

## **On the Republican Referendum**

### *Unofficial translation*

Constitutional Law of the Republic of Kazakhstan dated November 2, 1995 N 2592.

#### **Unofficial translation**

Footnote: The title as amended by the Constitutional Law of the RK dated May 6, 1999 № 376.

This Constitutional Law, in accordance with the Constitution of the Republic of Kazakhstan determines the order of appointment, preparation for and conducting the referendum.

Footnote: The preamble to the wording of the Constitutional Law of the RK dated May 6, 1999 № 376.

## **Chapter I. General provisions**

### **Article 1. Definition of the Republican referendum**

1. Republican referendum is a national vote on drafts of the Constitution, constitutional laws, laws and decisions on other most important issues of the public life in the Republic of Kazakhstan.

2. The referendum is conducted on the whole territory of the Republic.

### **Article 2. Subject of the Republican referendum**

The subject of the referendum may be:

1) adoption of the Constitution, constitutional laws, laws of the Republic, amendments and additions to them;

2) decisions about other most important issues of the Republic's public life.

### **Article 3. Issues that cannot be the subject of the Republican referendum**

The following questions may not be the subject of the referendum:

1) issues that may result in violation of constitutional rights and freedoms of individuals and citizens;

2) changes in the independence of the State, the unitary and territorial integrity of the Republic, the form of its governance, the fundamental principles of the Republic, the provision that the President of the Republic shall be elected for a term of seven years and the same person shall not be eligible for election more than once as the President of the Republic;

3) administrative-territorial structure and borders of the Republic;

- 4) justice, defense, national security and protection of public order;
- 5) budget and tax policy;
- 6) amnesty and clemency;
- 7) appointment and election to the office, dismissal of officials under authority of the President, the Chambers of the Parliament and the Government of the Republic;
- 8) implementation of obligations arising from international treaties of the Republic.

**Footnote: Article 3 as amended by the Constitutional law of RK dated 15.06.2017 №75-VI (shall be enforced from the date of its first official publication); № 119-VII of 05.05.2022 (shall enter into force on the date of its first official publication); № 156-VII of 05.11.2022 ( shall be enacted after ten calendar days from the date of its first official publication).**

#### **Article 4. Principles for conduct of the Republican referendum**

Conduct of referendum is based on the following principles:

- 1) voluntary participation in the referendum and free expression of the citizens' will;
- 2) universal, equal and direct right of citizens to take part in referendum by secret ballot;
- 3) publicity.

#### **Article 5. Right to take part in the Republican referendum**

1. The right to take part in referendum belongs to citizens of the Republic, who have turned the age of 18 years regardless of origin, social, official and financial status, sex, race, ethnicity, language, religion, belief, place of residence and any other conditions. Citizens, who have been judged incapable by court or kept in confinement on the court's sentence, are not eligible to take part in referendum. Any sort of direct or indirect restriction of other rights of citizens of the Republic to take part in referendum is inadmissible and punishable by law.

2. Citizens take part in referendum on equal basis and respectively each of them has one vote or equal number of votes.

3. Citizens shall take part in referendum directly.

#### **Article 6. Publicity in the organization and conduct of the Republican referendum**

1. Organization and conduct of referendum are carried out openly and publicly.

2. Decision to conduct referendum and the issue (s) submitted to referendum are be served to the citizens by mass media.

3. Referendum commission informs citizens about their work on the conduct of referendum, formation of polling stations, composition, location, working hours of the commissions and lists of citizens eligible to take part in referendum.

4. Citizens of the Republic of Kazakhstan representing accredited public associations, non-profit organizations, as well as accredited observers from foreign states and international

organizations, and representatives of foreign mass media may be present during the referendum.

The accreditation procedure, as well as the rights and obligations of the persons specified in part one of this paragraph, shall be determined in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" and the legislation of the Republic of Kazakhstan.

Interference in the work of referendum commissions is not permitted.

5. Mass media shall cover the preparation and conduct of the referendum, and their representatives are guaranteed access to events related to the conduct of the referendum.

The presence of mass media representatives at polling stations is regulated in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan".

**Footnote. Article 6 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.07.2024 № 109-VIII (comes into force ten calendar days after the date of its first official publication).**

## **Article 7. Campaigning prior to the Republican referendum**

1. Citizens, public associations of the Republic are guaranteed with the right to express their opinions on the issue (s) submitted to referendum at meetings, rallies, gathering of citizens, in mass media.

2. All printed campaign materials contain information about the organization which has printed these materials, place of printing, number of copies, individuals responsible for printing. Distribution of anonymous campaign materials is prohibited.

3. Agitation in favor of forcible change of the constitutional system, violation of the Republic's integrity, undermining the state security, war, social, racial ethnical, religious, and tribal superiority as well as cult of cruelty and violence is prohibited.

4. On the day prior to referendum and on the day of conducting referendum, campaigning is prohibited. Printed campaign materials, posters, previously posted outside of polling stations can be kept on their original locations.

### **Article 7-1. Public opinion poll**

A public opinion poll related to a republican referendum must be conducted during the period of its preparation and conduct in accordance with the requirements established by the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan".

**Footnote. The law is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2024 № 109-VIII (comes into force ten calendar days after the day of its first official publication).**

## **Article 8. Support to the Republican referendum**

1. The costs, associated with preparation for referendum and its conduct, are covered exclusively from the republican budget.

2. State bodies, bodies of local self-government and organizations regardless of form of ownership provide the referendum commission with premises, equipment and vehicles required for the preparation for referendum and its conduct.

3. Any direct or indirect involvement of international organizations and international public associations, foreign state bodies, legal entities and citizens, stateless persons in financing and rendering other support to activities associated with referendum, are prohibited.

## **Article 9. Legislation on Republican referendum**

Legislation on referendum includes:

- 1) Constitution of the Republic of Kazakhstan;
- 2) Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" in the context which does not contradict to this Constitutional Law;
- 3) this Constitutional Law;
- 4) acts of the Central referendum Commission of the normative character.

## **Chapter II. Appointment and preparation for the Republican referendum**

### **Article 10. Right to call the Republican referendum**

The right to call a referendum belongs to the President of the Republic of Kazakhstan.

### **Article 11. Initiative to call a Republican referendum**

1. The initiative to call a Republican referendum belongs to:

- 1) President of the Republic of Kazakhstan;
- 2) Parliament of the Republic of Kazakhstan, who requests the President of the Republic of Kazakhstan to call a referendum. Submission of the initiative shall be carried out by the Parliament at a separate sessions of the Chambers by consequent consideration