2007 № 268-III; dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 41. Organization of voting**

1. Each voter (elector) shall vote personally.
2. At election transfer of the right to vote as well as voting for other persons shall be inadmissible.
3. Ballot-papers shall be issued to voters (electors) on the basis of the voter (elector) registers upon submission of a document identifying the voter (elector).
4. Voters (electors) shall put their signatures in the register to confirm the receipt of the ballot papers.
5. A commission's member, who has issued a ballot-paper (ballot-papers), shall put his/her signature in it as well as in the register against the surname of the voter (elector) who has received the ballot-paper (ballot-papers).

The chairperson and the secretary of the election commission shall not be eligible to give out the ballot-papers.

6. If some voters cannot come to the polling station due to their state of health, by the reasons of nursing after an ill member of their family, including the voters living in the remote and hard-to-reach areas where no polling stations have been formed, the precinct election commission shall organize voting in the place of stay of such voter on the basis of their written applications to be submitted not later than twelve hours before the Election Day of the local time.

Upon a receipt of the application mentioned in this clause, the chairperson of the election commission shall make a corresponding mark in the voter register against the surname of the voter who has submitted an application.

During organization of voting outside the premise of polling station two members of the election commission shall accompany the portable ballot-box.

Members of the precinct election commission shall be obliged to inform observers, proxies and media representatives about voting of such voters outside the polling station.

At the departure of the members of the election commission for voting outside the polling station, the observers or proxies shall be eligible to accompany them.

At voting outside polling station, the members of the election commission must be provided with the necessary quantity of ballots taking into account their possible damage.

When voting outside the polling station, a ballot (s) shall be issued to voters upon presentation of a voter identification document, on the basis of an application for voting outside the polling station, on which they sign the application.

The member of the commission who has issued the ballot-paper (ballot-papers) shall put his/her signature in it as well as shall sign the application for voting outside polling station.

6-1. When a voter changes the place of his/her stay within the period between submission of the voter register for public formalization and the day of elections, the precinct election commission shall issue for this voter an absentee voter certificate that shall confirm his/her right to vote on the basis of the voter's request and upon submission of a document identifying the voter. In this case an appropriate mark shall be made in the voter register. When a voter submits his/her absentee voter certificate on the Election Day, the precinct election commission shall include the voter in the voter register of the electoral district where the voter resides.

Absentee voter certificate shall be issued to voters willing to vote in another constituency or in another electoral district within the same human settlement.

Issuance of absentee voter certificates shall be stopped on 6 pm of local time of the day before the vote.

7-8. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

9. Organization and conduct of voting according to clause 6 of this Article shall exclude a possibility of infringement of the election rights of the citizen, infringement of secrecy of the ballot or distortion of the expression of the voter's will.

Footnote. Article 41 is with the changes introduced by the Constitutional Laws of RK dated April 14, 2004 № 545-II; April 15, 2005 № 44-III; June 19, 2007 № 268 (shall be enforced from the date of its official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 42. Conduct of voting**

1. Ballots shall be filled in by voters in a polling booth. While filling in the ballots, the presence of anybody in the polling booth, except the voter, shall be forbidden. The voter (elector) who cannot independently fill in a ballot shall be eligible to be assisted by a person to whom he/she trusts. After voting, the surname of this person shall be written down in the register next to the voter's (elector's) signature in confirmation of receipt of a ballot. This person cannot be:

- 1) a member of the election commission;
- 2) an official of the local representative or executive body;
- 3) a proxy of the candidate;
- 4) a journalist - a media representative;
- 5) an observer registered in the corresponding election commission.

2. The voter (elector) puts any mark in the empty box to the right of the name of the candidate for whom he votes, or in the box to the right of the line "Against all".

In the ballot with the names of political parties, the voter puts any mark in the empty box to the right of the name of the political party for which he votes, or in the box to the right of the line "Against all".

3. At elections of members of other than Maslikhats local self-government bodies the voter shall put a mark in an empty space to the right of the surnames of those candidates for whom he/she votes.

3-1. It shall be inadmissible to mark the ballot with a pencil as well as to make any corrections in it.

4. The filled ballot shall be put by a voter (elector) in the ballot-box.

5. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

Footnote. Article 42 is with the changes introduced by the Constitutional Laws of RK dated November 6, 1998 № 285; May 6, 1999 № 375-I; April 14, 2004 № 545-II; June 19, 2007 № 268-III; dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

## **Chapter 8. Determination of the voting results**

### **Article 43. Vote count at the polling station**

1. The counting of votes during the elections of the President, deputies of the Mazhilis of the Parliament and maslikhats, akim, and members of other local self-government bodies at all polling stations shall begin at 20:00 local time if the voting time is not changed in this area in the manner prescribed by this Constitutional Law. In the event of a change in voting time, the counting of votes begins at the end of voting.

The members of the election commission shall conduct the vote count without interruption until the establishment of voting results and shall notify about it the persons who in the compliance with this Constitutional Law are eligible to be present during the vote count . The time for vote count shall not exceed twelve hours from the beginning of counting.

The tables at which vote count takes place at the polling station shall be arranged in such a way that all persons who are present in the premise shall have a good view of the actions of the precinct election commission's members. The proxies and observers present at vote count shall watch vote count at a distance and under the conditions providing visibility of marks in the ballots.

During the count of ballots, the chairperson of the commission or an assigned member of the commission shall demonstrate a ballot to persons, who are present at polling station, and shall announce the will the voter.

At the same time, ballots are stacked in piles for each candidate, political party that nominated the party list, in a pile for ballots with a mark in the line "Against all" and in a pile for invalid ballots.



2. The counting of votes during the elections of deputies of the Senate of the Parliament shall begin immediately after the end of voting.

3. The counting of votes is carried out separately for each candidate, each political party, ballots with a mark in the line "Against all". The ballot-boxes shall be opened by the corresponding election commission after the announcement by the chairperson of the commission of the end of voting. Opening the ballot-boxes before the end of voting shall be forbidden.

3-1. In the end of the voting, before the ballot-boxes with the ballot papers are opened, the precinct election commission on the basis of voter registers shall count the number of the voters who have received the ballot papers and shall define their total number. The chairperson of the precinct election commission or a member of the commission replacing him/her shall announce the results of the counting and shall write them in the protocol on voting results.

The portable ballot-boxes are the first to be opened. The number of the ballots in a portable ballot-box should correspond in quantity to the number of written applications to vote outside the polling station. If the number of the ballots of an established format in a portable ballot-box exceeds the corresponding number of written applications, all ballots from this box shall be recognized null and void. In such a case, it shall be required to issue an act on invalidation of all ballots taken from the portable ballot-box, with indication of the surnames, given names of the members of the commission who conducted voting outside the polling station with the help of the given portable ballot-box. The stationary ballot-boxes shall be opened after opening of the portable ballot-boxes.

4. Before opening of ballot-boxes all the unused ballot papers shall be counted and cancelled by the corresponding election commission. The election commission on the basis of the voter registers shall determine:

- 1) the total number of voters (electors) at the polling station;
- 2) the number of the voters (electors) who have received ballots;
- 3) the number of the ballots issued by each member of the commission.

4-1. After opening of the ballot-boxes, the election commission on the basis of the number of the ballot papers shall determine:

- 1) total number of the voters (electors) who have taken part in voting;
- 2) number of votes cast for each candidate, per each political party;
- 2-1) the number of ballots with a mark in the line "Against all";
- 3) number of the ballots recognized as null and void;
- 4) number of the ballots received by the precinct election commission;
- 5) number of the cancelled ballots.

In case the number of the ballots taken from the ballot-boxes exceeds the number of the ballots given on the basis of voter registers and applications for voting outside the polling

station, it shall be required to determine the quantity of the ballots given by each member of the election commission.

5. The following ballots shall be recognized as null and void:

- 1) of not established format;
- 2) with no signature of the member of the corresponding election commission;
- 3) in which more than one political party and more than one candidate is noted, except for voting during the elections of members of local governments other than maslikhats;
- 4) which has been marked with a pencil, have traces of erasure or any other way of forgery have been detected as well as where it is impossible to determine the will of voters.

During a direct vote count the null and void ballots shall be excluded from the number of the ballots of the voters (electors) who have taken part in voting.

**6. (excluded by Constitutional Law of RK dated May 6, 1999 No 375-I).**

7. In case of dispute concerning the validity of ballots, the issue shall be solved by the election commission through voting. In this case the decision shall be taken by more than half of votes of the total number of the commission's members.

7-1. The precinct election commission (territorial election commission for the election of deputies of the Senate), at the request of an authorized representative submitted in writing, shall conduct a recount of votes only once within the period established by paragraphs 1 and 2 of this article.

8. The results of vote count shall be considered by the election commission and shall be specified in the protocols signed by the chairperson and members of the election commission. In the case of absence of the chairperson of the election commission, the protocols shall be signed by the deputy chairperson or the secretary of the election commission.

It shall be inadmissible to fill in the protocols on the voting results with a pencil and in ink of different colors as well as to make any corrections in them. In this case the numerical values of the voting results must be duplicated in words.

The copy of the protocols shall be immediately hung out in the premise of the polling station in a specially designated place for a public familiarization and shall be kept in the premise within two days.

By the request of a person who according to this Constitutional Law shall be present during vote count, he/she can be issued with a copy of the protocols certified with the signatures of the chairperson and the secretary of the commission and the seal of the election commission.

8-1. A copy of the election results protocol for the electoral district shall be posted at the polling station premises for general review and shall be indoors for three days.

Optionally, a person who is present during the counting of votes in accordance with this Constitutional Law, shall be given a copy of the protocol, certified by the signatures of the chairman and secretary of the commission and the seal of the election commission.

8-2. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

9. If the corresponding higher election commission reveals errors, or inconsistencies in the protocols of precinct election commissions (territorial election commissions - during the elections of deputies of the Senate), as well as if there is doubt about the correctness of the count of votes, this commission shall have the right to decide on the recount of votes of voters (electors) of the corresponding precinct (territorial) election commission. The recount of votes of voters shall be carried out in the presence of a member of a higher election commission and applicants who have presented facts of incorrect counting of votes.

The vote recount shall be conducted on the basis of the decision of the election commission and shall be carried out before an official publication of the election results.

Footnote. Article 43 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; April 15, 2005 № 44-III; June 19, 2007 № 268-III (shall be enforced from the date of its official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 44. Determination and publication of the election results**

1. The results of election of the President of the Republic of Kazakhstan, election of the Parliament deputies shall be determined by the Central Election Commission.

2. The results of elections of deputies of the maslikhat, akim, as well as other bodies of local self-government shall be established by the territorial election commission.

3. The results of election shall be included in the protocols to be signed by a chairperson and members of the election commission. In the absence of the commission's chairperson the protocols shall be signed by a deputy chairperson or a secretary of the commission.

4. The statement on the election results of:

1) the President, deputies of the Parliament shall be published in mass media by the Central Election Commission within ten days since the date of the election;

2) of maslikhat deputies shall be published in local mass media by relevant territorial election commissions no later than seven days from the date of the election;

3) akim, members of local governments other than maslikhats are published in local mass media by the relevant territorial election commission no later than seven days from the day of the elections.

5. The message of the Central (territorial) election commission shall indicate: the date of the election, the total number of citizens included in the lists of voters (electors) and who took part in the voting; the total number of constituencies; the total number of candidates running;

the number of voters who voted by absentee ballots; the number of voters who voted outside the polling station; the number of political parties participating in the elections; the number of administrative-territorial units (electoral districts) in which repeat voting will be held; the number of votes cast for each presidential candidate, deputies of the Senate of the Parliament, deputies of the Mazhilis of the Parliament and maslikhat, elected in single-mandate territorial constituencies, for each political party in the corresponding administrative-territorial unit; the number of ballots with a mark in the line "Against all"; elected President, deputies of the Senate of the Parliament, deputies of the Mazhilis of the Parliament and maslikhats elected in single-seat territorial constituencies, akim, members of other local governments indicating the last name, first name, patronymic (if it is indicated in the identity document), year of birth, position (occupation) held, place of residence, and, depending on the candidate's discretion, information about his/her affiliation to a political party, nationality.

The data in the reports of the Central and Territorial Election Commissions shall be presented by electoral districts.

6. (excluded by the Constitutional Law of RK dated December 22, 2006 No 375-I).

Footnote. Article 44 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; April 15, 2005 № 44-III; December 22, 2006 № 208; June 19, 2007 № 268-III (shall be enforced from the date of its official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 45 Registration of the President, deputies of Parliament, maslikhats, akim and members of other local governments**

Footnote. The heading of Article 45 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

The relevant election commissions, in the manner prescribed by this Constitutional Law, shall register the elected President, deputies of Parliament, maslikhats, akims, and members of other local government bodies after receiving from them, within seven days, a written application for resignation from duties that are incompatible in accordance with the Constitution and the laws of the Republic with the status of the President, deputy of the Parliament, maslikhat, akim and a member of another local self-government body.

Footnote. Article 45 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 24, 2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

Article 46 Certificate and badge of the President, deputy of Parliament, maslikhats, certificate of akim and member of other local self-government body

Footnote. The title of Article 46 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.24.2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

1. The chairperson of the Central Election Commission at the accession by the President of the Republic to an office shall hand present the President with the corresponding certificate and a breastplate of the sample established by the Central Election Commission.

2. The Central Election Commission, after publication in the mass media of the results of the elections of deputies of the Parliament of the Republic, shall hand over a certificate and a badge of the established form to each deputy.

3. The corresponding territorial election commission after publication in mass media of the list of:

1) Maslikhat deputies shall present each of them with the certificate of the Maslikhat deputy and a breastplate of the sample established by the Central Election Commission;

2) akims, members of other local self-government bodies - issue to each of them a certificate of akim, a member of another local self-government body of the form established by the Central Election Commission.

Footnote. Article 46 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Chapter 9. Guarantees for the freedom of elections**

### **Article 47. Guarantees to candidates during electoral campaign**

1. Candidates for the President, deputies of Parliament, maslikhats, akims from the day of their registration and until the publication of the election results shall have the right to be exempt from work, military service and military training. The time of participation of candidates in the elections shall be counted in the length of service in the speciality in which they worked before the day of registration.

2. Candidates for President, deputies of Parliament, maslikhats, akims, and members of other bodies of local self-government from the day of their registration and until the publication of the election results may not be dismissed from work, transferred to another job or position without their consent, and also sent on a business trip or called up for military training.

3. Without the consent of the Central Election Commission, presidential and parliamentary candidates may not be detained, subjected to custody, house arrest, bringing to court, legally imposed administrative sanctions, may not be brought to criminal responsibility,

except for detention in the act or commission of a grave or especially grave crime, from the day of their registration and until the publication of election results, as well as until their registration as President, a deputy of the Parliament.

**Footnote.** Article 47 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; dated 04.07.2014 № 232-V (shall be enforced from 01.01.2015); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 48. Activities of the state bodies on ensuring the freedom of elections**

1. The Election Day and the day preceding it shall be declared as a working day for the courts, public prosecution and internal affairs bodies as well as organizations on maintenance of the housing stock.

2. The internal affairs bodies and organizations on maintenance of the housing stock shall be obliged to render any assistance that the election commissions shall need:

- 1) to ensure the public order and freedom of elections during conduct of the voting;
- 2) to adjust the voter registers;
- 3) in respect to other issues that can arise in the activity of the election commissions.

2-1. Local executive bodies shall be obliged to assist election commissions in ensuring the electoral rights of citizens with disabilities.

3. If the election commission at check of the application submitted in its name finds it necessary to conduct a check of the circumstances indicated in the application by the law-enforcement bodies, then, the corresponding bodies upon the request of the election commission shall check such circumstances and take a decision in respect to the given application within three days from the date of a receipt of the application and, if an application has been received less than five days before the Election Day or on the Election Day - then, the decision shall be taken immediately.

**Footnote.** Article 48 is with the changes introduced by the Constitutional Laws of RK April 14, 2004 № 545-II; February 9, 2009 № 124-IV IV (the order of enactment see Art. 2); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 49. The appeal and cancellation of decisions and actions during electoral campaign**

Courts and public prosecutor's offices are obliged to accept applications from members of election commissions, citizens, representatives of public associations registered in accordance with the procedure established by law, concerning the conduct of election, including violations of the legislation on elections, which were received during the preparation for and conduct of elections, and to consider them within five days, and if they were received on or

less than five days prior to the election day - immediately, unless otherwise provided for by this Constitutional Law.

Decisions and actions of the bodies of the local administration and local government, enterprises and organizations, their officials, which infringes the electoral legislation, shall be appealed in the court.

Courts, public prosecutor bodies and the election commissions shall organize their work during the electoral process, including the days off and the day of elections, in a way that they can ensure receipt and consideration of appeals within the terms established by this Constitutional Law.

The applications from citizens and organizations about infringement of the electoral legislation shall be considered by the election commissions within five days since the submission of the complaint unless otherwise is not stipulated by this Constitutional Law.

The complaints on decisions and actions (inactivity) taken by the election commission and its members shall be considered by the superior commission within three days from the date of the submission of a complaint, if otherwise is not stipulated by this Constitutional Law.

**Footnote. Article 49 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; April 15, 2005 № 44-III; dated 31.07.2015 № 340-V (shall be enforced from 01.01.2016).**

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

1. The person shall bear the statutory criminal responsibility in case of:

- 1) interference in the work of the election commissions;
- 2) obstruction of vote;
- 3) obstruction of exercising the duties related to registration of the candidate or party lists;
- 4) obstruction of exercising the duties related to the vote count and determination of the election results;
- 5) use of advantage of his/her professional or official position with the purpose of electing a certain candidate or a political party;
- 6) forgery of election documents;
- 7) deliberately wrong vote count;
- 8) deliberately wrong determination of the election results;
- 9) violation of the secrecy of the ballot;
- 10) obstructing the free exercise of electoral rights of the citizen of the Republic by means of violence, fraud, threats and bribery.

2. The person shall bear the administrative and other responsibility stipulated by the laws of the Republic of Kazakhstan in case of:

- 1) non-submission or non-publication of the data according to the requirements of this Constitutional Law;

2) non-implementation of a decision of the election commission accepted within its competence;

3) the conduct of election campaign before the expiration of the period of registration of a candidate, party list nominated by a political party, on the election day or the day preceding it;

4) obstruction of the right to conduct a pre-election campaign;

5) distribution of deliberately false information about the candidates, political parties or commitment of other actions discrediting their honor and dignity;

6) violation of the rights of the election commissions' members;

7) violation of the rights of the citizens to be familiarized with the voter registers;

8) submission of incorrect data about voters for compilation of voter registers;

9) issue to the citizens the ballot papers with the purpose of voting instead of other persons;

10) failure to provide a leave in order to take part in voting;

11) violations of the conditions for conducting election campaigning through the media, as well as online platforms;

12) publication or distribution of anonymous campaign materials;

13) intentional destruction or damage of campaign materials;

14) rendering a financial (material) support to the candidates, political parties nominated their party lists in addition to their campaign funds;

15) acceptance of donations from foreign states, organizations, citizens and stateless persons in order to elect a candidate;

16) breach of conditions for conduct of the poll connected to elections;

17) obstruction of the legal activities of the proxies of candidates, political parties, media representatives and observers at elections.

3. At detection of infringements of this Constitutional Law the election commission shall be eligible to appeal to the court or the public prosecutor's office.

4. In case of infringement by a candidate, political party of the requirements of this Constitutional Law except those, which are the subject to denial or cancellation of registration of the candidate, they shall be warned, while the repeated infringement shall lead to cancellation of the decision to register the candidate, the party list by the corresponding election commission.

**Footnote. Article 50 is with the changes introduced by the Constitutional Laws of RK of May 6, 1999 № 375-I; April 14, 2004 № 545-II; as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).**

**Chapter 9-1. Peculiarities of the conduct of elections with the use of the electronic electoral system**



Footnote. The law is supplemented by chapter 9-1 - the Constitutional Law of the Republic of Kazakhstan dated April 14, 2004 № 545.

#### **Article 50-1. The electronic electoral system**

1. Electronic electoral system can be used during conduct of elections for the purposes of compilation of the voter registers, voting, determination of the voting and election results in the territory of the constituency.

During conduct of elections with the use of the electronic electoral system the norms of this Constitutional Law taking into account the peculiarities in the use of the electronic electoral system shall be applied.

2. The electronic electoral system is an assortment of information technologies, information networks, the software and hardware means designed for automation of the information processes during preparation for and conduct of elections.

The software and hardware means to be used in the electronic electoral system shall be certificated in compliance with the legislation of the Republic of Kazakhstan.

3. During conduct of elections with the use of electronic electoral system the proxies, observers and media representatives shall have the all rights and obligations stipulated by this Constitutional Law.

4. Election districts and polling stations in which the electronic electoral system or its individual elements will be used, shall be determined by the Central Election Commission.

5. The equipment of the electronic electoral system with the issuing of a certificate shall be opened and installed in the presence of the members of the precinct election commission within three days prior to the Election Day.

Proxies, observers and media representatives shall be eligible to be present at the moment of opening and installation of the equipment.

Since the moment of the installation of equipment of the electronic electoral system the protection of the polling station shall be assigned to the officers of the internal affairs bodies.

6. On the Election Day since the moment of opening of the polling station and till transmission of the voting results to the Central Election Commission the local executive bodies shall ensure an uninterrupted supply of electric power at the sites, where the electronic voting takes place.

7. The order of the use of the electronic electoral system in respect to the part, which is not regulated by this Constitutional Law, shall be stipulated by the Central Election Commission.

Footnote. Article 50-1, Clause 5 is with the changes introduced by the Constitutional Law of RK dated April 15, 2005 № 44-III; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 50-2. The requirements to the electronic electoral system**

1. The electronic electoral system shall ensure observance of the requirements of the Constitution and this Constitutional Law as well as the authenticity, completeness and timeliness of the input and output data.

2. The electronic electoral system shall be provided with the adequate safety measures, which exclude the non-authorized access to information, malfunction of the software and hardware means for collection, processing, accumulation, storage, search and transmission of information, disability of the abovementioned means.

3. During the use of the electronic electoral system at elections it shall be not allowed:  
to use other electronic systems, except for the ones specified by the Central Election Commission;

to connect it to the public telecommunication networks and other information systems as well as to the communication networks which are not applied in the electronic electoral system;

to illegally intervene and control over conduct of the e-voting, vote count, transmission of information on the election results.

4. The electronic electoral system shall include the software and hardware means (the voting data recording system), allowing automatically in accordance with the input to save any entered information with the description of actions and indication the exact time of the data input.

#### **Article 50-3. Polling station with the electronic electoral system**

1. The polling stations where the electronic electoral system are used shall be equipped in such way that ensures the persons present at the polling station with a visibility of actions during the voting with use of the electronic electoral system, except the voting in a polling booth.

2. Only an expert who received the admission to maintain the electronic electoral system in the order established by the Central Election Commission can stay at the polling station where the electronic electoral system is used.

#### **Article 50-4. The electronic ballot paper**

1. During conduct of election with the use of the electronic electoral system, voting shall be conducted with the use of electronic ballot, created by the means of the electronic electoral system.

2. The text of the electronic ballot shall be compiled in the state and Russian languages and shall comply with the requirements established in clause 1 of Article 37 of this Constitutional Law.

#### **Article 50-5. Organization of the electronic voting**

1. The chairperson of the election commission thirty minutes prior to the beginning of voting in the presence of the members of the commission shall:

check the operability of functioning of the electronic electoral system;

nominate the members of the commission responsible for registration of voters and issue of devices for electronic voting.

The proxies, observers and media representatives shall be eligible to be present during checking of the work of the electronic electoral system at the polling station.

Everyone shall be forbidden to exercise any actions with the electronic electoral system, except the cases stipulated by this Chapter.

2. Before the beginning of voting the chairperson of the election commission shall unseal the sealed password to start the electronic electoral system and shall launch the electronic electoral system. In this case the persons who are present at polling station must be ensured a possibility to be convinced beforehand of the integrity of protection measures in respect to the password.

3. A voter shall be admitted to the electronic voting on the basis of the voter registers upon submission of a document identifying the voter.

Launching of the electronic electoral system shall be conducted in the time, established by the Central Election Commission.

4. In case of voting outside the polling station according to this Constitutional Law, voters shall vote with the portable device which shall be equipped with a device to save the data about votes outside the polling station.

On the basis of voters' applications submitted in compliance with clause 6 Article 41 of this Constitutional Act, the data about them obtained from the voter registers shall be entered beforehand in the portable devices for electronic voting.

5. The electronic voting shall be conducted by a voter in a polling booth where the presence of other persons shall be forbidden except of the voter and cases stipulated by clause 1 Article 42 of this Constitutional Law.

The voter on the electronic ballot, by using the controls of the device for electronic voting, shall find the name of the candidate for whom he wants to vote or the line "Against all", and confirm his/her vote.

When voting for political parties, the voter, by using the controls of the electronic voting device, shall find the name of the political party for which he wants to vote or the line "Against all", and confirm his/her vote.

The voter who has voted in a polling booth shall hand over the device for electronic voting to a member of the election commission.

6. In case of technical failure which may affect the conduct of the electronic voting and vote count, the election commission shall be eligible to take a decision about reloading of the program with an issuance of the protocols to be signed by members of the election commission.

Implementation of the given task shall be assigned to the expert ensuring operation of the electronic electoral system.

7. If the technical state of the equipment cannot ensure conduct of election in the proper manner, then, the voting in the corresponding polling station shall be postponed by a decision of the Central or corresponding territorial election commission for the term necessary to needed for an elimination of failure and organization of voting.

The voters who have voted in the corresponding polling station at the moment occurrence of such failure shall take part in the subsequent voting on the general basis.

**Footnote. Article 50-5 is with the changes introduced by the Constitutional Law of RK dated February 9, 2009 № 124-IV; dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 50-6. Vote count with the use of the electronic electoral system**

1. In case of use of the electronic voting, the vote count shall be conducted by the electronic electoral system.

The vote count shall begin at the time fixed according to this Constitutional Law, but not earlier than the data contained in all devices for voting at the polling station shall be entered in the electronic electoral system.

The data on the vote count shall be fixed in the voting data device.

2. The information on the results of the electronic voting at the polling station shall be put into the electronic protocols, which has to be certified by the electronic digital signatures of the commission members.

The copy of the electronic protocols on the paper bearer, signed by the members of election commission shall be hung out in the premise of a polling station in a specially designated place for public familiarization and shall be kept in the premise for two days.

3. By the request of a person who according to this Constitutional Law shall be eligible to be present during vote count, shall be issued with a copy of the electronic protocols on the results of the electronic voting on the paper bearer, to be signed by the chairperson and the secretary of the commission and to be sealed by the corresponding election commission.

#### **Article 50-7. Determination of the election results with the use of electronic electoral system**

1. In case of the use of electronic electoral system the results of elections conducted in the electoral districts shall be determined by the Central Election Commission on the basis of the electronic protocols submitted to the corresponding election commissions.

The electronic electoral system shall be connected to the specially designated communication channel only for the term needed for the transmission of information obtained in compliance with this clause.

2. In case if the voting has been postponed in compliance with the order stipulated by Clause 7 Article 50-5 of this Constitutional Law, the results of elections in the corresponding electoral district shall be determined after conduct of voting in all polling stations of this electoral district.

#### **Article 50-8. Appeals against the election results with the use of the electronic electoral system**

1. In case of appeals against the results of voting with the use of electronic electoral system to the superior election commission or the court, the data recording device shall be considered as the evidence.

2. For the purposes of this article, the data recording device shall be kept in the corresponding oblast (the city of the republican status, the capital of the Republic) territorial election commission.

#### **Article 50-9. Storage of data recording devices**

After vote count the data recording device shall be packed in the package to be sealed by the seal of the election commission and delivered to the corresponding oblast (the city of the republican status, the capital) election commission.

The data recording devices shall be stored within one year from the date of elections.

## **II. SPECIAL PART**

### **Chapter 10. Election of the President of the Republic of Kazakhstan**

#### **Article 51. Regular elections of the President of the Republic**

Regular elections of the President shall be held every seven years on the first Sunday of December of the corresponding year and may not coincide in terms with the elections of a new Parliament.

Footnote. Article 51 is with the changes introduced by the Constitutional Laws of RK dated November 6, 1998 № 285-I; June 19, 2007 № 268-III; dated 05.11.2022 № 156-VII ( shall come into effect ten calendar days after the day of its first official publication).

#### **Article 51-1. Early election of the President of the Republic**

1. Extraordinary presidential elections are appointed by the decision of the President of the Republic and are held within two months from the date of their appointment

2. The next extraordinary regular elections of the President following the extraordinary elections shall be announced after seven years within the terms established by this Constitutional Law.

Footnote. Article 51-1 is in the edition of the Constitutional Law of RK dated February 3, 2011 № 404-IV; as amended by the Constitutional Law of the Republic of Kazakhstan dated

05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

## **Article 52.**

Footnote. The Article 52 is excluded by the Constitutional Law of RK dated November 6, 1998 № 285-I.

## **Article 53. The announcement of the election of the President of the Republic**

1. The regular election of the President shall be announced by Mazhilis of the Parliament not later than on the second Sunday of September.

2. (excluded by the Constitutional Law of RK dated November 6, 1998 № 285-I).

3. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

Footnote. Article 53 is with the changes introduced by the Constitutional Laws of RK dated November 6, 1998 № 285-I; April 15, 2005 № 44-III; June 19, 2007 № 268-III; June 14, 2010 № 289-IV; dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

## **Article 54. Requirements to a candidate for President of the Republic**

1. To be elected President, a citizen must meet the requirements established by paragraph 2 of Article 41 of the Constitution, have experience in public service or elected public office of at least 5 years, and also have the right to vote in accordance with paragraphs 2 and 3 of Article 33 of the Constitution and this Constitutional Law.

2. The compliance of a presidential candidate with the requirements set forth in the Constitution and this Constitutional Law shall be established by the Central Election Commission within five days from the date of submitting the extract from minutes of the meeting of the supreme body of a national public association on nominating the candidate together with the candidate's statement of consent to run for president and the document certifying the candidate's payment of an election fee.

A presidential candidate shall place an election fee equal to 50 statutory minimum wages to the account of the Central Election Commission. A candidate receives the paid fee back, if he/she was elected President of the Republic on the basis of election results or collected at least five percent of votes of the voters, who took part in the election, according to election results, as well as in case of the candidate's death. In all other cases, the fee is not refundable and is converted into the revenue of the republican budget.

The fact of the presidential candidate's residence in the Republic of Kazakhstan over the past fifteen years is established by the Central Election Commission, and the procedure for acknowledging the candidate's proficiency in the state language is determined by a decision

of the Central Election Commission in accordance with the decision of the Constitutional Council of the Republic on the official interpretation of paragraph 2 of article 41 of the Constitution.

The procedure for acknowledging the candidate's proficiency in the state language does not apply to a current President of the Republic re-nominated for the next term of office.

Footnote. Article 54 in the new wording of the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

### **Article 55. Nomination of candidates to President of the Republic of Kazakhstan**

1. The right to nominate presidential candidates belongs to national public associations registered in accordance with the established procedure.

2. The nomination of presidential candidates shall begin on the day following the day of announcement, and shall end at 18.00 local time two months before the election.

3. Candidates to President shall be nominated by the republican public associations on behalf of their supreme bodies. A public association shall be eligible to nominate the candidates who are not members of the given public association. A public association shall be eligible to nominate only one candidate to President. Decision to nominate a candidate to President shall be taken by a majority of votes of members of the supreme body of a republican public association and shall be drawn as an extract from the minutes. The decision of the supreme body of the republican public association shall be:

- 1) brought to the notice of the candidate to President;
- 2) submitted to the Central Election Commission with the application of the candidate to President on his/her consent to be nominated as a candidate.

4. Is excluded by the Law of the Republic of Kazakhstan dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication).

5. If on the day of the end of the term for registration of candidates, less than two candidates to President have been registered, the Central Election Commission shall extend the term of nomination of candidates but not more than for twenty days.

Footnote. Article 55 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; April 15, 2005 № 44-II; dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 56. Collection of signatures in support of a candidate for the President of the Republic**

1. Voter support of a presidential candidate shall be certified by collecting their signatures

2. A presidential candidate must be supported by at least one percent of the total number of voters, equally representing at least two thirds of regions, cities of republican significance and the capital of the Republic.

3. The collection of signatures in support of a presidential candidate shall be organized by agents and executed in signature sheets, issued by the Central Election Commission no later than five days after the candidate has been checked for compliance with the requirements, established by the Constitution and this Constitutional Law, on the basis of the documents on his nomination, established in paragraph 3 of Article 55 of this Constitutional Law.

4. Each signature sheet must have a serial number and include the surname, name and patronymic of the candidate, the personal signature of his authorized representative, the surname, name and patronymic of the person collecting signatures, the name of the settlement in which signatures are collected, as well as the columns, containing the following information about signatories:

- 1) surname, name and patronymic;
- 2) the number and series of the identification document;
- 3) date, month and year of birth;
- 4) the address of the permanent or temporary residence;
- 5) personal signature.

5. When collecting signatures, the person collecting signatures must submit a copy of the certificate of registration of the authorized representative of the candidate, whose personal signature is on the corresponding signature sheet.

6. The Central Election Commission shall:

- 1) approve the sample of the signature sheet;
- 2) be obliged to provide presidential candidates with the necessary number of signature sheets.

7. Completed signature lists for collecting signatures in support of a presidential candidate shall be submitted to the territorial election commission, which within ten days checks the authenticity of signatures with the involvement of employees of the authorized body for documenting and issuing passports and identity cards, draw up the appropriate protocol and sends it to the Central Electoral commission.

8. Verification of the authenticity of signatures shall be carried out before establishing authentic signatures in the quantity required for the presidential candidate, in accordance with paragraph 2 of this article.

**Footnote. Article 56 as amended by the Constitutional Laws of the Republic of Kazakhstan dated 14.04.2004 № 545; dated 15.06.2017 № 75-VI (shall be enforced from the date of its first official publication); dated 28.12.2018 № 209-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII ( shall come into effect from 01.01.2023).**



## **Article 57.**

**Footnote.** The Article 57 is excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II.

## **Article 58. The size of presidential election campaign fund**

The presidential election campaign fund consists of:

1) the candidate's own funds, funds allocated to the candidate by a national public association that nominated him/her, the total amount of which must not exceed twelve thousand statutory minimum wages;

2) voluntary donations of citizens and organizations of the Republic, the total amount of which must not exceed fifteen thousand statutory minimum wages.

The maximum amount of voluntary donations of an individual in the aggregate should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than one hundred times and by a legal entity of the Republic of Kazakhstan - in the aggregate by more than five hundred times.

**Footnote.** Article 58 in the new wording of the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Article 59. Registration of candidates to President of the Republic of Kazakhstan**

1. Registration of candidates to President shall be carried out by the Central Election Commission.

2. Prior to registration, the candidate and his (her) spouse (husband) submit declarations of assets and liabilities to the state revenue authorities at the place of residence on the first day of the month of the start of the nomination period established in accordance with this Constitutional Law, in the manner and form established by the authorized the state body of the Republic of Kazakhstan, exercising leadership in the field of ensuring the receipt of taxes and other obligatory payments to the budget.

The reliability of information about the assets and liabilities declared by the candidate and his (her) spouse (husband) is checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

Organizations that have received the requirements of state revenue authorities to provide information about the assets and liabilities of the candidate and his (her) spouse (spouse) are required to provide the requested information within four days from the date of receipt of the request.

For the purposes of this Constitutional Law, information about assets and liabilities is information that is subject to reflection in the declaration of assets and liabilities in accordance with the tax legislation of the Republic of Kazakhstan.

2-1. A presidential candidate shall undergo a medical examination to confirm that he/she has no diseases impeding the performance of the duties of the President of the Republic, the results of which are documented in the relevant medical opinion on the state of health.

The requirements for a medical assessment report and a list of diseases that prevent registration of a candidate for the President of the Republic shall be established by a joint regulatory legal act of the Central Election Commission and the authorized body in the field of health care.

3. Any number of candidates to President shall be admitted for the registration.

4. Registration of candidates for the Presidency shall begin two months before the elections and end at 18.00 local time forty days before the election day, unless otherwise specified when appointing the elections.

5. Registration of candidate to President nominated by a public association shall be conducted upon submission of the following documents:

1) extracts of the minutes of the meeting of the supreme body of the public association on nomination of the candidate to President with enclosure of a copy of the document on registration of the given public association in the Ministry of Justice of the Republic;

2) an application on the consent to run for election as the candidate to President;

3) protocols of the territorial election commissions on the results of the check of the authenticity of the collected citizens' signatures in support to the candidate to President;

4) the biographic data of a candidate;

4-1) (excluded by the Constitutional Law of RK dated April 14, 2004 №545-II).

4-2) certificates of the state revenue authority on the submission by the candidate and his (her) spouse (husband) of declarations of assets and liabilities;

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

6) medical opinion on the state of health.

6. Is excluded by the Law of the Republic of Kazakhstan dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication).

7. The Central Election Commission shall:

1) not later than on the seventh day after registration of candidates to President publish in mass media the announcement on registration with indication of the surname, given names, year of birth, position, place of work and residency of each candidate as well as depending on the candidate's wish the data on his/her membership in a public association and ethnic origin;

2) issue the candidates the corresponding certificates at registration;

3) refuse in registration or cancel the decision on registration of the candidate in cases of: infringement by a candidate of the rules of nomination, non-submission of the necessary documents for registration;

incompatibility of the candidate to the requirements stipulated by the Constitution and this Constitutional Law;

use by a candidate of the official or professional status for the purposes of electoral campaign;

conducting election campaigning by a candidate before the deadline for registration of candidates;

establishment by a court of the fact of distribution by a candidate and/or proxies of false information discrediting the honor and dignity of a candidate, discrediting his/her professional reputation;

establishment by the court of the fact of bribing the voters by a candidate and his/her proxies;

in other cases stipulated by this Constitutional Law;

3-1) cancels the decision to register a candidate if, at the time of filing the declaration, the information on assets and liabilities declared by the candidate or his (her) spouse (husband) is revealed to be unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.

Cancellation of the decision to register a candidate or reinstatement of a candidate previously removed from registration two days before the voting day is not allowed.

8. The refusal of the Central Election Commission to register the candidate to President or cancellation of the decision on registration can be appealed within ten days personally by the candidate or the public association which has nominated a candidate to the Supreme Court which shall consider the appeal within ten days from the date of its submission. The decision of the Supreme Court shall be final.

**Footnote. Article 59 as amended by the Constitutional Laws of the Republic of Kazakhstan dated September 28, 1995 № 2464 (see Article 133 for the enforcement procedure); dated May 8, 1998 № 222; May 6, 1999 № 375; June 28, 1999 № 407; April 14, 2004 № 545; April 15, 2005 № 44; dated 31.07.2015 № 340-V (shall be enforced from 01.01.2016); dated 18.11.2015 № 413-V (shall be enforced from 01.01.2017); dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 60. Withdrawing of a candidature, cancellation of the decision on nomination for candidacy**

1. At any time since the registration day and two days before voting, the candidate to President can withdraw his/her candidature by submitting a written application about it to the Central Election Commission.

2. The supreme body of a republican public association, at any time before registration and after it, except for the last two days before voting, may cancel its decision to nominate a

candidate for the President by submitting a corresponding submission to the Central Election Commission.

3. In the aforementioned cases the Central Election Commission shall not conduct any registration of the candidate or shall cancel the decision on his/her registration.

4. If there were no compelling circumstances for the withdrawal of a candidate or cancelation of the decision on his/her nomination, the Central Election Commission shall be entitled to charge a portion of the expenses incurred for the conduct of the election campaign from the funds of the republican budget to the account of a public association, that nominated him/her.

**Footnote. Article 60 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; April 15, 2005 № 44-III; dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 61. Nomination of candidates for the President of the Republic instead of those who dropped out after the end of the registration period**

1. If as a result of the dropout of candidates after the expiration of the registration period, there are less than two presidential candidates, the Central Election Commission shall extend the election period by its resolution for no more than two months.

2. In this case, the nomination of presidential candidates shall be carried out in accordance with the rules established by this Constitutional Law.

**Footnote. Article 61 as amended by the Constitutional Law of the Republic of Kazakhstan dated April 14, 2004 № 545.**

#### **Article 62. Counting of votes at the elections of the President of the Republic**

1. The results of the counting of votes at the presidential election shall be established at a meeting of the territorial election commission and shall be recorded in the protocol, which is signed by the chairman and members of the commission and sent to the Central Election Commission within two days.

2. Other issues related to the determination of the result of the counting of votes shall be resolved in accordance with the rules established in the General Part of this Constitutional Law.

#### **Article 63. Repeat voting**

1. If more than two presidential candidates were included on the ballot paper and none of them was elected, the Central Election Commission shall appoint a second voting for the

presidential elections on the two candidates who received the most votes. In the event of the dropout of one of the candidates, the next candidate who has received a greater number of votes shall be included in the ballot paper.

2. Re-voting shall be held no later than within two months in compliance with the requirements of this Constitutional Law. Re-voting shall be reported in the media.

3. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 06.11.1998 № 285.

Footnote. Article 63 as amended by the Constitutional Laws of the Republic of Kazakhstan dated 06.11.1998 № 285; dated 06.05.1999 № 375; dated 04.14.2004 № 545.

#### **Article 64. Re-run of election**

1. If the election of the President of the Republic of Kazakhstan have been declared null and void or the rerun of a vote has not allowed to determine the elected President, the Central Election Commission shall appoint a re-run of election of the President.

2. Re-run of election shall be conducted not later than two months after the initial election . Voting shall be conducted in the same polling stations and according to the voter registers compiled for the conduct of the initial election.

3. The formation of the composition of election commissions, the nomination and registration of candidates for the Presidency, other electoral events shall be carried out in the manner prescribed by this Constitutional Law. At the same time, the shortened terms of election events shall be determined by the Central Election Commission.

4. The re-run of election shall be announced in mass media.

Footnote. Article 64 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 65. Establishment and publication of the results of election of the President of the Republic of Kazakhstan**

1. Central Election Commission on the basis of the protocols of the territorial election commissions not later than seven days after election shall establish the results of the election of the President of the Republic of Kazakhstan and shall adopt the corresponding resolution.

2. The candidate shall be considered as an elected President of the Republic if he/she:

1) has collected more than fifty percent of votes of the voters who have taken part in voting;

2) has collected at the rerun of a vote more votes of the voters who have taken part in the voting in comparison with the other candidate;

3) (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

3. Other issues related to determination and publication of the results of election of the President of the Republic of Kazakhstan shall be solved according to the rules established in the General part of this Constitutional Law.

**Footnote.** Article 65 is with the changes introduced by the Constitutional Laws of RK dated November 6, 1998 № 285; May 6, 1999 № 375-I; April 14, 2004 № 545-II.

#### **Article 66. Registration of the elected President of the Republic of Kazakhstan**

1. The Central Election Commission on the basis of the protocols of the territorial election commissions within seven days from the date of election shall register the elected President of the Republic.

2. The Central Election Commission on the basis of the documents of the corresponding election commissions and appeals from the citizens can refuse the registration of the elected President if at least at one fourth of the total number of electoral districts or administrative-territorial units:

- 1) elections have been announced as null and void;
- 2) during conduct of election, at vote count or determination of the voting results certain infringements of this Constitutional Law occurred.

3. The decision of the Central Election Commission, which has been taken in the order stipulated by clause 2 of this Article, can be appealed within ten days from the date of its adoption by a candidate to President to the Supreme Court, which within ten days shall make its final judgment.

#### **Article 66-1. Conduct of early elections of the President of the Republic**

Early presidential elections shall be held in accordance with the rules established by this Constitutional Law for the next presidential elections. The dates of the election events shall be determined by the Central Election Commission.

**Footnote.** The law shall be supplemented by Article 66-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 03.02.2011 № 404-IV (shall be enforced from the date of its first official publication).

#### **Article 67. Holding of early elections of the President of the Republic**

**Footnote.** The Article is excluded by the Constitutional Law of RK dated November 6, 1998 № 285-I.

#### **Article 68. Consideration by the Constitutional Court of the Republic of the issue of the correctness of the election of the President of the Republic**

**Footnote.** Heading of Article 68 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

1. At the request of the President of the Republic, the Chairman of the Senate, the Chairman of the Mazhilis, at least one-fifth of the total number of deputies of the Parliament, and the Prime Minister, which may be filed within ten days after the summing up of the election results, the Constitutional Court, in case of a dispute, shall decide on the correctness holding elections for the President of the Republic. In this case, the inauguration of the President of the Republic shall be suspended for the period of consideration of the application

2. In the event of a dispute on the correctness of the conduct of the elections of the President of the Republic, the Central Electoral Commission shall submit materials related to the preparation and conduct of elections to the Constitutional Court.

3. If the Constitutional Court declares the elections of the President of the Republic in those precincts (administrative-territorial units) where violations of the Constitution were found to be inconsistent with the Constitution, the Central Electoral Commission shall decide to invalidate the elections in the respective precincts (administrative-territorial units) and to hold in within two months of repeat voting in those precincts (administrative-territorial units) where the elections were declared invalid.

**Footnote. Article 68 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

## **Chapter II. Elections of the Senate deputies of the Parliament of the Republic**

### **Article 69. Appointment of election of the Senate deputies**

1. Reasons for the appointment:

1) of regular elections shall be the end of the constitutional term of office of the Senate deputies;

2) early elections - the pre-term termination of the term of office of the Parliament, formation of the corresponding administrative-territorial units which do not have representation in the Senate;

3) by-elections shall be the pre-term termination of the term of office of the deputy, the deprivation of his mandate or his/her death.

2. Elections of deputies in the case stipulated by the sub-clause 1) of clause 1 of this article shall be appointed by the President of the Republic at least four months prior to the termination of the constitutional term of office of the Senate deputies and shall be conducted at least two months prior to the termination of the constitutional term of their office.

3. Elections of deputies in case of early termination of the powers of the Parliament shall be appointed by the President of the Republic simultaneously with the adoption of a decision on the early termination of the powers of the Parliament and held within two months from the date of early termination of the powers of the Parliament.

The term of holding early elections of deputies begins on the day of putting into effect of the act of the President of the Republic on the dissolution of Parliament. This term ends upon the expiration of two months. If the end of the term falls on a month, which has no corresponding date, the deadline expires on the last day of this month.

Elections of deputies in the event of the formation of an appropriate administrative-territorial unit that does not have representation in the Senate of the Parliament shall be appointed by the President no later than three months from the date of formation of the administrative-territorial unit and held within two months from the date of calling the elections.

4. In cases stipulated by sub-clause 3) clause 1 of this article, the by-election shall be determined by the Central Election Commission within two months from the moment of the early termination and deprivation of the mandate of the deputy or his/her death.

5. Elections of the Senate deputies shall be appointed taking into account the requirements of clause 3 article 41 of the Constitution and shall not coincide by terms with elections of the deputies of Mazhilis of the Parliament.

**Footnote. Article 69 is with the changes introduced by the Constitutional Law of RK dated May 6, 1999 № 375-I; dated 03.10.2013 № 133-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 70. Requirements for Senate candidates**

**To be elected as a member of the Senate, a citizen must meet the requirements established by paragraph 4 of Article 51 of the Constitution, as well as have the right to vote in accordance with paragraphs 2 and 3 of Article 33 of the Constitution and this Constitutional Law.**

**Footnote. Article 70, as amended, by the Constitutional Law of the Republic of Kazakhstan dated April 14, 2004 № 545; dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 71. Nomination of candidates to the Senate deputies**

1. The nomination of candidates for deputies of the Senate shall begin from the day following the day of the appointment of election, and shall end one month before the day of the election at 18.00, local time.

2. Nomination of candidates to the Senate deputies shall be conducted:

1) at the sessions of the oblast (the city of the Republican status and the capital), urban and district Maslikhats. The political parties, other public associations through their representatives in Maslikhats shall nominate candidatures to Senate deputies of the Parliament of the Republic of Kazakhstan. In this case several Maslikhats shall nominate one candidate;



2) by self-nomination.

3. A Maslikhat deputy as well as a citizen living in the territory of the corresponding oblast, the city of the republican status or the capital of the Republic can be nominated as a deputy of the Senate.

4. The decision on nomination of the candidate to the Senate deputies to be taken by a majority of votes of the total number of the deputies representing the corresponding Maslikhat shall be:

1) brought to the attention;

2) submitted to the election commission, accordingly, of the oblast, the city of the republican status and the capital of the Republic with the application of the candidate expressing his/her consent to stand for elections.

5. Self-nomination of candidates to the Senate deputies shall be carried out by the citizens through submission to the corresponding territorial election commission of an application expressing an intention of the candidate to stand for elections of the Senate deputies from the given administrative-territorial unit.

6. The oblast, urban (the city of the Republican status or the capital of the Republic) election commission shall establish within three days the conformity of the candidate to the requirements of the Constitution and this Constitutional Law and on the basis of the documents indicated in sub- clause 2) clause 4, clause 5 of this Article on his/her nomination within three days from the date of the end of a check shall issue for him/her the subscription lists for collection of electors' signatures.

7. If on the day of the end of the term for registration of candidates, less than two candidates to the Senate deputies have been registered, the Central Election Commission on the basis of the presentation of the corresponding territorial election commission shall prolong the term for nomination of candidates but not for more than twenty days.

**Footnote. Article 71 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; June 19, 2007 № 268-III; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 72. Signature collection in support to candidate to Senate deputies**

1. The candidate to the Senate deputies must be supported at least ten percent of votes of the total number of the electors representing all Maslikhats of the oblast, Maslikhat of the city of the republican status or the capital of the Republic, but not by more than twenty five percent of the votes of electors from one Maslikhat.

2. The support of electors shall be confirmed through collection of their signatures. In this case each of electors shall be eligible to put his/her signature in support of only one candidate to the Senate. The signature after registration of the candidate to the Senate shall be revoked only on the basis of the court decision.

3. Collection of signatures in support to the candidate to the Senate shall be organized by proxies and shall be officially registered by subscription lists issued accordingly by the oblast (regional), urban (the city of the Republican status or the capital of the Republic) election commission.

4. Each subscription list shall have its serial number and shall include the surname and given names of the candidate and the person collecting signatures, a personal signature of the candidate as well as the columns containing the following data on the electors, who put their signature:

- 1) surname and given names;
- 2) Maslikhat that has nominated him/her as deputy;
- 3) day, month and a year of birth;
- 4) home address;
- 5) personal signature.

5. The sample of a subscription list shall be approved by the Central Election Commission

6. The completed signature lists shall be submitted respectively to the regional, city (city of republican significance and the capital of the Republic) election commission, which, within five days, shall check the authenticity of the collected signatures with the involvement of employees of the authorized body for documenting and issuing passports and identity cards and draw up the corresponding protocol.

7. If in the result of a check of authenticity of signatures it shall be established that over one percent of the collected signatures are unauthentic, then, the candidate to the Senate deputies shall be denied of registration.

**Footnote. Article 72 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

### **Article 73. Registration of candidates to the Senate deputies**

1. Registration of candidates for deputies of the Senate shall be carried out respectively by regional and city (cities of republican significance and the capital) election commissions.

2. The candidate to the Senate deputies before registration and after check of his/her conformity to the requirements of the Constitution and this Constitutional Law as well as check of authenticity of signatures collected in his/her support shall be obliged to put a deposit fifteen times exceeding the size of the minimum wages established by the legislation of the Republic on the account of the Central Election Commission as an election contribution . The deposited contribution shall be paid back to the candidate if by the election results the candidate shall be elected as the deputy of the Senate of the Parliament or by the voting results the candidate has collected at least than five percent of the votes of the electors that have taken part in voting as well as in case of death of the candidate. In all other cases the

deposited contribution shall not be subject for return and shall be transferred to the republican budget as the state revenue.

Prior to registration, the candidate and his (her) spouse (husband) submit declarations of assets and liabilities to the state revenue authorities at the place of residence on the first day of the month of the start of the nomination period established in accordance with this Constitutional Law, in the manner and form established by the authorized state body Republic of Kazakhstan, exercising leadership in the field of ensuring the receipt of taxes and other obligatory payments to the budget.

The reliability of information about the assets and liabilities declared by the candidate and his (her) spouse (husband) is checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

Organizations that have received the requirements of state revenue authorities to provide information about the assets and liabilities of the candidate and his (her) spouse (spouse) are required to provide the requested information within four days from the date of receipt of the request.

3. Registration of candidates for deputies of the Senate shall begin after receipt of all necessary documents and shall end at 18.00 local time twenty days before the election day, unless otherwise specified when appointing the elections.

4. Registration of the candidate to the Senate deputies nominated by the Maslikhat (Maslikhats) shall be conducted upon submission of the following documents:

- 1) decision of the oblast, urban or district Maslikhat on nomination of the candidate;
- 2) application with the expression of his/her consent to run for the candidacy;
- 3) protocols of the oblasts or urban (the city of the Republican status and the capital of the Republic) election commission on the results of check of the electors' signatures in support of the candidate;
- 4) the biographic data of the candidate;
- 4-1) (excluded by the Constitutional Law of RK dated April 14, 2004 No 545-II);
- 4-2) certificates of the state revenue authority on the submission by the candidate and his (her) spouse (husband) of declarations of assets and liabilities;
- 5) a document certifying the candidate's payment of the election fee.

5. Registration of the candidate to the Senate deputies in case of his/her self-nomination shall be conducted upon submission of the following documents:

- 1) application of the citizen expressing his/her intent to run for the candidacy for deputies;
- 2) protocols of the oblast (city of the republican status and the capital of the republic) election commission on the results of check of electors' signatures in support of the candidate ;
- 3) the biographic data on the candidate;
- 3-1) (excluded by the Constitutional Law of RK dated April 14, 2004 №545-II);

3-2) certificates of the state revenue body on the submission by the candidate and his (her) spouse (husband) of declarations of assets and liabilities;

4) the document confirming the transfer by the candidate of an election contribution.

6. Oblasts or urban (the city of the Republican status and the capital of the Republic) election commission:

1) at the registration of candidates to the Senate deputies, the commission shall issue a corresponding certificate to the candidate;

2) within the seventh day after registration of candidates to the Senate deputies, shall be published in mass media the announcement on registration with indication of the surname, given names, year of birth, job position, work and home address of each candidate as well as at the discretion of the candidate, the data on his/her membership in a public association and ethnic origin;

3) shall refuse in registration of a candidate or shall cancel the decision on his/her registration in case of:

infringement of the rules of nomination by a candidate, non-submission of the necessary documents for registration;

incompatibility of a candidate to the requirements stipulated by the Constitution and this Constitutional Law;

use by a candidate of his/her official or professions status for the purposes of the electoral campaign;

conducting election campaigning by a candidate before the deadline for registration of candidates;

establishment by a court of the fact of distribution by a candidate and (or) his/her proxies of the false information discrediting the honor and dignity of a candidate, damaging his/her professional reputation;

establishment by a court of the facts of bribing the voters by a candidate and his/her proxies;

in other cases established by this Constitutional Law;

3-1) cancels the decision on registration of the candidate in case of identification at the time of filing the declaration of unreliability of information about assets and liabilities declared by the candidate or his (her) spouse in accordance with the legislation of the Republic of Kazakhstan on combating corruption;

Cancellation of the decision on registration of a candidate or reinstatement of a candidate previously removed from registration two days before the voting day is not allowed

7. The refusal in registration of the candidate or cancellation of the decision on registration can be appealed within seven days in the Central Election Commission or in the court by the Maslikhat (Maslikhats) that nominated him/her or personally by the candidate. In this case the appeal shall be considered within seven days from the date of its submission.

8. The corresponding territorial election commission shall compile the protocol on registration of candidates to the Senate deputies which within three days shall be submitted to the Central Election Commission.

Footnote. Article 73 as amended by the Constitutional Laws of the Republic of Kazakhstan dated September 28, 1995 № 2464 (see Article 133 for the procedure for enactment); dated May 8, 1998 № 222-I; May 6, 1999 № 375-I; June 28, 1999 № 407; April 14, 2004 № 545-II; April 15, 2005 № 44-III; dated 31.07.2015 № 340-V (shall be enforced from 01.01.2016); dated 18.11.2015 № 413-V (shall be enforced from 01.01.2017); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2018 № 209-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 74. Withdrawing of the candidature, cancellation of the decision on nomination of the candidate to the Senate deputies**

1. A candidate for deputy of the Senate during the period before registration and two days before voting may withdraw his candidacy by submitting a written application about this, respectively, to the regional, city (city of republican significance and the capital of the Republic) election commission.

2. The maslikhat (maslikhats) that nominated a candidate in the period before and after registration, except for the last two days before voting, may cancel its decision to nominate a candidate by submitting a proposal to the regional, city (city of republican significance and the capital of the Republic) election commission, respectively.

3. In these cases, the corresponding election commission shall not conduct registration of the candidate or cancel the decision on registration of the candidate.

4. If withdrawing of the candidature or cancellation of the decision on nomination of the candidate have been effected without any causing for it circumstances, the territorial election commission shall be eligible to charge from the account of the candidate or the Maslikhat that has nominated him/her part of the expenditures that have been incurred for the conduct of electoral campaign and have been covered from the republican budget.

Footnote. Article 74 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004, № 545-II; April 15, 2005, № 44-III; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 75. The size of the election fund of a candidate to the Senate deputies**

The election fund of the candidate shall be formed of:

1) own funds of the candidate, the total sum of which should not exceed the established size of the minimum wages for more than two hundred times by the legislation of the Republic of Kazakhstan;

2) donations of citizens and organizations of the Republic of Kazakhstan, the total sum of which should not exceed the established size of the minimum wages for more than five hundred times by the legislation of the Republic of Kazakhstan.

The maximum amount of voluntary donations of an individual in the aggregate should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than twenty-five times and of a legal entity of the Republic of Kazakhstan - in the aggregate by more than fifty times.

**Footnote. Article 75 is in edition of the Constitutional Law of RK dated April 14, 2004 № 545-II; as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 76. Nomination of candidates to the Senate deputies instead of the retired ones after termination of the term of registration**

1. If as a result of the dropout of candidates after the expiration of the registration period, less than two candidates for deputies of the Senate remain, the Central Election Commission, upon recommendation of the relevant region (city of republican significance and the capital), city election commission, shall extend the election term by no more than two months.

2. In this case, nomination of candidates to the Senate deputies shall be realized according to the rules established by this Constitutional Law.

**Footnote. Article 76 is with the changes introduced by the Constitutional Law of RK dated April 14, 2004 № 545-II; dated 28.12.2018 № 209-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 77. The order of conduct of the joint session of electors at election of the Senate deputies**

1. Election of the Senate deputies shall be conducted on the joint session of electors.

2. The joint session shall be legally qualified if more than fifty percent of the total number of the elected deputies are present at it, thus, representing all Maslikhats of the oblast, Maslikhat of the city of the republican status or the capital of the Republic.

3. Voting at election of the Senate deputies on the joint session shall be considered as conducted if more than fifty percent of the present electors take part in it.

4. The chairman of the joint meeting shall be, respectively, the chairman of the regional, city (city of republican significance and the capital of the Republic) maslikhat.

5. The chairperson and members accordingly of the oblast, urban (the city of the Republican status and the capital of the Republic) election commissions shall be present at the joint session of electors.

6. In the premise where the joint session of electors takes place, accordingly, the oblast or the urban (the city of the Republican status and the capital of the Republic) election commission shall organize the polling station for elections of the deputy of the Senate.

7. The document certifying the holding of a joint meeting for the election of deputies of the Senate shall be the minutes of the joint meeting, submitted by the chairman of the relevant maslikhat to the regional, city (city of republican significance and the capital of the Republic) election commission, respectively.

8. The joint session shall be closed after announcement by the chairperson, accordingly, of the oblast, urban (the city of the Republican status and the capital of the Republic) election commission of the voting results at election of the deputy of the Senate.

**Footnote. Article 77 is with the changes, introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 78. Vote count at elections of the deputy of the Senate**

1. The results of vote count at election of the Senate deputies shall be established at the meeting, accordingly, of the oblast, urban (the city of the Republican status and the capital of the Republic) election commission to be conducted in the polling station.

2. The oblast, urban (the city of the Republican status and the capital of the Republic) election commission on the basis of the results of the voting shall draw up the protocols on the vote count at elections of the deputy to the Senate, which shall be:

1) signed by the chairperson and members of the election commission;

2) announced at the joint session of electors;

3) delivered to the Central Election Commission within two-days from the date of elections.

3. Other issues related to determination of the results of vote count shall be solved according to the rules established in the General part of this Constitutional Law.

#### **Article 79. Rerun of a vote at elections of the Senate deputies**

1. If the ballot includes more than two candidates of the Senate and none of them has been elected, accordingly, the oblast, urban (the city of the Republican status and the capital of the Republic) election commission shall appoint a rerun of a vote for two candidates who have received the majority of votes. In case of retiring of one of the candidates the ballot shall include the next candidate who has received the larger number of votes.

2. The rerun of a vote shall be conducted on the same day as the initial day of voting with the observation of the requirements of this Constitutional Law.

3. (excluded by the Constitutional Law of RK dated May 6, 1999 № 375-I).

Footnote. Article 79 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II.

#### **Article 80. Re-run of election of the Senate deputies**

1. If election has been recognized as cancelled due to non-appearance of the required number of electors or has been announced as null and void or non of candidates has been elected at the voting for two candidates, the Central Election Commission upon the presentation of the corresponding territorial election commission shall take a decision to conduct the re-run of election.

2. Re-run of election shall be conducted not later than two months after the initial election . Nomination and registration of candidates to deputies and other activities related to the re-run of election shall be conducted according to the rules established by this Constitutional Law. The Central Election Commission shall fix the reduced term for the conduct of electoral campaign.

3. The announcement on the re-run of election shall be published in local mass media.

4. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

Footnote. Article 80 is with the changes introduced by the Constitutional Law of RK dated April 14, 2004 № 545-II.

#### **Article 81. Establishment and publication of the election results of the Senate deputies**

1. Results of election of the Senate deputies as a whole across the Republic shall be established by the Central Election Commission not later than seven days since the date of election.

2. The candidate shall be considered as elected at the election as the Senate deputy if he/she:

1) collected more than fifty percent of the votes of electors who have taken part in voting;

2) collected at the rerun of a vote the majority of the votes of electors in comparison with the other candidate;

3) (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

3. Other issues related to establishment and publication of the election results shall be solved according to the rules established in the General part of this Constitutional Law.

Footnote. Article 81 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II.

#### **Article 82. Registration of Senate deputies**



1. The Central Election Commission on the basis of the protocols of the regional, city (city of republican significance and the capital) election commissions, respectively, shall register the elected deputies of the Senate.

2. The Central Election Commission upon the recommendation of the regional, city (city of republican significance and the capital of the Republic) election commissions or appeals of electors, respectively, may declare the election of a deputy of the Senate invalid if during the elections, or during the counting of votes, or when determining the results of voting, there were the violations of this Constitutional Law, and refuse to register a deputy of the Senate. At the same time, this decision of the Central Election Commission within ten days from the date of its adoption can be appealed by a candidate for deputy of the Senate to the Supreme Court, which takes a final decision within ten days.

**Footnote. Article 82, as amended by the Constitutional Laws of the Republic of Kazakhstan dated June 19, 1997 № 133; dated 31.07.2015 № 340-V (shall be enforced from 01.01.2016); dated 28.12.2018 № 209-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 83. Conduct of early elections of deputies of Senate and elections of deputies instead of dropped out ones**

1. The early elections of deputies of the Senate and the election of deputies instead of those who dropped out shall be held in accordance with the rules established by this Constitutional Law for the next elections of deputies of the Senate. At the same time, the timing of electoral events shall be determined by the Central Election Commission.

2. A year before the expiration of the constitutional term of office of deputies of the Senate, elections of a deputy instead of the one who has dropped out shall not be held.

**Footnote. Article 83, as amended, by the Constitutional Law of the Republic of Kazakhstan dated April 14, 2004 № 545.**

### **Article 84. Consideration by the Constitutional Court of the issue of the correctness of the elections of deputies of the Senate**

**Footnote. The heading of Article 84 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

1. At the request of the President of the Republic, the Chairman of the Senate, the Chairman of the Mazhilis, at least one-fifth of the total number of deputies of the Parliament, the Prime Minister of the Republic, which may be filed within ten days after the summing up of the election results, the Constitutional Court decides in case of a dispute the issue of the correctness of the elections of deputies of the Senate. In this case, the registration of elected deputies of the Senate shall be suspended for the period of consideration of the appeal.

2. The Central Electoral Commission, in the event of a dispute on the correctness of the elections of deputies of the Senate, shall submit materials related to the preparation and conduct of elections to the Constitutional Court.

3. If the Constitutional Court declares that the elections of deputies of the Senate in those administrative-territorial units where violations of the Constitution were found to be inconsistent with the Constitution, the Central Election Commission shall decide to invalidate the elections in these administrative-territorial units and to hold repeated elections in these administrative-territorial units within two months. those administrative-territorial units where the elections were declared invalid.

**Footnote. Article 84 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

## **Chapter 12. Elections of the Mazhilis' deputies of the Parliament of the Republic of Kazakhstan**

### **Article 85. Appointment of the elections of the Mazhilis deputies**

1. Reasons for the appointment:

1) of regular elections shall be the end of the constitutional term of office of the Mazhilis deputies;

2) early elections - the pre-term termination of the term of office of the Parliament or the Mazhilis of the Parliament;

3) by-elections - the pre-term termination of the term of office of the deputy, the deprivation of his mandate or his/her death.

2. Elections of deputies in the case stipulated by sub-clause 1) clause 1 of this Article shall be appointed by the President of the Republic at least five months before and shall be conducted within two months before the termination of term of office of the Mazhilis deputies

3. Elections of deputies in case stipulated by sub-clause 2) clause 1 of this Article shall be appointed by the President of the Republic simultaneously with adoption by him of the decision about advance termination of the term of office of the Parliament or the Mazhilis of the Parliament are conducted within two months from the date of the advance termination of the term of office of the Parliament or the Mazhilis of the Parliament.

The term of holding early elections of deputies begins on the day of putting into effect of the act of the President of the Republic on the dissolution of Parliament or the Mazhilis of Parliament. This term ends upon the expiration of two months. If the end of the term falls on a month, which has no corresponding date, the deadline expires on the last day of this month.

**3-1. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).**

4. In cases stipulated by sub-clause 3) clause 1 of this Article, the by-election shall be appointed by the Central Election Commission within three months from the moment of the early termination, the deprivation of his mandate or his/her death.

5. Elections shall be appointed taking into account the requirements of clause 3 Article 41 of the Constitution.

Footnote. Article 85 is with the changes introduced by the Constitutional Acts of RK dated May 6, 1999 № 375-I; dated June 19, 2007 № 268-III; dated 03.10.2013 № 133-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

#### **Article 86. The requirements to the candidates to the Mazhilis deputies**

To be elected as a deputy of the Mazhilis, a citizen must meet the requirements established by paragraph 4 of Article 51 of the Constitution, as well as have the right to vote in accordance with paragraphs 2 and 3 of Article 33 of the Constitution and this Constitutional Law.

Footnote. Article 86 is with the changes introduced by the Constitutional Law of RK dated April 14, 2004 № 545-II; dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 87. Nomination of candidates to the Mazhilis deputies**

1. The right to nominate candidates for deputies of the Mazhilis of the Parliament shall belong to:

- 1) elected on party lists - political parties;
- 2) elected in single-mandate territorial electoral districts - to political parties, public associations, as well as their structural subdivisions (branches and representative offices) if the relevant authority is provided for in the charter, and to citizens through self-nomination.

2. Individuals shall be included into a party list to be elected as the Mazhilis deputies in through a single national constituency by a majority vote of the total number of members of the supreme body of a political party. Political parties may not include into 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 into the party list.

A person included in the party list for election to the deputies of the Mazhilis of the Parliament on the territory of a single nationwide constituency shall not be entitled to be nominated in single-seat territorial constituencies.

3. Political parties independently shall determine the order of placement of persons on the party list. The party list shall then be submitted to the Central Election Commission by a

representative of the political party along with an abstract from the minutes of the supreme body of the political party about nomination of the party list. The authority of such representative must be proven by relevant documents.

**4. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).**

5. Nomination and self-nomination of candidates for deputies of the Mazhilis of the Parliament shall begin sixty days before the voting day and end at eighteen o'clock local time forty days before the election unless otherwise established when calling the election.

6. Self-nomination of candidates for deputies of the Mazhilis of Parliament shall be carried out by citizens by applying with the relevant district election commission about their intention to run as a candidate for deputies of the Mazhilis of Parliament in this single-mandate territorial constituency.

The nomination of a candidate by a political party, public association, and their structural subdivisions (branches and representative offices) shall be carried out by sending to the relevant district election commission an extract from the protocol of the highest governing body, an extract from the charter confirming the right to nominate structural subdivisions (branches and representative offices), together with a citizen's application consent to be nominated.

A public association, except for political parties, or its structural subdivision (branch and representative office) shall have the right to nominate candidates who are not members of this public association. A public association, except for political parties, and its structural subdivision (branch and representative office) may nominate only one candidate for deputies of the Mazhilis of the Parliament in each constituency. The decision to nominate candidates for deputies of the Mazhilis of Parliament shall be made by a majority of votes from the total number of members of the highest governing body of a public association, its structural unit (branch and representative office) and drawn up in an extract from the protocol. The decision of the highest governing body of a public association, its structural subdivision (branch and representative office):

1) shall be brought to the attention of the nominated candidate;

2) together with the candidate's statement of consent to run for office and an extract from the charter confirming the right to be nominated by structural units (branches and representative offices), shall be sent to the relevant district election commission.

If less than two candidates for deputies in a single-seat territorial electoral district are nominated by the end of the term for nomination, then the relevant district election commission shall extend the term for nominating candidates by no more than five days.

**Footnote. Article 87 is in new edition of the Constitutional Law of the RK dated June 19, 2007 № 268-III second part of Clause 5 is with the changes introduced by the Constitutional Law of RK dated February 9, 2009 № 124-IV; dated 29.06.2018 № 162-VI (shall be enforced**

upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Article 88. Election contribution**

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

2. The election fee is not paid by political parties that received five or more percent of the votes of voters from the number of voters who took part in the voting in the previous elections of deputies of the Mazhilis of the Parliament.

3. A political party that received in the previous elections of deputies of the Majilis of Parliament from three to five percent of the votes of voters from the number of those who took part in the voting, the election fee is paid in the amount of fifty percent of the amount of the election fee established in paragraph 1 of this article.

A political party that received in the previous elections of deputies of the Mazhilis of the Parliament from one to three percent of the votes of voters from the number of those who took part in the voting, the electoral fee is paid in the amount of seventy percent of the amount of the electoral fee established in paragraph 1 of this article.

4. The paid contribution shall be returned to the political party in cases where, following the results of the elections, the political party won at least five percent of the votes of the voters who took part in the voting, as well as in the event of the death of the only candidate included in the party list. In all other cases, the contribution made is non-refundable and is transferred to the income of the republican budget.

5. Each candidate for deputies of the Mazhilis of the Parliament in single-mandate territorial constituencies, before registration and after checking for compliance with the requirements imposed on him/her by the Constitution and this Constitutional Law, shall pay an electoral contribution to the account of the Central Election Commission in the amount of fifteen times the minimum wage established by the legislation of the Republic Kazakhstan. The contribution made shall be returned to the candidate in cases where, following the results of the elections, the candidate is elected as a deputy of the Mazhilis of the Parliament or, following the results of the voting, the candidate receives at least five percent of the votes of the voters who took part in the voting, as well as in the event of the candidate's death. In all other cases, the contribution made shall be non-refundable and shall be transferred to the income of the republican budget.

**Footnote.** Article 88 is in new edition of the Constitutional Law dated June 19, 2007 № 268-III; as amended by the Constitutional Law of the Republic of Kazakhstan dated May 24, 2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

## **Article 89. Registration of candidates to the Mazhilis**

1. Registration of party lists submitted by political parties shall be carried out by the Central Election Commission, and candidates for single-seat territorial constituencies - by district election commissions.

2. Before registration, the candidate and his (her) wife (husband) shall submit declarations of assets and liabilities to the state revenue authorities at the place of residence on the first day of the month of the beginning of the nomination period established in accordance with this Constitutional Law, in the manner and form established by the authorized the state body of the Republic of Kazakhstan, exercising leadership in the field of ensuring the receipt of taxes and other obligatory payments to the budget.

The accuracy of information about the assets and liabilities declared by the candidate and his (her) wife (husband) shall be checked by the state revenue authorities within fifteen days from the date of registration of the party list and the candidate.

Organizations that have received the requirements of state revenue authorities to provide information about the assets and liabilities of the candidate and his (her) wife (husband) shall be required to provide the requested information within four days from the date of receipt of the request.

3. Party lists shall be conducted upon submission of the following documents:

- 1) a partial record 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 application of citizen to be included into the party list;
- 3) biographic data of each person on the party list;
- 4) certificates of the state revenue authority on the submission by the candidate and his (her) spouse (husband) of declarations of assets and liabilities;
- 5) a receipt confirming that the election contribution was paid by a political party;
- 6) confirmation of the membership of a person in the party list in the political party, which nominated such list.

The documents, indicated in part one of this paragraph, the candidates – people with disabilities, shall be additionally provided with certificates of disability, in the form established by the authorized body in the field of social protection of the population

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.

In the party list, the number of representatives of three categories: women, youth, and persons with disabilities - in total must be at least thirty percent of the total number of persons included in it.

4-1. Registration of a candidate from a political party, public association, or their structural subdivisions (branches and representative offices) shall be carried out in the presence of the following documents:

1) extracts from the minutes of the highest governing body of a political party, public association, and their structural subdivisions (branches and representative offices) on nominating a candidate for the relevant constituency with an extract from the charter confirming the right to nominate structural subdivisions (branches and representative offices), a copy of the registration document political party, public association in the Ministry of Justice of the Republic of Kazakhstan, registration of structural subdivisions (branches and representative offices) in the territorial bodies of justice;

2) statements of a citizen about his/her consent to run as a candidate for deputy in this constituency from the political party, or public association that nominated him;

3) biographical information about the candidate;

4) certificates of the state revenue authority on the submission by the candidate and his (her) wife (husband) of declarations of assets and liabilities;

5) a document confirming that the candidate has made an election contribution.

Registration of a candidate in case of his self-nomination shall be carried out in the presence of the following documents:

1) statements of a citizen about his/her intention to run as a candidate in this constituency;

2) biographical information about the candidate;

3) certificates of the state revenue authority on the submission by the candidate and his (her) wife (husband) of declarations of assets and liabilities;

4) a document confirming that the candidate has made an electoral contribution.

Any number of candidates for deputies of the Mazhilis of the Parliament shall be allowed to register.

4-2. The district election commission shall draw up a protocol for the registration of candidates, which shall be submitted to the Central Election Commission within five days.

4-3. District Electoral Commission shall:

1) not later than on the seventh day after the registration of candidates, publish in the local mass media a message on the registration of candidates indicating the last name, first name, patronymic (if it is indicated in the identity document), year of birth, position (occupation), place work and residence of each candidate, as well as, depending on the candidate's discretion, information about his/her affiliation to a political party, public association and nationality;

2) when registering, issue an appropriate certificate to candidates;

3) refuse to register or cancel the decision to register a candidate in the following cases:

violation by a political party, a public association, their structural subdivisions (branches and representative offices), a candidate of the rules for nomination, failure to submit the necessary documents for registration;

conduct by a political party, public association, their structural subdivisions (branches and representative offices), candidates nominated by them, self-nominated candidates, as well as proxies of election campaigning before the end of the registration period;

establishment by the court of the fact that a political party, public association, their structural subdivisions (branches and representative offices), a candidate and (or) proxies spread false information discrediting the honour and dignity of another candidate, undermining his business reputation;

establishment by the court of the facts of bribing voters by a political party, public association, their structural subdivisions (branches and representative offices), candidates nominated by them, self-nominated candidates, as well as proxies;

compliance of the candidate with the requirements imposed on him by the Constitution and this Constitutional Law;

use by the candidate of official or official position in his/her election campaign;

other cases established by this Constitutional Law;

4) cancel the decision to register a candidate if, at the time of filing the declaration, the information on assets and liabilities declared by the candidate or his (her) wife (husband) is revealed to be unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.

In case of refusal to register or cancellation of the decision on registration of a candidate nominated by a political party, public association, or their structural subdivisions (branches and representative offices), such a decision may be appealed both by the candidate himself (herself) and by the political party, public association, their structural subdivisions (branches and representative offices) that nominated the candidate.

Cancellation of the decision to register a candidate or reinstatement of a candidate previously de-registered two days before the voting day shall be prohibited.

**5. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).**

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, given names, year of birth, job position, residence and work address of each candidate on the party list within seven days of the registration of party lists;

**2) Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).**

3) issue relevant certificates to candidates upon registration;

4) refuse to register or cancel decisions to register the party list in the following cases:

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



holding of election campaign by a political party that nominated a party list, candidates nominated by it, its agents before the end of the registration period;

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 proxies disseminate

false information discrediting the honor and dignity of a candidate, another political party, which has nominated the party list, or a person on the party list impairing his/her professional reputation;

if a court finds out that a political party nominating the party list or its proxies bribed voters;

in other cases stipulated by this Constitutional Law.

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 voting day;

5) make a decision to exclude the person, included in the party list from this list in the case of:

incompliance of the person, included in the party list, with the requirements for the candidate imposed by the Constitution of the Republic of Kazakhstan and this Constitutional Law;

the use by a person, included in a party list, of official position in his election campaign;

holding of election campaign by the person, included in the party list before the end of the period of registration of the party list;

establishment by the court of the fact of dissemination of false information by the person, included in the party list, discrediting the honor and dignity of the candidate, the political party that nominated the party list, or another person included in the party list that damage their reputation;

detection of unreliability of information about assets and liabilities declared by a person included in the party list and his (her) spouse (husband) in accordance with the legislation of the Republic of Kazakhstan on combating corruption;

establishment by the court of the facts of bribing voters by the person, included in the party list or his authorized representatives;

in other cases, established by this Constitutional Law.

The decision to exclude a person, included in the party list from this list may be appealed by a political party that nominated the party list, or by a person, excluded from the party list, to the Supreme Court, whose decision is final.

Making a decision to exclude a person, included in the party list, two days before the voting day shall not be allowed;

6) Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

7. Refusal to register or cancellation of the decision to register a party list, a candidate in a single-mandate territorial constituency may be appealed to the Central Election Commission and (or) the Supreme Court within seven days. Wherein, the Central Electoral Commission or the Supreme Court shall decide on the complaint within seven days from the date of filing the complaint.

8. Registration of party lists and candidates shall begin sixty days before voting day and end at eighteen hours local time thirty days before the election, unless otherwise specified when calling the election.

Footnote. Article 89 as amended by the Constitutional Law of the Republic of Kazakhstan dated 19.06.2007 № 268 (effective from the date of its official publication); as amended by the Constitutional Laws of the Republic of Kazakhstan dated 28.09.1995 № 2464 (the procedure for entry into force see Article 133); dated 09.02.2009 № 124-IV (the procedure for entry into force see Article 2); from 31.07.2015 № 340-V (effective from 01.01.2016); dated 18.11.2015 № 413-V (effective from 01.01.2017); dated 29.06.2018 № 162-VI (effective after ten calendar days after the date of its first official publication); dated 25.05.2020 № 335-VI (effective after ten calendar days after the date of its first official publication); dated 07.02.2022 № 105-VII (effective after ten calendar days after the date of its first official publication); dated 05.11.2022 № 156-VII (refer to Article 3 for the procedure for enactment).

#### **Article 90. Withdrawing of the candidature, cancellation of the decision on nomination of the candidate to the Mazhilis deputies**

1. A person included into the party list may withdraw from the party list by applying with a relevant written request to the Central Election Commission. In these cases, the Central Election Commission shall decide to cancel the registration of that person in the party list.

1-1. A candidate for deputies of the Mazhilis of the Parliament in single-mandate territorial constituencies may withdraw his/her candidacy by submitting a written application to the relevant district election commission.

A candidate for deputies of the Mazhilis of the Parliament in single-mandate territorial constituencies may not withdraw his/her candidacy two days before voting day.

The governing body of a political party and a public association, their structural subdivision (branch and representative office) at any time before registration and after it, except for the last two days before voting day, may cancel its decision to nominate a candidate for deputies of the Mazhilis of the Parliament by submitting an appropriate submission to the district electoral commission.

In these cases, the district election commission shall not register the candidate or cancel the decision to register the candidate.

2. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

Footnote. Article 90 is with the changes introduced by the Constitutional Law of RK dated June 19, 2007 № 268; dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 91. Agents of a candidate for deputy of the Majilis**

Footnote. Article 91 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545.

#### **Article 92. Size of electoral fund of a candidate for deputy of the Majilis**

Footnote. Article 92 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 19.06.2007 № 268 (shall be enforced from the date of its official publication).

#### **Article 92-1. The size of the electoral fund of a political party, a candidate for deputies of the Mazhilis of the Parliament**

Footnote. The heading of Article 92-1 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023 ).

1. The candidates standing for elections under party lists nominated by the political parties shall not be eligible to form their own election funds.

2. The election fund of the political party shall be formed of:

1) the political party's own funds. The total sum should not exceed the size of the minimum wages established by the legislation for more than five thousand times;

2) donations of citizens and organizations of the Republic of Kazakhstan. The total sum must not exceed the size of the minimum wages established by the legislation for more than ten thousand times.

The maximum amount of voluntary donations of an individual in the aggregate should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than one hundred times and by a legal entity of the Republic of Kazakhstan - in the aggregate by more than five hundred times.

3. The electoral fund of a candidate shall be formed by:

1) the candidate's funds, the total amount of which should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than two hundred times;

2) voluntary donations of citizens and organizations of the Republic of Kazakhstan, the total amount of which should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than five hundred times.

The maximum amount of voluntary donations of an individual in the aggregate should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by

more than twenty-five times and of a legal entity of the Republic of Kazakhstan - in the aggregate by more than fifty times.

Article 92-1 has been added by the Constitutional Law of RK dated May 6, 1999 № 375-I ; as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

**Article 93. Nomination of candidates for deputies of the Majilis instead of those who dropped out after expiration of the registration period**

Footnote. Article 93 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 19.06.2007 № 268 (shall be enforced from the date of its official publication).

**Article 93-1. Procedures for holding a session of the Assembly of the People of Kazakhstan on election of the Mazhilis deputies**

Footnote. Article 93-1 is excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

**Article 93-2. Nomination of candidates for deputies of the Mazhilis of the Parliament instead of those who left after the expiration of the registration period**

1. If all candidates leave after the expiration of the registration period for the respective electoral district, the Central Election Commission, upon the proposal of the district election commission, by its decision, shall extend the election period, but not more than for two months.

2. In this case, the nomination of candidates for deputies of the Mazhilis of the Parliament shall be carried out in accordance with this Constitutional Law.

Footnote. The Constitutional Law was supplemented by Article 93-2 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

**Article 94. Counting of votes in the elections of deputies of the Mazhilis of the Parliament**

1. Based on the voting results, the precinct election commission shall draw up a protocol for voting, which shall be immediately sent to the relevant territorial or district election commission.

2. Based on the protocols of precinct election commissions, the relevant territorial or district election commissions shall draw up a protocol on the results of the voting, which shall be signed by the chairman and members of the commission and sent to the Central Election Commission no more than two days after voting day.

3. Election results shall be established at a meeting of the Central Election Commission based on the protocols of the relevant territorial and district election commissions.

4. Other issues related to determining the result of the counting of votes and the result of elections shall be resolved in accordance with the rules established by the General Part of this Constitutional Law.

**Footnote. Article 94 - as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 94-1. Vote count at election of the Mazhilis deputies that elected by the Assembly of the People of Kazakhstan**

**Footnote. Article 94-1 is excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 95. Rerun of a vote at elections of the Mazhilis deputies**

1. The Central Election Commission, on the proposal of the relevant territorial or district election commission or citizens' appeals, may invalidate the elections of deputies of the Mazhilis in the corresponding administrative-territorial unit or electoral district, if during the elections or during the counting of votes or when determining the results of elections, there were violations of this Constitutional law, which do not allow to determine with certainty the results of the will of citizens. In this case, the Central Election Commission shall appoint a repeat voting in the respective administrative-territorial unit.

2. Repeat voting shall be held within the terms established by the Central Electoral Commission, but not more than within a month on the same party lists and the same candidates, on the same polling stations and on the same voter lists that were compiled for the initial elections. Repeat voting shall be reported in the media.

3. If more than two candidates for deputies of the Mazhilis of the Parliament were included in the ballot and none of them was elected, the district election commission shall appoint a repeat voting for the election of a deputy for the candidates who received the largest equal number of votes. If, as a result of the withdrawal of candidates, one candidate remains, a repeated vote on his/her candidacy shall not be held and he/she shall be considered as elected.

**Footnote. Article 95 is in edition of the Constitutional Law of RK dated June 19, 2007 № 268-III; as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 96. Re-run of election of the Mazhilis deputies**

1. If the elections of the deputies of the Mazhilis were declared invalid or if two candidates were not elected, the Central Election Commission shall decide to hold repeated

elections of the deputies of the Mazhilis of the Parliament. Voting takes place in the same polling stations and on the same voter lists that were compiled for the original elections.

2. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

3. Re-run of election shall be conducted not later than within two months since the initial elections or before the deadline set by the Central Election Commission. Electoral campaign, which have been foreseen for the re-run of election, shall be carried out according to the procedures stipulated by this Constitutional Law. Shorter deadlines for the electoral campaign shall be fixed by the Central Election Commission.

4. Re-run of election shall be announced in mass media.

Footnote. Article 96 is in edition of the Constitutional Law of RK dated June 19, 2007 № 268-III; as amended by the Constitutional Laws of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 97. Establishment and publication of the election results of the Mazhilis deputies**

1. The results of the elections of deputies of the Mazhilis in the whole Republic shall be established by the Central Election Commission within ten days from the date of the elections

2. (excluded by the Constitutional Law of RK dated June 19, 2007 № 268-III.);

3. Other issues related to determination and publication of the election results shall be solved in compliance with the rules established in the General part of this Constitutional Law.

Footnote. Article 97 is with the changes introduced by the Constitutional Law of RK dated May 6, 1999 № 375-I; dated 14 April, 2004. № 545; dated 19 June, 2007 № 268 (shall be enforced from the day of its official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 97-1. Distribution of deputy mandates following the results of voting by party list**

1. The Central Election Commission calculates the sum of the votes of voters cast in the territory of a single nationwide constituency for each party list that received five or more percent of the votes of voters from the number of those who took part in the vote. The sum of votes cast for political parties that have overcome the 5% threshold is divided by the number of deputy mandates to be distributed. The result obtained is the first selective quotient (quota).

2. If five percent of the votes of the voters who took part in the voting were received by only one political party, then the list of the indicated political party, as well as the party list of the party that received the next largest number of votes of the voters who took part in the voting, is allowed to distribute deputy mandates.

The amount of votes cast for two political parties shall be divided by the number of deputy mandates to be distributed. The result received shall be the first electoral quotient (quota).

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

The number of votes received by the list of the party that did not overcome the 5% threshold and participates in the distribution of mandates in accordance with paragraph 2 of this article is divided by the first electoral quotient and multiplied by a correction factor of 0.7

The integer part obtained as a result of dividing the number shall be the number of deputy mandates received by the corresponding political party that formed the party list.

A political party that has not overcome the five percent barrier and participates in the distribution of mandates in accordance with paragraph 2 of this article shall receive at least two mandates.

4. If after the actions performed in accordance with paragraph 3 of this article, there are undistributed mandates, they shall be redistributed. Undistributed mandates shall be transferred one by one to those party lists that have the biggest fractional part (remainder) of the number obtained as a result of the division in accordance with paragraph 3 of this article. In case of equality of the biggest part, the priority shall be given to the party list registered earlier.

When distributing mandates in accordance with paragraph 2 of this article, undistributed mandates are transferred to that party list that, following the results of voting, has overcome the five percent barrier.

5. The sequence of distribution of deputy mandates shall be determined by the governing body of a political party from among the candidates included in the party list in accordance with paragraph 4 of article 89 of this Constitutional Law no later than ten days from the date of publication of the election results.

If the governing body of a political party, within the time limits, established by part one of this paragraph, does not determine the order of distribution of the received deputy mandates, by the resolution of the Central Election Commission, the deputy mandates received by the party shall be distributed according to the registered lists in alphabetical order of the state language.

When distributing deputy mandates, the number of representatives of three categories: women, youth, and persons with disabilities - in aggregate should be at least thirty percent of the total number of deputy mandates received by the party.

6. In the event of an early dropout of a deputy, his mandate, by a resolution of the Central Election Commission, shall be transferred to the next candidate, determined by the governing

body of a political party from among those included in the list of a political party in accordance with paragraph 5 of this article. In this case, the requirements of part three of clause 5 of this article must be met.

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

Political parties shall have the right to change the order of candidates on party lists by submitting a written application about this and an extract from the minutes of the meeting of the governing body of the political party to the Central Election Commission.

**Footnote.** The law shall be supplemented by Article 97-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 06.05.1999 № 375; as amended by the Constitutional Law of the Republic of Kazakhstan dated 09.02.2009 № 124-IV (the order of enactment see Article 2); as amended by the Constitutional Law of the Republic of Kazakhstan dated May 24, 2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication); dated 07.02.2022 № 105-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 98. Registration of the Mazhilis deputies**

The Central Election Commission registers the elected deputies of the Mazhilis.

**Footnote.** Article 98 in the new wording of the Constitutional Law of the Republic of Kazakhstan dated 19 June, 2007 № 268 (shall be enforced from the day of its official publication).

#### **Article 99. Conduct of early election and by-election of Mazhilis deputies**

1. The early election and by-election of Mazhilis deputies shall be conducted according to the rules stipulated by this Constitutional Law for the regular election of the Mazhilis deputies . In this case the term for conduct of election shall be determined by the Central Election Commission.

2. One year prior to the expiration of the constitutional term of office of Mazhilis deputies , the by-elections shall not be conducted.

**Footnote.** Article 99 is with the changes introduced by the Constitutional Law of RK dated April 14, 2004 № 545-II.

#### **Article 100. Consideration by the Constitutional Court of the issue of the correctness of the elections of deputies of the Mazhilis**

**Footnote.** The heading of Article 100 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023 ).



1. At the request of the President of the Republic, the Chairman of the Senate, the Chairman of the Mazhilis, at least one-fifth of the total number of deputies of the Parliament, the Prime Minister of the Republic, which may be filed within ten days after the summing up of the election results, the Constitutional Court shall decide in case of a dispute the issue of the correctness of the elections of deputies of the Mazhilis. In this case, the registration of elected deputies of the Mazhilis shall be suspended for the period of consideration of the application.

2. The Central Election Commission, in the event of a dispute about the correctness of the elections of deputies of the Mazhilis, shall submit materials related to the preparation and conduct of elections to the Constitutional Court.

3. If the Constitutional Court recognizes the elections of deputies of the Mazhilis of Parliament in the territories of those administrative-territorial units or electoral districts where violations of the Constitution were established as not in accordance with the Constitution, the Central Election Commission shall decide to invalidate the elections in the territory of these administrative-territorial units or electoral districts and re-election.

4. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

Footnote. Article 100 is with the changes, introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; June 19, 2007 № 268-III; dated 05.11.2022 № 156-VII (refer to Article 3 for the procedure for enactment).

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

### **Article 101. Appointment of an election of Maslikhat deputies**

1. Reasons for the appointment of:

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

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

3) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

4) elections of deputies instead of those who left - early termination of the powers of a deputy or deprivation of a mandate.

2. The regular elections of the Maslikhat deputies shall be appointed by the Central Election Commission at least three months prior to expiration of the term of office of Maslikhats and must be conducted at least one month prior to the expiration of the constitutional term of office of Maslikhats.

3. Early election of the Maslikhat deputies, whose authorities have been terminated ahead of the schedule, shall be appointed by the Central Election Commission on the basis of the

President's Decree on the advance cease of Maslikhats' authorities, decision of the Maslikhat on its self- dissolution and must be conducted within two months from the date of the advance cease of authorities of Maslikhats.

3-1. Elections of maslikhat deputies instead of those who left are appointed by the relevant election commission.

Elections of maslikhat deputies instead of those who left are held simultaneously on the last Sunday of March and (or) the last Sunday of October.

By agreement with the Central Election Commission, the election of deputies of maslikhats instead of those who left may be scheduled by the relevant election commission for another date.

4. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

5. The regular elections of the Maslikhat deputies of all levels shall be conducted simultaneously and shall not coincide by the terms with the elections of the President of the Republic of Kazakhstan and elections of the Senate deputies of the Parliament.

6. The announcement about the Election Day shall be published in mass media.

Footnote. Article 101 is with the changes introduced by the Constitutional Laws of RK dated 6 May 1999 № 375-I; 14 April 2004 № 545-II; 19 June 2007 № 268-III; 9 February 2009 № 124-IV; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 102. The requirements to Maslikhat deputies**

To be elected as the Maslikhat deputy the citizen shall meet the requirements stipulated by Clause 3 Article 86 of the Constitution as well as shall have the suffrage according to Clauses 2 and 3 Article 33 of the Constitution and this Constitutional Law.

Footnote. Article 102 is with the changes introduced by the Constitutional Law of RK dated 14 April 2004 № 545-II.

#### **Article 103. Nomination of candidates for maslikhat deputies**

1. The right to nominate candidates for deputies of maslikhats shall belong to the:

1) the elected on party lists - political parties;

2) the elected in single-mandate territorial electoral districts - to political parties, public associations, as well as their structural subdivisions (branches and representative offices) if the relevant authority is provided for in the charter, and to citizens through self-nomination.

2. Inclusion of persons in the party list for election as a deputy of maslikhat of the corresponding administrative-territorial unit shall be made by a majority of votes from the

total number of members of the highest governing body of the relevant branch (representative office) of a political party.

3. Political parties shall not be entitled to include persons in the party lists who are not their members.

3-1. A person included in the party list for election to the maslikhat deputies from a political party shall not be entitled to be nominated in single-mandate territorial constituencies

4. The decision of the highest governing body of the relevant branch (representative office) of a political party, together with the application of the citizen about the consent to be included in the party list, shall be sent to the relevant territorial election commission.

5. The procedure for placement of persons in a party list shall be determined by the decision of the highest governing body of the relevant branch (representative office) of a political party. A representative of a political party shall submit the party list to the appropriate territorial election commission simultaneously with an extract from the minutes of the highest governing body of the relevant branch (representative office) of the political party on the nomination of the party list. The powers of the representative must be confirmed by the relevant documents.

5-1. Self-nomination of candidates for maslikhat deputies shall be carried out by citizens by submitting to the relevant district election commission an application on their intention to run as a candidate for maslikhat deputies in this single-mandate territorial constituency.

The nomination of a candidate by a political party, public association, and their structural subdivisions (branches and representative offices) shall be carried out by sending to the relevant district election commission an extract from the protocol of the highest governing body, an extract from the charter confirming the right to nominate structural subdivisions (branches and representative offices), together with a citizen's application consent to be nominated.

A public association, except for political parties, or its structural subdivision (branch and representative office) shall have the right to nominate candidates who are not members of this public association. A public association, except for political parties, and its structural subdivision (branch and representative office) may nominate only one candidate for maslikhat deputies in each constituency.

The decision to nominate candidates for deputies of maslikhats shall be made by a majority vote of the total number of members of the highest governing body of a public association, its structural unit (branch and representative office) and shall be drawn up in an extract from the protocol. The decision of the highest governing body of a public association, its structural subdivision (branch and representative office) shall be:

1) brought to the attention of the nominated candidate;

2) together with the candidate's statement of consent to run for office and an extract from the charter confirming the right to be nominated by structural units (branches and representative offices), sent to the relevant district election commission.

6. No one may be nominated as a candidate in more than one constituency.

7. Nomination and self-nomination of candidates for Maslikhat deputies shall begin sixty days before voting day and ends at eighteen o'clock local time thirty days before election day unless otherwise established when calling elections.

8. If less than two party lists or candidates are registered on the day of the expiration of the period for registration of party lists or candidates in the relevant electoral district, the relevant election commission shall extend the period for nominating candidates by no more than twenty days.

**Footnote. Article 103 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

#### **Article 104. Registration of candidates for deputies of maslikhats**

**Footnote. The heading of Article 104 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).**

1. Registration of party lists, submitted by political parties shall be carried out by the relevant territorial election commissions.

Political parties that have nominated their party lists pay the election fee from their own funds to the account of local executive bodies in the amount of five-fold minimum wage established by the legislation of the Republic of Kazakhstan for each person included in the party list.

The election fee for the relevant territorial constituency is not paid by political parties that received five or more percent of votes from the number of voters who took part in the voting in the previous elections of deputies of the corresponding maslikhat.

A political party that received in the respective territorial constituency in the previous elections of deputies of the respective maslikhat from three to five percent of the votes of those who took part in the voting, the election fee shall be paid in the amount of fifty percent of the size of the election fee established in part two of this paragraph.

A political party that received in the respective territorial constituency in the previous elections of deputies of the respective maslikhat from one to three percent of the votes of those who took part in the voting, the election fee shall be paid in the amount of seventy percent of the size of the election fee established in part two of this paragraph.

The paid contribution is returned to the political party in cases where, following the results of the elections, the political party won at least five percent of the votes of the voters who took part in the voting, as well as in the event of the death of the only candidate included

in the party list. In all other cases, the contribution made is non-refundable and is transferred to the income of the republican budget.

1-1. Registration of candidates for deputies of maslikhats in single-seat territorial constituencies shall be carried out by district election commissions.

A candidate for maslikhat deputies shall pay an electoral contribution to the account of local executive bodies as a deposit in the amount of five times the minimum wage established by the legislation of the Republic of Kazakhstan. The contribution made shall be returned to the candidate in cases where, according to the results of the elections, the candidate is elected as a deputy of the maslikhat or, according to the results of the voting, the candidate has won at least five percent of the votes of the voters who took part in the voting, as well as in the event of the death of the candidate. In all other cases, the contribution made shall be non-refundable and transferred to the income of the republican budget.

2. Before registration, the candidate and his (her) wife (husband) shall submit declarations of assets and liabilities to the state revenue authorities at the place of residence on the first day of the month of the beginning of the nomination period established in accordance with this Constitutional Law, in the manner and form established by the authorized the state body of the Republic of Kazakhstan, exercising leadership in the field of ensuring the receipt of taxes and other obligatory payments to the budget.

The reliability of information about the assets and liabilities declared by the candidate and his (her) wife (husband) shall be checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

Wherein, organizations that have received the requirements of state revenue authorities to provide information about the assets and liabilities of the candidate and his (her) wife (husband) shall be required to provide the requested information within four days from the date of receipt of the request.

3. Registration of party lists shall be carried out in the presence of the following documents:

1) extracts from the minutes of the highest governing body of the relevant branch (representative office) of a political party on the nomination of a party list with an attachment of a copy of the registration document of a political party in the authorized body;

2) a citizen's statement of consent to be included in the party list;

3) biographical data about each person, included in the party list;

4) a document, confirming that the political party has paid the election fee;

5) certificates of the state revenue authority on the submission by the candidate and his (her) wife (husband) of declarations of assets and liabilities;

6) a document, confirming the membership of the person, included in the party list in the political party that nominated the list.

3-1. Registration of a candidate from a political party, public association, or their structural subdivisions (branches and representative offices) shall be carried out in the presence of the following documents:

1) extracts from the minutes of the highest governing body of a political party, public association, and their structural subdivisions (branches and representative offices) on nominating a candidate for the relevant constituency with an extract from the charter confirming the right to nominate structural subdivisions (branches and representative offices), a copy of the registration document political party, public association in the Ministry of Justice of the Republic of Kazakhstan, registration of structural subdivisions (branches and representative offices) in the territorial bodies of justice;

2) statements of a citizen about his/her consent to run as a candidate for deputy in this constituency from the political party, or public association that nominated him/her;

3) biographical information about the candidate;

4) certificates of the state revenue authority on the submission by the candidate and his (her) wife (husband) of declarations of assets and liabilities;

5) a document confirming that the candidate has made an election contribution.

Registration of a candidate in case of his/her self-nomination shall be carried out in the presence of the following documents:

1) declarations of intent to run as a candidate in this constituency;

2) biographical information about the candidate;

3) certificates of the state revenue authority on the submission by the candidate and his (her) wife (husband) of declarations of assets and liabilities;

4) a document confirming that the candidate has made an electoral contribution.

Any number of candidates for maslikhat deputies shall be allowed for registration.

4. Only one list from one political party shall be allowed for registration in a territorial constituency, in which the number of women and youth in aggregate must be at least thirty percent of the total number of persons included in it.

5. On the registration of party lists and candidates for deputies of the maslikhat, the relevant election commission shall draw up a protocol, which is submitted to a higher or territorial election commission within five days.

6. Territorial election commission:

1) not later than on the seventh day after the registration of party lists, publish in the local mass media a notice of registration indicating the name of the political party and the number of persons included in the party list, as well as the last name, first name, patronymic (if it is indicated in the document certifying personality), year of birth, position held (occupation), place of work and residence of each person included in the party list;

2) upon registration, shall issue an appropriate certificate to candidates;

3) shall refuse to register or cancel the decision on registration of the party list in the following cases of:

violation by a political party of the rules for the nomination of a party list, failure to submit the necessary documents for registration;

conduct by a political party that nominated a party list, candidates nominated by it, and its proxies of election campaigning before the end of the registration period;

establishment by the court of the fact that the candidate and (or) his agents have disseminated false information discrediting the honor and dignity of another candidate, damaging his business reputation;

dropout from the party list of persons, constituting more than fifty percent of the entire party list;

establishment by the court of the facts of bribing of voters by a political party that nominated a party list, or its agents;

in other cases, established by this Constitutional Law.

Cancellation of a decision on registration of a party list or restoration of a party list previously withdrawn from registration two days before voting day shall not be allowed;

4) shall make a decision on exclusion of a person, included in the party list from this list in the following cases:

non-compliance of the person, included in the party list with the requirements for the candidate, imposed by the Constitution of the Republic of Kazakhstan and this Constitutional Law;

detection at the time of filing the declaration of the unreliability of information about the assets and liabilities declared by the candidate or his (her) wife (husband) in accordance with the legislation of the Republic of Kazakhstan on combating corruption;

the use by a person, included in a party list, of official position in his election campaign;

conduct by a person included in the party list of an election campaign before the end of the registration period for the party list;

establishment by the court of the facts of bribing of voters by a person, included in the party list or his authorized representatives;

in other cases, established by this Constitutional Law.

The decision to exclude a person, included in the party list from this list may be appealed by a political party that nominated the party list, or by a person, excluded from the party list, to a court whose decision is final.

The decision making to exclude a person, included in the party list, two days before a voting day shall not be allowed.

6-1. District Electoral Commission shall:

1) not later than on the seventh day after the registration of candidates in single-mandate territorial electoral districts, publish in the local mass media notice on the registration of candidates indicating the last name, first name, and patronymic (if it is indicated in an identity

document), year of birth, position held (occupation), place of work and residence of each candidate, as well as, depending on the candidate's discretion, information about his/her affiliation to a political party, public association and nationality;

2) at the time of registration, issue an appropriate certificate to candidates in single-seat territorial constituencies;

3) refuse to register or cancels the decision to register a candidate for single-seat territorial constituencies in the following cases:

violation by a political party, a public association, their structural subdivisions (branches and representative offices), a candidate of the rules for nomination, failure to submit the necessary documents for registration;

conduct by a political party, public association, their structural subdivisions (branches and representative offices), candidates nominated by them, self-nominated candidates, as well as proxies of election campaigning before the end of the registration period;

establishment by the court of the fact that a political party, public association, their structural subdivisions (branches and representative offices), a candidate and (or) proxies spread false information discrediting the honor and dignity of another candidate, undermining his business reputation;

establishment by the court of the facts of bribing voters by a political party, public association, their structural subdivisions (branches and representative offices), candidates nominated by them, self-nominated candidates, as well as proxies;

compliance of the candidate with the requirements imposed on him by the Constitution and this Constitutional Law;

use by the candidate of official or official position in his/her election campaign;

other cases established by this Constitutional Law;

4) cancel the decision to register a candidate if, at the time of filing the declaration, the information on assets and liabilities declared by the candidate or his (her) wife (husband) is revealed to be unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.

Cancellation of the decision to register a candidate or restoration of a candidate previously removed from registration two days before voting day shall be prohibited.

7. Refusal to register or cancellation of the decision to register a party list or candidate may be appealed to a higher election commission or court within seven days. In case of refusal to register or cancel the decision on registration of a candidate nominated by a political party, public association, or their structural subdivisions (branches and representative offices) in single-member territorial constituencies, such a decision may be appealed both by the candidate himself and by the political party, public association, their structural subdivisions (branches and representative offices) that nominated the candidate. Wherein, the higher election commission or the court shall decide on the complaint within seven days from the date of filing the complaint.



8. Registration of party lists, and candidates shall begin sixty days before voting day and end at eighteen o'clock local time twenty-five days before election day, unless otherwise specified when calling elections.

**Footnote. Article 104 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated May 25, 2020 № 335-VI (shall be enforced ten calendar days after the day of its first official publication); dated 24.05.2021 № 41-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.11.2022 № 156-VII (refer to Article 3 for the procedure for enactment).**

**Article 105. Dropout of candidature, cancellation of the decision to nominate as a candidate to maslikhat deputy**

1. A person included in a party list may drop out his candidacy by submitting a written application to the territorial election commission and a political party about this.

A candidate for deputies of a maslikhat in a single-mandate territorial constituency may withdraw his/her candidacy by submitting a written application to the relevant district election commission.

2. The governing body of a political party, its structural subdivision (branch and representative office) at any time before registration and after it, except for the last two days before voting day, may apply with a corresponding submission to the relevant election commission to exclude a candidate for deputy of the maslikhat from the party list or cancel its decision to nominate a candidate.

The governing body of a public association, its structural subdivision (branch and representative office) at any time before registration and after it, except for the last two days before voting day, may cancel its decision to nominate a candidate for maslikhat deputies by submitting an appropriate submission to the district election commission.

3. In the cases specified in paragraph 2 of this Article, the relevant election commission shall exclude the persons included in the party list, not register the candidate, or cancel the decision to register the candidate.

A candidate for deputies of a maslikhat in a single-mandate territorial constituency may not withdraw his/her candidacy two days before voting day.

4. If the dropout of the candidacy or the cancellation of the decision on the nomination of a candidate were made without compelling circumstances, the territorial election commission shall charge the political party that nominated the candidate to cover a part of the expenses incurred for conducting an election campaign from the republican budget.

**Footnote. Article 105 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days**

after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

**Article 106. The size of the electoral fund of a political party, a candidate for deputies of the maslikhat**

Footnote. The heading of Article 106 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

1. Candidates standing as candidates in party lists nominated by political parties shall not be entitled to establish their own election funds.

2. Election funds of political parties for each party list shall be formed from:

1) the own funds of a political party, the total amount of which should not exceed the minimum wage established by the legislation by more than a thousand times;

2) voluntary donations of citizens and organizations of the Republic of Kazakhstan, the total amount of which should not exceed the minimum wage established by the legislation more than two thousand times.

The maximum amount of voluntary donations of an individual in the aggregate should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than fifty times and by a legal entity of the Republic of Kazakhstan - in the aggregate by more than two hundred and fifty times.

3. The electoral fund of a candidate for deputies of maslikhats of regions, cities of republican significance and the capital shall be formed by:

1) the candidate's funds, the total amount of which should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than one hundred times;

2) voluntary donations of citizens and organizations of the Republic of Kazakhstan, the total amount of which should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than two hundred times.

The maximum amount of voluntary donations of an individual in the aggregate should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than ten times and by a legal entity of the Republic of Kazakhstan - in the aggregate by more than twenty-five times.

4. The electoral fund of a candidate for deputies of maslikhats of districts and cities shall be formed by:

1) the candidate's funds, the total amount of which should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than fifty times;

2) voluntary donations of citizens and organizations of the Republic of Kazakhstan, the total amount of which should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by more than one hundred times.

The maximum amount of voluntary donations of an individual in the aggregate should not exceed the minimum wage established by the legislation of the Republic of Kazakhstan by

more than five times and by a legal entity of the Republic of Kazakhstan - in the aggregate by more than fifteen times.

Footnote. Article 106 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 107. Nomination of party lists of candidates, candidates for deputies of maslikhats instead of those who left after the expiration of the registration period**

Footnote. The heading of Article 107 as amended by Constitutional Law № 156-VII dated 05.11.2022 (shall come into effect from 01.01.2023).

1. If, as a result of the withdrawal of party lists, candidates after the expiration of the registration period in the relevant constituency, there are less than two party lists of candidates or less than two candidates for maslikhat deputies, the relevant election commission, by its decision, shall extend the election period, but not more than by two months.

2. In this case, the nomination of party lists of candidates, and candidates for deputies of the maslikhat shall be carried out in accordance with the rules established by this Constitutional Law.

Footnote. Article 107 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan. RoKdated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 108. Counting of votes at elections of maslikhat deputy**

1. The precinct election commission shall draw up protocols on the results of voting during the elections of deputies of the district (city) and regional maslikhats, which shall be immediately sent to the relevant election commission (regional, city, district in the city, district).

The district election commissions shall send the protocols on the results of the voting in the electoral district to the respective territorial election commissions.

2. District, and city election commissions, based on protocols of district election commissions based on the results of the voting, no later than two days from the day of elections, shall establish the results of elections of deputies to district and city maslikhats.

3. Regional, city, district in the city, district election commissions, based on protocols of precinct election commissions, shall draw up protocols on the results of voting during elections of deputies of maslikhats of regions, cities of republican significance and the capital, which shall be immediately sent to higher election commissions.

Regional, city of republican significance and the capital election commissions on the basis of these protocols within two days from the date of elections shall establish the results of the election of deputies to maslikhats of regions, cities of republican significance and the capital.

Footnote. Article 108 as amended by the Constitutional Law of the Republic of Kazakhstan of 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan. RoKdated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 109. Repeated voting in the election of a deputy of the maslikhat**

Footnote. The Article 109 is excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II.

#### **Article 109-1. Repeated voting during the election of a deputy of the maslikhat**

1. If more than two candidates for maslikhat deputies were included in the ballot and none of them was elected, the district election commission shall appoint a repeat voting for the election of a deputy for the two candidates who received the largest number of votes. If, as a result of the withdrawal of candidates, one candidate remains, a repeated vote on his/her candidacy shall not be held and he/she shall be considered elected.

2. Repeat voting shall be held no later than within a month in compliance with the requirements of this Constitutional Law. The repeat voting shall be reported in the local media.

Footnote. The Constitutional Law was supplemented by Article 109-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

#### **Article 110. Re-run of election of the Maslikhat deputies**

1. If elections have been declared invalidated, the territorial election commission shall take a decision on conduct of the re-run of election. Voting shall be conducted in the same polling stations and under the same voter registers that have been compiled for the conduct of initial elections.

2. Re-run of election shall be conducted within two months' term after the initial elections. Electoral campaign, which have been foreseen for the re-run of election, shall be conducted according to the rules stipulated by this Constitutional Law. In this case the reduced term of the electoral campaign shall be fixed by a territorial election commission.

3. Local mass media shall be informed about conduct of the re-run of election.

4. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

Footnote. Article 110 is with the changes, introduced by the Constitutional Laws of RK of 6 May 1999 № 375-I; 14 April 2004 № 545-II.

#### **Article 111. Establishment and publication of the election results of the Maslikhat deputies**

1. The results of election of the Maslikhat deputies shall be established by the corresponding territorial election commission not later than within five days from the date of elections.

2. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Other issues related to the establishment and publication of the election results of them Maslikhat deputies shall be solved according to the rules established in the General part of this Constitutional Law.

Footnote. Article 111 is with the changes introduced by the Constitutional Laws of RK dated May 6, 1999 № 375-I; April 14, 2004 № 545-II; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 111-1. Distribution of deputy mandates following the results of voting by party list**

1. The relevant territorial election commission shall calculate the sum of the votes of voters cast in the respective administrative-territorial unit for each party list that received five or more percent of the votes of voters from the number of voters who took part in the voting. The sum of votes cast for political parties that have overcome the 5% threshold is divided by the number of deputy mandates to be distributed. The result obtained is the first selective quotient (quota).

2. If five percent of the votes of the voters who took part in the voting were received by only one political party, then the list of the indicated political party, as well as the party list of the party that received the next largest number of votes of the voters who took part in the voting, is allowed to distribute deputy mandates.

The amount of votes cast for two political parties shall be divided by the number of deputy mandates to be distributed. The result received shall be the first electoral quotient (quota).

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

The number of votes received by the list of the party that did not overcome the 5% threshold and participates in the distribution of mandates in accordance with paragraph 2 of this article is divided by the first electoral quotient and multiplied by a correction factor of 0.7

The integer part obtained as a result of dividing the number shall be the number of deputy mandates received by the corresponding political party that formed the party list.

A political party that has not overcome the five percent barrier and participates in the distribution of mandates in accordance with paragraph 2 of this article shall receive at least one mandate.

4. If after the actions performed in accordance with paragraph 3 of this article, there are undistributed mandates, they shall be redistributed. Undistributed mandates shall be transferred one by one to those party lists that have the largest fractional part (remainder) of the number obtained as a result of the division in accordance with paragraph 3 of this article. In case of equality of the greatest part, priority shall be given to the party list registered earlier

When distributing mandates in accordance with paragraph 2 of this article, undistributed mandates are transferred to that party list that, following the results of voting, has overcome the five percent barrier.

5. The sequence of distribution of deputy mandates shall be determined by the governing body of the relevant branch (representative office) of a political party from among the candidates, included in the party list no later than five days from the date of publication of the election results.

6. In the event of an early dropout of a deputy, his mandate shall be transferred by the decision of the relevant territorial election commission to the next candidate, determined by the governing body of the relevant branch (representative office) of a political party from among the candidates, included in the party list.

If there are no candidates in the relevant party list, the mandate shall remain vacant until the next election of maslikhat deputies.

**Footnote.** Chapter 13 shall be supplemented by Article 111-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated May 24, 2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication).

## **Article 112. Registration of maslikhat deputies**

1. The relevant election commission shall register the elected deputies of maslikhats.

2. The relevant territorial election commission, on the proposal of the district (city), district election commission or citizens' appeals, may recognize the election of maslikhat deputies as invalid if violations of this Constitutional Law took place during the elections or when counting votes or determining the results of elections, and refuse to register deputies maslikhat. Wherein, this decision of the territorial election commission, within ten days from the date of its adoption, may be appealed by the political party that nominated the party list, by the political party, public association that nominated candidates, and by the candidate himself/herself in the single-mandate territorial electoral district to the court, which within ten days takes decision.

**Footnote.** Article 112 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of

Kazakhstan. RoK dated 05.11.2022 dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

### **Article 113. Holding extraordinary elections of deputies of maslikhats and elections of deputies instead of retired**

Footnote. The heading of Article 113 as amended by Constitutional Law № 156-VII dated 05.11.2022 (shall come into effect from 01.01.2023).

Extraordinary elections of deputies of maslikhats and elections of deputies instead of retired ones shall be held in accordance with the rules established by this Constitutional Law for regular elections of deputies of maslikhats. Wherein, the timing of holding election events shall be determined by the relevant territorial election commission.

A year before the expiration of the constitutional term of the maslikhat, the election of a deputy instead of the retired one shall not be held.

Footnote. Article 113 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan. RoK dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

### **Chapter 13-1. Akim elections**

Footnote. The constitutional law is supplemented by chapter 13-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 24.05.2021 № 41-VII (shall be enforced ten calendar days after the day of its first official publication; as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

1. The grounds for calling elections shall be:

- 1) the end of the akim's term of office established by law;
- 2) early termination of the powers of the akim or formation, change of boundaries (accession, separation or separation) of administrative-territorial units in cases established by law.

When forming, or changing the boundaries (attaching, separating or separating) of an administrative-territorial unit, elections shall be called only in the newly created administrative-territorial unit.

2. Elections of the akim of the district, and city of regional significance shall be appointed by the relevant territorial election commission at least sixty days before the expiration of the term of the akim. Elections of the akim of the city of district significance, village, township, or rural district shall be appointed by the relevant territorial election commission at least fifty days before the expiration of the term of the akim.

Akim elections must be held at least ten days before the expiration of the term of his powers established by law, except for the cases specified in part one of paragraph 6 of Article 113-3 and Article 113-9 of this Constitutional Law.

3. Elections of the akim shall be appointed by the relevant territorial election commission within a month from the date of early termination of the powers of the akim or formation, change of boundaries (accession, separation or division) of the corresponding administrative-territorial unit and shall be held from the day of their appointment for the akim of the district, city of regional significance within fifty days, for the akim of the city of district significance, village, township, rural district - within forty days.

4. The announcement of the election day shall be published in the local mass media.

#### **Article 113-2. Requirements for an akim**

To be elected akim, a citizen of the Republic of Kazakhstan must meet the requirements provided for by this Constitutional Law, Article 36-2 of the Law of the Republic of Kazakhstan "On Local Government and Self-Government in the Republic of Kazakhstan" and the legislation of the Republic of Kazakhstan in the field of public service.

Compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of civil service shall be established by the authorized body for civil service affairs based on documents submitted by the relevant territorial election commission.

To check compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of civil service, a candidate for akims shall submit to the relevant territorial election commission the necessary documents, the list of which is established by the authorized body for civil service affairs together with the Central Election Commission.

#### **Article 113-3. Nomination of a candidate for akims**

1. The nomination of a candidate for akims shall be carried out by political parties registered in the established manner, from among their members, by citizens in the order of self-nomination by submitting to the territorial election commission of the relevant constituency an application on the intention to run as a candidate for akims, as well as a higher akim, if on the day of the completion nomination period, less than two candidates are nominated.

A political party may nominate only one candidate in one constituency.

2. The decision of the supreme governing body of the relevant branch (representative office) of a political party on the nomination of a candidate for akims shall be drawn up as an extract from the protocol.

3. Decision of the supreme governing body of the relevant branch (representative office) of a political party shall be:

1) brought to the attention of the nominated candidate;

2) together with the candidate's statement of consent to run, sent to the relevant territorial election commission simultaneously with an extract from the protocol on nominating a candidate for akims.

4. No one may be nominated as a candidate in more than one constituency.

5. The nomination of candidates shall begin on the day following the day of calling the elections, and end at eighteen o'clock local time thirty days before the election day of akims



of districts, cities of regional significance and twenty-five days before the election of akims of cities of district significance, villages, settlements, rural districts, unless otherwise established when calling elections.

akims shall be nominated by the end of the term for nomination, then the relevant territorial election commission shall extend the term for nominating candidates by no more than three days.

In this case, the higher akim, in the absence of nominated candidates or the nomination of one candidate on the day of the expiration of the nomination period, shall have the right to nominate two or one candidates, respectively.

#### **Article 113-4. Collection of signatures in support of a candidate for akims**

1. A candidate for akims, in the case of his/her self-nomination, must be supported by at least one percent of the votes of the total number of voters of the relevant constituency who have the right to vote.

2. The support of voters shall be certified by the collection of their signatures.

3. The collection of signatures in support of a candidate shall be organized by proxies and executed with signature sheets issued by the relevant territorial election commission, no later than three days after the verification of the candidate for compliance with the requirements provided for by this Constitutional Law, Article 36-2 of the Law of the Republic of Kazakhstan "On Local Government and Self-government in the Republic of Kazakhstan" and the legislation of the Republic of Kazakhstan in the field of civil service.

4. Signature lists must be submitted to the relevant territorial election commission no later than three days before the end of the registration period.

5. Each signature sheet must have a serial number and include the last name, first name, patronymic (if it is indicated in the identity document) of the candidate and the person collecting signatures, the personal signature of the candidate, as well as columns containing the following information about those who put their signatures, voters:

- 1) last name, first name and patronymic (if it is indicated in the identity document);
- 2) number and series of the identity document;
- 3) date, month and year of birth;
- 4) address of the place of residence;
- 5) personal signature.

6. When collecting signatures, the person collecting signatures must present a copy of the certificate of registration of the candidate's authorized representative, whose personal signature is on the corresponding signature sheet.

7. A sample signature sheet shall be approved by the Central Election Commission.

8. The completed signature sheets shall be submitted to the relevant territorial election commission, which, within three days, shall check the authenticity of the collected signatures with the involvement of employees of the authorized body for documenting and issuing passports and identity cards and draw up the appropriate protocol.

9. Checking the authenticity of signatures shall be carried out until the establishment of reliable signatures in the amount required by the candidate for akims in accordance with paragraph 1 of this Article.

**Article 113-5. Registration of candidates for akims**

1. Registration of candidates shall be carried out by the relevant territorial election commission.

2. A candidate, except for a candidate nominated by a political party, shall pay an election fee from his funds to the account of local executive bodies:

for candidates for akims of a district (city of regional significance) - in five times the minimum wage established by the law on the republican budget for the corresponding financial year and effective as of January 1 of the corresponding financial year;

for candidates for akims of a city of district significance, a village, a township, a rural district - in a one-time minimum wage established by the law on the republican budget for the corresponding financial year and effective as of January 1 of the corresponding financial year.

The political party that nominated a candidate shall pay from its funds to the account of local executive bodies an electoral fee for each nominated candidate:

for candidates for akims of a district (city of regional significance) - in five times the minimum wage established by the law on the republican budget for the corresponding financial year and effective as of January 1 of the corresponding financial year;

for candidates for akims of a city of district significance, a village, a township, a rural district - in a one-time minimum wage established by the law on the republican budget for the corresponding financial year and effective as of January 1 of the corresponding financial year.

The contribution made shall be returned to the candidate or political party in cases where, following the results of the elections, the candidate shall be elected akim or, following the results of the voting, the candidate receives at least five percent of the votes of the voters who took part in the voting, as well as in the event of the death of the candidate. In all other cases, the contribution made is non-refundable and shall be transferred to the income of the local budget.

3. Before registration, the candidate and his (her) wife (husband) shall submit declarations of assets and liabilities to the state revenue authorities at the place of residence on the first day of the month of the start of the nomination period in the manner and form established by the authorized state body in charge of securing revenues taxes and other obligatory payments to the budget.

The reliability of information about the assets and liabilities declared by the candidate and his (her) wife (husband) shall be checked by the state revenue authorities within five days from the date of registration of the candidate.

Wherein, organizations that have received the requirements of state revenue authorities to provide information about the assets and liabilities of the candidate and his (her) wife (

husband) shall be required to provide the requested information within three days from the date of receipt of the request.

4. From the moment of receipt of documents for registration, the relevant territorial election commission shall send the candidate's documents to the national security bodies of the Republic of Kazakhstan for a special check.

The results of a special check shall be submitted by the national security bodies of the Republic of Kazakhstan to the district (city) election commission within thirty days from the date of receipt of documents from the district (city) election commission.

Wherein, organizations that have received the requirements of the national security bodies of the Republic of Kazakhstan to provide information during a special audit shall be required to provide the requested information within three days from the date of receipt of the request.

5. Registration of a candidate nominated by a political party shall be carried out if the following documents are available:

1) extracts from the minutes of the meeting of the supreme governing body of the relevant branch (representative office) of the political party on nominating a candidate with a copy of the document on state registration of this political party;

2) statements of a citizen about his/her consent to run as a candidate for akims;

3) biographical information about the candidate;

4) certificates of the state revenue authority on the submission by the candidate and his (her) wife (husband) of declarations of assets and liabilities;

5) a document certifying the payment of an electoral contribution by a political party;

6) a document confirming the membership of a person in a political party;

7) documents required for conducting a special check of citizens entering the civil service of the Republic of Kazakhstan.

6. Registration of a candidate in case of his/her self-nomination shall be carried out in the presence of the following documents:

1) statements of a citizen about his/her intention to run as a candidate for akims;

2) the protocol of the respective territorial election commission on the results of verification of signatures of voters of the respective administrative-territorial unit in support of the candidate;

3) biographical information about the candidate;

4) certificates of the state revenue authority on the submission by the candidate and his (her) wife (husband) of declarations of assets and liabilities;

5) a document certifying that the candidate has made an election contribution;

6) documents required for conducting a special check of citizens entering the civil service of the Republic of Kazakhstan.

7. Registration of a candidate nominated by a higher akim in the manner prescribed by part two of paragraph 6 of Article 113-3 of this Constitutional Law shall be carried out if the following documents are available:

- 1) representations of the higher akim;
- 2) statements of a citizen about his consent to run as a candidate for akims;
- 3) biographical information about the candidate;
- 4) certificates of the state revenue authority on the submission by the candidate and his (her) wife (husband) of declarations of assets and liabilities;
- 5) a document certifying that the candidate has made an election contribution;
- 6) documents required for conducting a special check of citizens entering the civil service of the Republic of Kazakhstan.

8. The relevant territorial election commission shall draw up a protocol on the registration of candidates.

9. Not later than on the fifth day after the registration of candidates, the relevant territorial election commission shall publish in the local mass media a notice of registration indicating the last name, first name, patronymic (if it is indicated in an identity document), year of birth, position held (occupation), place of work and address of the place of residence of each candidate, method of nomination, and, depending on the candidate's discretion, information about his/her affiliation to a political party and nationality.

10. The relevant territorial election commission shall issue an appropriate certificate to candidates upon registration.

11. The relevant territorial election commission shall refuse registration or cancel the decision on the registration of a candidate in the following cases:

1) violation by the candidate of the rules for nomination, failure to submit the necessary documents for registration;

2) non-compliance of the candidate with the requirements imposed on him/her by this Constitutional Law, Article 36-2 of the Law of the Republic of Kazakhstan "On Local Government and Self-Government in the Republic of Kazakhstan" and the legislation of the Republic of Kazakhstan in the field of public service;

3) use by the candidate of official or service position in his/her election campaign;

4) the candidate, as well as the political party nominating the candidate, conducts an election campaign before the end of the registration period;

5) establishment by the court of the fact that the candidate and (or) his/her proxies disseminated false information discrediting the honor and dignity of another candidate, undermining his/her business reputation;

6) establishment by the court of facts of bribery by the candidate and his proxies of voters;

7) obtaining negative results of a special check;

8) other cases established by this Constitutional Law.

The relevant territorial election commission shall cancel the decision to register a candidate if, at the time of filing the declaration, the information on assets and liabilities declared by the candidate or his (her) wife (husband) is found to be unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.

12. Cancellation of a decision on the registration of a candidate or restoration of a candidate previously de-registered two days before voting day shall be prohibited.

13. The refusal to register a candidate or the cancellation of the decision on his registration may be appealed within three days by a political party, a higher akim that nominated candidates, or a candidate to the relevant regional election commission or court. A decision on a complaint shall be made by a court or a higher territorial election commission within three days from the day the complaint was filed.

14. Registration of a candidate shall begin after receiving all the necessary documents and end at eighteen o'clock local time twenty-five days before the election day of akims of districts, cities of regional significance and twenty days before the election day of akims of cities of district significance, villages, towns, rural constituencies, unless otherwise specified when calling elections.

**Article 113-6. Withdrawal of a candidacy, cancellation of the decision on the nomination as a candidate for akims**

1. A candidate for akims, in case of his/her self-nomination during the period from the day of registration and two days before voting day, may withdraw his/her candidacy by submitting a written application to the relevant territorial election commission.

A candidate for akims nominated by a political party or a higher akim, in the period from the day of registration and two days before voting day, may withdraw his/her candidacy by submitting a written application to the relevant territorial election commission and notifying the relevant branch (representative office) of the political party or to the higher akim who nominated the candidate.

2. The supreme governing body of the relevant branch (representative office) of a political party or a higher akim that nominated a candidate, two days before registration, may cancel its decision to nominate a candidate, informing the candidate about it and sending an application to cancel the decision to nominate a candidate to the relevant territorial election commission which, on this basis, shall not register the candidate or cancel the decision to register the candidate.

**Article 113-7. Nomination of candidates for akims after the expiration of the registration period**

1. If less than two candidates for akims are registered on the day of the end of the registration period for candidates, the relevant territorial election commission, by its decision, shall extend the election period, but not more than for fifteen days.

2. If, as a result of the withdrawal of candidates after the expiration of the registration period, less than two candidates for akims remain in the relevant constituency, the relevant territorial election commission, by its decision, shall extend the election period, but not more than by fifteen days.

3. In the cases established by paragraphs 1 and 2 of this Article, the nomination of candidates shall be carried out in accordance with this Constitutional Law.

### **Article 113-8. Counting of votes in the election of akim**

1. Based on the voting results, the precinct election commission shall draw up a voting protocol, which shall be immediately delivered to the relevant territorial election commission.

2. Other issues related to determining the result of the vote count shall be resolved in accordance with the rules established by the General Part of this Constitutional Law.

### **Article 113-9. Repeat elections of akim**

1. If the elections were declared invalid, the territorial election commission shall decide to hold repeat elections.

2. If the candidates received the largest equal number of votes, the territorial election commission shall decide to hold repeat elections.

3. Repeat elections shall be held no later than one month after the initial elections. Voting takes place in the same polling stations and on the same voter lists drawn up for the initial elections.

Electoral events, the implementation of which is provided for during the repeat elections, shall be held in accordance with this Constitutional Law within the time limits determined by the territorial election commission.

### **Article 113-10. Establishment and publication of the results of the elections of akim**

1. The results of elections shall be established at a meeting of the relevant territorial election commission based on the protocols of precinct election commissions no later than three days after the election.

A protocol shall be drawn up on the results of the elections, signed by the chairman and members of the respective territorial election commission.

2. The candidate who received more votes from the voters who took part in the voting, in comparison with other candidates, shall be considered to be elected as akim.

3. Other issues of establishing and publishing the results of elections shall be resolved in accordance with the rules established by the General Part of this Constitutional Law.

### **Article 113-11. Akim registration**

1. The relevant territorial election commission, based on the protocols of precinct election commissions, within seven days from the date of the elections, shall register the elected akims

2. The relevant territorial election commission, upon the presentation of the precinct election commission or citizens' appeals, may recognize the elections of the akim as invalid if violations of this Constitutional Law took place during the elections or during the counting of votes or when determining the results of the elections, and refuse to register the akim. Wherein, this decision of the relevant territorial election commission, within five days from the date of its adoption, may be appealed by candidates to a court or a higher election commission, which decides within five days.

## **Chapter 13-2. Recall of deputies of the Mazhilis of the Parliament and maslikhats elected in single-seat territorial constituencies**

**Footnote.** The Constitutional Law is supplemented with Chapter 13-2 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall come into effect ten calendar days after the day of its first official publication).

### **Article 113-12. Initiation of the recall of a deputy elected in a single-mandate territorial constituency**

1. The basis for initiating the recall of a deputy elected in a single-mandate territorial constituency shall be the loss of voters' confidence, including that associated with the failure to fulfil the election program.

2. Initiation of the recall of a deputy elected in a single-member territorial constituency may not be applied during the first year and the last year of the deputy's work.

Re-initiation of the recall of a deputy elected in a single-mandate territorial constituency may not be applied before the expiration of one year from the date of publication of the voting results for which the deputy's mandate is preserved.

3. The right to initiate the recall of a deputy elected in a single-mandate territorial constituency belongs to the voters of the corresponding single-mandate territorial constituency.

### **Article 113-13. The procedure for initiating the recall of a deputy elected in a single-mandate territorial constituency and the formation of an initiative group**

1. A voter of the relevant single-mandate territorial electoral district shall apply to the relevant territorial election commission with an application to recall a deputy elected in a single-mandate territorial electoral district, outlining the grounds for initiating a such recall.

2. The election commission, having considered the application for compliance with the requirements of Article 113-14 of this Constitutional Law and paragraph 1 of this Article, not later than three days shall notify the initiator and the higher commission about the registration of the application or about the refusal to register.

Refusal to register an application may be appealed to the court within ten days from the date of the decision to refuse.

3. The Territorial Election Commission places on its Internet resource signature sheets for collecting signatures on the recall of a deputy elected in a single-mandate territorial constituency, the form of which is established by the Central Election Commission.

### **Article 113-14. The procedure and terms for collecting signatures**

1. The collection of signatures of citizens for the recall of a deputy elected in a single-mandate territorial electoral district shall be organized by the initiator within thirty calendar days from the date of registration of the application with the relevant territorial election commission.

2. After the deadline for collecting signatures:

1) when the number of signatures reaches more than ten percent of the total number of voters of the respective single-seat territorial constituency, the initiator submits signature lists to the respective election commission;

2) if the number of signatures does not reach ten percent of the total number of voters of the relevant single-mandate territorial constituency or if signature sheets shall not be submitted to the relevant election commissions, the relevant election commission shall decide to invalidate the signature sheets, terminate the activities to recall the deputy elected in the single-mandate territorial constituency.

The relevant election commissions within ten days verify the authenticity of signatures and places of residence of citizens of this single-mandate territorial constituency on signature sheets with the involvement of employees of the authorized body for documenting and issuing passports and identity cards.

3. Each citizen shall have the right to sign the signature sheet only once. The signature of a citizen shall be supplemented by a full indication of his/her last name, first name, patronymic (if it is indicated in the identity document), place of registration, data of the document proving his/her identity, and the date of signing the sheet.

4. Signature lists of an unspecified form shall be invalid.

Signature lists filled out in violation of the requirements of this article shall not be taken into account when counting votes.

#### **Article 113-15. Procedure and timing of voting**

1. The relevant election commission, subject to the compliance of the submitted signature sheets with the requirements of Article 113-14 of this Constitutional Law, upon the expiration of the verification period, no later than one day, shall decide to conduct voting on the recall of a deputy elected in a single-seat territorial constituency.

2. Not later than three working days from the date of the adoption of the decision to hold voting, the relevant election commission shall send to the deputy elected in a single-seat territorial constituency a notification of the holding of voting on his/her recall.

3. Voting on the recall of a deputy elected in a single-mandate territorial constituency shall be held within two months from the date of the decision to call the vote.

4. From the moment a decision is made to hold voting by the relevant election commission, a deputy elected in a single-mandate territorial constituency and the initiator of his/her recall shall be granted the right to conduct campaigning regarding the recall of:

a deputy of the Mazhilis of the Parliament elected from a single-mandate territorial constituency - within five calendar days;

deputy of the maslikhat elected in a single-mandate territorial constituency - within three calendar days.

#### **Article 113-16. Voting procedure for the recall of a deputy elected in a single-mandate territorial constituency**



1. The recall of a deputy elected in a single-mandate territorial constituency shall be carried out by voting.

2. Voting shall be carried out in the same manner as the election of deputies, taking into account the specifics provided for by this Article.

3. Voting shall be considered to have taken place if at least one-third of the voters of the corresponding single-mandate territorial constituency took part in the voting.

4. A deputy elected in a single-mandate territorial constituency shall be considered recalled if more than fifty percent of the voters who took part in the voting vote for his recall.

5. The results of voting on the recall of a deputy of the Mazhilis of the Parliament or maslikhat, elected in a single-mandate territorial constituency, shall be summed up at a meeting of the Central or territorial election commission, respectively, drawn up in a protocol signed by the chairman, deputy chairman, secretary and members of the commission.

The official announcement of the election commission on the recall of a deputy elected in a single-mandate territorial constituency shall be published in the mass media no later than three days from the date of voting.

6. In the event of a recall of a deputy elected in a single-mandate territorial electoral district, the relevant election commission shall call the election of deputies in accordance with the provisions of this Constitutional Law.

#### **Chapter 14. Elections to the other local self-government bodies of the Republic of Kazakhstan**

**Footnote. Title of Chapter 14 as amended by the Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 № 268 (effective from the date of its official publication).**

#### **Article 114. Appointment of the elections of the local self-government bodies**

1. The grounds for the appointment:

1) election shall be termination of the statutory term of office of the local self-government ;

2) by-election of the member of the local self-government body shall be the preterm termination of the authorities of the member, deprivation of his/her mandate or his/her death.

2. Elections of the local self-government bodies shall be appointed by the territorial election commission at least two months prior to expiration of authorities of the local self-government bodies and must be conducted at least one month prior to the expiration of the statutory term of their authorities.

The order of conduct of elections shall be determined by the Central Election Commission according to this Constitutional Law.

3. The announcement about the day of elections shall be published in local mass media.

**Footnote. Article 114 is with the changes introduced by the Constitutional Law of RK dated April 14, 2004 № 545-II.**

## **Article 115. Requirements to the members of the local self-government bodies**

To be elected as a member of the local self-government bodies the citizen shall meet the requirements established by the corresponding Act of the Republic of Kazakhstan as well as have the suffrage according to clauses 2 and 3 of Article 33 of the Constitution and this Constitutional Law.

**Footnote. Article 115 is with the changes introduced by the Constitutional Law of RK dated April 14, 2004 № 545-II.**

## **Article 116. Election districts and election commissions at elections of members of the local self-government bodies**

At elections of members of the local self-government bodies:

1) The territories of rural and urban local communities where groups of the population compactly live shall make constituencies;

**2) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication);**

3) Organization and conduct of elections are realized by the precinct election commissions.

**Footnote. Article 116 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 117. Nomination of candidates for members of local government bodies**

1. The right to nominate candidates for members of local government bodies shall belong to citizens' assemblies that are eligible if there are at least fifty citizens who have the right to vote and live compactly in rural and urban local communities, as well as citizens - by self-nomination.

2. The decision to nominate candidates for members of local government bodies shall be made by a majority vote from the number of citizens present at the meeting, which is documented by the relevant protocol.

3. The decision of the citizens' assembly:

1) shall be brought to notice of the nominee;

2) shall be sent to the relevant territorial election commission together with the application of the candidate about the consent to run for election.

4. Nomination of candidates for members of local government bodies by citizens shall be carried out by way of self-nomination by submitting an application of intention to the relevant territorial election commission to run for the members of local government bodies in the territory of the respective rural or urban local community.

5. A citizen who is not resident in the territory of a given rural or urban local community cannot be nominated as a member of a local government body.

6. The number of nominated candidates shall not be limited.

7. The nomination of candidates shall begin on the day following the day of appointment of the election, and shall end fourteen days before the election day.

8. If less than two candidates for members of local government bodies are registered on the day of expiry of the registration period of candidates, the territorial election commission shall extend the period for nomination of candidates, but not more than twenty days.

9. The territorial election commission within three days shall establish the candidate's compliance with the requirements, imposed by the Constitution and this Constitutional Law.

**Footnote. Article 117, as amended, by the Constitutional Law of the Republic of Kazakhstan dated April 14, 2004 № 545.**

### **Article 118. Registration of candidates for members of local government bodies**

1. Registration of candidates shall be carried out by territorial election commissions.

1-1. Prior to registration, the candidate and his (her) spouse (husband) submit declarations of assets and liabilities to the state revenue authorities at the place of residence on the first day of the month of the start of the nomination period established in accordance with this Constitutional Law, in the manner and form established by the authorized state body Republic of Kazakhstan, exercising leadership in the field of ensuring the receipt of taxes and other obligatory payments to the budget.

The reliability of information about the assets and liabilities declared by the candidate and his (her) spouse (husband) is checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

Organizations that have received the requirements of state revenue authorities to provide information about the assets and liabilities of the candidate and his (her) spouse (spouse) are required to provide the requested information within four days from the date of receipt of the request.

2. Registration of a candidate nominated by an assembly of citizens shall be carried out upon availability of the following documents:

1) minutes of the assembly of citizens;

2) a citizen's statement of consent to run for a member of the local government body;

3) biographical data about the candidate;

**4) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545;**

5) certificates of the state revenue authority on the submission by the candidate and his (her) spouse (husband) of declarations of assets and liabilities.

3. Registration of a candidate in the event of his self-nomination shall be carried out in the presence of the following documents:

- 1) a statement of intent to run as a candidate;
- 2) biographical data about the candidate;
- 3) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545;
- 4) certificates of the state revenue authority on the submission by the candidate and his (her) spouse (husband) of declarations of assets and liabilities.
4. Any number of candidates shall be allowed for registration.
5. The territorial election commission shall draw up a protocol on the registration of candidates.
6. Territorial election commission:
  - 1) not later than on the fourth day after the registration of candidates, shall publish in the local mass media a message about the registration indicating the last name, first name, patronymic, year of birth, position (occupation), place of work and residence of each candidate, and also, depending on the discretion of the candidate, information about his affiliation to a public association and nationality;
  - 2) upon registration, shall issue an appropriate certificate to candidates;
  - 3) shall refuse to register or cancel the decision on the registration of a candidate in the event of:
    - violation of the nomination rules by the candidate, failure to submit the necessary documents for registration;
    - non-compliance of a candidate with the requirements set forth by the Constitution and this Constitutional Law;
    - candidate's use of official position in his election campaign;
    - holding of election campaign by the candidate before the end of the registration period, on election day or the day preceding it;
    - determination by the court of the fact that the candidate and (or) his agents have disseminated false information discrediting the honor and dignity of another candidate, damaging his business reputation;
    - establishment by the court of the facts of bribing of voters by a candidate and his authorized representatives;
    - in other cases, established by this Constitutional Law;
  - 3-1) cancels the decision to register a candidate if, at the time of filing the declaration, the information on assets and liabilities declared by the candidate or his (her) spouse (husband) is revealed to be unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.
- Cancellation of the decision on the registration of a candidate or the restoration of a previously withdrawn candidate's registration two days before voting day shall not be allowed.

7. Refusal to register a candidate or cancellation of a decision on his registration can be appealed by an assembly of citizens or a candidate to a higher territorial election commission or to a court within three days. At the same time, the territorial election commission or court shall issue a decision on the complaint within three days from the day the complaint is filed.

8. Candidate registration shall begin twenty days and end thirteen days before election day

**Footnote.** Article 118 as amended by the Constitutional Laws of the Republic of Kazakhstan dated 28.09.1995 № 2464 (see Article 133 for the procedure of entry into force); dated 08.05.1998 № 222; dated 14.04.2004 № 545; dated 15.04.2005 № 44; dated 31.07.2015 № 340-V (effective from 01.01.2016); dated 18.11.2015 № 413-V (introduced effective from 01.01.2017); dated 29.06.2018 № 162-VI (effective after ten calendar days after the date of its first official publication).

#### **Article 119. Withdrawing of the candidature, cancellation of the decision on nomination as a candidate to members of local self-government bodies**

1. A candidate for member in a local government body may, before the registration and two days before voting, withdraw his candidacy by submitting a written application to the relevant territorial election commission.

2. The assembly of citizens within the period before registration and after it can cancel its decision on nomination of the candidate through submission of a corresponding statement to the territorial election commission.

3. In this case the territorial election commission shall not conduct any registration of the candidate or cancel the decision on registration of a candidate.

**Footnote.** Article 119 is with the changes, introduced by the Constitutional Laws of RK dated April 14, 2004 № 545-II; April 15, 2005 № 44-III; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 120. Agents of a candidate for member of a local government body**

**Footnote.** Article 120 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545.

#### **Article 121. Nomination of candidates for members of local government bodies instead of dropped out ones after expiration of registration period**

1. If, on the day of the expiration of the registration period of candidates, less than two candidates for members of local government bodies are registered, the territorial election commission, by its decision, shall extend the term of the election, but by no more than a month.

2. In this case, the nomination of candidates shall be carried out in accordance with the rules, established by this Constitutional Law.

Footnote. Article 121 as amended by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545; dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 122. Counting of votes at elections of a member of a local government body**

1. A precinct election commission, based on the results of voting, shall draw up a voting protocol, which is immediately sent to the territorial election commission.

2. Other issues related to the determination of the result of the counting of votes shall be resolved in accordance with the rules, established in the General Part of this Constitutional Law.

#### **Article 123. By-election of members of local government bodies**

1. In the event that the number of elected members of local government bodies is less than the number of mandates in the relevant local government body, the territorial election commission, within one month from the date of the initial elections, shall appoint by-elections for members of local government bodies.

2. By-elections shall be held in accordance with the rules established by this Constitutional Law for initial elections.

#### **Article 124. Re-run of election of members of the local self-government bodies**

1. If elections have been declared null and void, the territorial election commission shall take a decision on conduct of the re-run of election. Voting shall be conducted in the same polling stations under the same voter registers that have been compiled for the conduct of initial election.

2. Re-run of election shall be conducted not later than within one month since the initial elections. Electoral campaign, which have been foreseen for the re-run of election, shall be conducted according to the rules stipulated by this Constitutional Law.

3. Local mass media shall be informed about conduct of the re-run of election.

4. (excluded by the Constitutional Law of RK dated April 14, 2004 № 545-II).

Footnote. Article 124 is with the changes introduced by the Constitutional Law of RK dated May 6, 1999 № 375-I; dated 14 April, 2004 № 545.

#### **Article 125. Establishment and publication of the election results of members of the local self-government body**

1. The election results shall be established on the meeting of the territorial election commission on the basis of the protocols of the precinct election commissions not later than

within three days from the date of elections. The protocols on the election results shall be signed by the chairperson and members of the territorial commission.

1-1. The candidates who according to the available mandates have collected the majority of votes of the voters who have taken part in voting in comparison with other candidates shall be considered as elected members to the local self-government bodies.

2. Other issues on the establishment and publication of the election results shall be solved according to the rules stipulated in the General part of this Constitutional Law.

**Footnote. Article 125 is with the changes introduced by the Constitutional Law of RK dated May 6, 1999 № 375-I.**

#### **Article 126. Registration of members of local government bodies**

1. The relevant territorial election commission, on the basis of the protocols of the precinct election commissions, shall register the elected members of local government bodies within three days from the day of the election.

2. The relevant territorial election commission upon the recommendation of a precinct election commission or citizens' appeals may recognize the election of members of local government bodies as invalid, if during the elections, or when counting votes, or determining the election results there were violations of this Constitutional Law, and refuse to register members of local government bodies. At that, this decision of the territorial election commission within five days from the date of its adoption may be appealed by candidates to the court, which makes a decision within ten days.

#### **Article 127. Conduct of elections for members of local government bodies instead of those dropped out**

1. Elections of members of local government bodies instead of those dropped out shall be conducted in accordance with the rules established by this Constitutional Law for regular elections. At the same time, the timing of electoral events shall be determined by the relevant territorial election commission.

2. For a year before the expiration of the term of office of the local government body, established by the legislation of the Republic of Kazakhstan, the election of a member of the local government body instead of the one who has dropped out shall not be held.

**Footnote. Article 127 as amended by the Constitutional Law of the Republic of Kazakhstan dated April 14, 2004 № 545.**

#### **Chapter 15. Concluding and transitory provisions**

#### **Article 128. Appointment of election of deputies of Parliament of the first convocation**

**Footnote. Article 128 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545.**

## **Article 129. The order for the election of deputies of the Senate of Parliament of a new convocation at early elections**

1. Electoral campaign at elections of deputies of the Senate of the new convocation in case of conduct of early election, except for the conduct of voting, establishment of the election results and determination of the term of office of the Senate deputies, shall be conducted according to this Constitutional Law.

2. Voting at elections of the deputies of Senate of the new convocation at the joint session of electors - deputies of Maslikhats of the oblast (city of the republican status, the capital) shall be conducted simultaneously for two mandates of the Senate deputies.

3. The territorial election commission shall distribute all registered candidates in the ballot in the alphabetic order. Two empty spaces to mark votes for any candidate shall be placed to the right of the candidates' surnames. One empty space shall be fixed to mark a candidate to be elected for the six year term and the other empty space for a candidate to be elected for the three year term.

4. At voting the elector shall put any mark in two empty spaces to the right of surnames of those candidates for whom he/she casts the vote, accordingly, one mark in the empty space for the election for six years and the other mark in the empty space for the election for three years.

5. Vote count and determination of the results shall be conducted separately in two mandates of the Senate deputies.

6. The candidates who have received more than fifty percent of votes of the total number of electors who have taken part in voting shall be considered as elected at elections of the Senate deputies of the new convocation.

7. If the Senate deputies have not been elected in the first run of voting, the voting shall be rerun. The rerun of a vote shall be conducted under different ballots, one ballot for voting for the candidate to be elected for six years and the other for the candidate to be elected for three years. The ballot shall include two candidates who have received the majority of votes of electors who have taken part in voting. The candidate who has received the larger number of votes of the electors in comparison with the other candidate shall be considered as elected.

**Footnote. Article 129 is in edition of the Constitutional Law of RK dated April 14, 2004 № 545-II.**

## **Article 130. Terms of elections of maslikhat deputies**

**Footnote. Article 130 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545.**

### **Article 130-1. Terms of election of maslikhat deputies**



Maslikhat deputies shall be elected on the basis of a proportional election system from January 1, 2019 if the grounds provided for by this Constitutional Law occur.

Until that time, the relevant provisions of this Constitutional Law shall be in the previous wording.

**Footnote.** Chapter 15 shall be supplemented by Article 130-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 131. Terms of election of members of other local government bodies**

Elections of local government bodies stipulated by the Constitution of the Republic, other than maslikhats, shall be appointed respectively by region, city (cities of republican significance and the capital of the Republic) election commissions after the introduction of the law determining the status and powers of local government bodies.

**Footnote.** Article 131, as amended by the Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 № 268 (shall be enforced from the date of its official publication).

#### **Article 132. Features of control over expenditure of funds of the republican budget during elections of the Parliament of the first convocation**

**Footnote.** Article 132 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated 14.04.2004 № 545.

#### **Article 133. Entry into force and effect of this Constitutional Law**

This constitutional law:

- 1) shall be enforced from the date of publication;
- 2) shall apply to legal relations arising after the enactment of this Constitutional Law.

To suspend until January 1, 2019 the effect of paragraph 3 of Article 19, having established that during the period of suspension this paragraph shall be effective as follows:

"3. The Chairperson, members of the Central Election Commission and the staff shall exercise authority on a professional, permanent basis.

The chairman of the election commission shall represent the interests of the commission in court and other state bodies, and also shall have the right to delegate authority to represent the interests of the election commission to other persons by issuing an appropriate power of attorney. "

To suspend until January 1, 2021, the effect of:

- 1) in Article 59:

of parts one, two, three and four of paragraph 2, having established that during the period of suspension the parts one, two and three shall be effective as follows:

"The candidate and his (her) spouse (spouse) before registration shall submit income and property declarations to state revenue authorities at the place of residence on the first day of the month of the commencement of the nomination period established in accordance with this Constitutional Law, in the manner and form, established by the authorized state body of the Republic of Kazakhstan, providing leadership in the field of ensuring the revenues from taxes and other obligatory payments to the budget.

The accuracy of information on income and property declared by the candidate and his (her) spouse (spouse) shall be checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

At the same time, organizations that have received the request of the state revenue authorities to submit information on the income and property of a candidate and his (her) spouse (spouse) shall be obliged to submit the requested information within four days from the day the request was received.";

of subparagraph 4-2) of paragraph 5, having established that during the period of suspension this subparagraph shall be effective as follows:

"4-2) certificates of the state revenue authority on the submission of income and property declarations by the candidate and his (her) spouse;"

of part one of subparagraph 3-1) of paragraph 7, having established that during the suspension period this part shall be effective as follows:

"3-1) shall cancel the decision on the registration of a candidate in the event that at the time of filing a declaration the information on incomes and property declared by the candidate or his (her) spouse (spouse) was unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.";

2) in Article 73:

parts two, three and four of paragraph 2, having established that during the period of suspension these parts shall be effective as follows:

"The candidate and his (her) spouse (spouse) before registration shall submit income and property declarations to state revenue authorities at the place of residence on the first day of the month of the commencement of the nomination period established in accordance with this Constitutional Law, in the manner and form, established by the authorized state body of the Republic of Kazakhstan, providing leadership in the field of ensuring revenues from taxes and other obligatory payments to the budget.

The accuracy of information on income and property, declared by the candidate and his (her) spouse (spouse) shall be checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

At the same time, organizations that have received the requests of the state revenue authorities to submit information on the income and property of a candidate and his (her) spouse (spouse) shall be obliged to submit the requested information within four days from the day the request was received.";

of subparagraph 4-2) of paragraph 4, having established that during the period of suspension this subparagraph shall be effective as follows:

“4-2) certificates of the state revenue authority on submission of income and property declarations by the candidate and his (her) spouse;”;

of subparagraph 3-2) of paragraph 5, having established that during the period of suspension this subparagraph shall be effective as follows:

“3-2) certificates of the state revenue authority on submission of income and property declarations by the candidate and his (her) spouse;”;

of part one of subparagraph 3-1) of paragraph 6, having established that during the suspension period this part shall be effective as follows:

"3-1) shall cancel the decision on the registration of a candidate in the event that at the time of filing a declaration the information on incomes and property declared by the candidate or his (her) spouse (spouse) was unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.";

3) in Article 89:

of paragraph 2, having established that during the period of suspension this paragraph shall be effective as follows:

"2. The candidate and his (her) spouse (s) before registration shall submit income and property declarations to state revenue authorities at the place of residence on the first day of the month of the beginning of the nomination period, established in accordance with this Constitutional Law, in the manner and form, established by the authorized state body of the Republic of Kazakhstan, which exercises leadership in the sphere of ensuring revenues from taxes and other obligatory payments to the budget.

The accuracy of information on income and property declared by a candidate nominated by a political party and his (her) spouse (spouse) shall be checked by the state revenue authorities within fifteen days from the date of registration of the party list.

At the same time, organizations that have received the requests of state revenue authorities to submit information on the income and property of a candidate nominated by a political party and his (her) spouse (spouse) shall be obliged to submit the requested information within four days from the date of receipt of the request.

The accuracy of information on incomes and property declared by the candidate nominated by the Council of the Kazakhstan People's Assembly and his (her) spouse (spouse) shall be checked by the state revenue authorities within three days from the date of registration of the candidate.

At the same time, organizations that have received the requests of the state revenue authorities to submit information on the income and property of a candidate nominated by the Council of the Kazakhstan People's Assembly and his (her) spouse (spouse) shall be obliged to submit the requested information within two days from the day the request was received.";

of subparagraph 4) of paragraph 3, having established that during the period of suspension this subparagraph shall be effective as follows:

“4) certificates of the state revenue authority on submission of income and property declarations by the candidate and his (her) spouse;”;

subparagraph 4) of paragraph 5, having established that during the period of suspension this subparagraph shall be effective as follows:

"4) certificates of the state revenue authority on submission of income and property declarations by the candidate nominated by the Council of the Kazakhstan People's Assembly and his (her) spouse (spouse).";

paragraph six of part one of subparagraph 5) and paragraph seven of part one of subparagraph 6) of paragraph 6, having established that during the period of suspension these paragraphs shall be effective as follows:

“identifying the inaccuracy of information about incomes and property declared by the person included in the party list and his (her) spouse (spouse) in accordance with the legislation of the Republic of Kazakhstan on combating corruption;”;

“in case of detection, at the time of filing the declaration, of inaccuracy of information about incomes and property declared by the candidate or his (her) spouse (spouse) in accordance with the legislation of the Republic of Kazakhstan on combating corruption;”;

4) in Article 104:

paragraph 1-1, having established that during the period of suspension this paragraph shall be effective as follows:

"1-1. The candidate, included in the party list, and his (her) spouse (s) before the registration shall submit income and property declarations to the state revenues authorities at the place of residence on the first day of the month of the beginning of the nomination period established in accordance with this Constitutional law, in the manner and form, established by the authorized state body of the Republic of Kazakhstan, exercising leadership in the field of ensuring revenues from taxes and other mandatory payments to the budget.

The accuracy of information on income and property declared by the candidate and his (her) spouse (spouse) shall be checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

At the same time, organizations that have received the request of state revenue authorities to submit information on the income and property of a candidate and his (her) spouse (spouse) shall be obliged to submit the requested information within four days from the date of receipt of the request.”;

subparagraph 5) of paragraph 2, having established that during the period of suspension this subparagraph shall be effective as follows:

“5) certificates of the state revenue authority on submission of income and property declarations by the candidate and his (her) spouse;”;

of part one of subparagraph 3-1) of paragraph 6, having established that during the suspension period this part shall be effective as follows:

"3-1) shall decide to exclude a person, included in the party list from this list in the following cases:

incompliance of the person, included in the party list with the requirements for the candidate, imposed by the Constitution of the Republic of Kazakhstan and this Constitutional Law;

identifying, at the time of filing the declaration, the inaccuracy of information about incomes and property declared by the candidate or his (her) spouse (spouse) in accordance with the legislation of the Republic of Kazakhstan on combating corruption;

the use by a person, included in a party list, of official position in his election campaign;

holding of election campaign by the person, included in the party list before the end of the period of registration of the party list;

establishment by the court of the facts of bribing of voters by a person, included in the party list or his authorized representatives;

in other cases, established by this Constitutional Law. ";

5) in Article 118:

paragraph 1-1, having established that during the period of suspension this paragraph shall be effective as follows:

"1-1. The candidate and his (her) spouse (s) before the registration shall submit income and property declarations to the state revenue authorities at the place of residence on the first day of the month of the beginning of the nomination period, established in accordance with this Constitutional Law, in the manner and form, established by the authorized state body of the Republic of Kazakhstan, providing leadership in the field of ensuring revenues from taxes and other mandatory payments to the budget.

The accuracy of information on income and property declared by the candidate and his (her) spouse (spouse) shall be checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

At the same time, organizations that have received the requests of the state revenue authorities to submit information on the income and property of a candidate and his (her) spouse (spouse) shall be obliged to submit the requested information within four days from the day the request was received.";

subparagraph 5) of paragraph 2, having established that during the period of suspension this subparagraph shall be effective as follows:

"5) certificates of the state revenue authority on submission of income and property declarations by the candidate and his (her) spouse.";

subparagraph 4) of paragraph 3, having established that during the period of suspension this subparagraph shall be effective as follows:

"4) certificates of the state revenue authority on submission of income and property declarations by the candidate and his (her) spouse.";

of part one of subparagraph 3-1) of paragraph 6, having established that during the suspension period this part shall be effective as follows:

"3-1) shall cancel the decision on the registration of a candidate in the event that at the time of filing a declaration the information on incomes and property declared by the candidate or his (her) spouse (spouse) was unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.

Suspend until January 1, 2025, the operation of Paragraphs 1 and 2 of Article 113-1 of this Constitutional Law, establishing that during the period of suspension these paragraphs are valid in the following wording:

"1. The grounds for calling elections shall be:

1) the end of the term of office of the akim of the city of district significance, village, township, or rural district established by law;

2) the decision of the maslikhat to establish a list of pilot regions and the date for the election of the akim of the district, the city of regional significance;

3) early termination of the powers of the akim of a district, a city of regional significance, a city of district significance, a village, a township, a rural district or an entity, a change in the boundaries (accession, separation or division) of administrative-territorial units in cases established by law.

When forming, or changing the boundaries (attaching, separating or separating) of an administrative-territorial unit, elections shall be called only in the newly created administrative-territorial unit.

2. Elections of the akim of the district, city of regional significance shall be appointed by the relevant territorial election commission at least fifty days before the date of the election of the akim of the district, city of regional significance, established by the decision of the maslikhat.

Elections of the akim of the city of district significance, village, township, or rural district shall be appointed by the relevant territorial election commission at least fifty days before the expiration of the term of the akim.

Elections of the akim of the district, city of regional significance must be held on the day established by the decision of the maslikhat, except for the cases specified in the first part of paragraph 6 of Article 113-3 and Article 113-9 of this Constitutional Law.

Elections of the akim of a city of district significance, a village, a township, or a rural district must be held at least ten days before the expiration of the term of his powers established by law, except for cases specified in part one of paragraph 6 of Article 113-3 and Article 113-9 of this Constitutional law.

**Footnote. Article 133, as amended by the Constitutional Law of the Republic of Kazakhstan dated 13.03.2017 № 52-VI (shall be enforced upon expiry of ten calendar days**

after its first official publication); dated 15.06.2017 № 75-VI (shall be enforced from the date of its first official publication); dated 29.06.2018 № 162-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 № 296-VI (shall be enforced from 01.01.2020); dated 05.11.2022 № 156-VII (shall come into effect from 01.01.2023).

*President of the Republic of Kazakhstan*

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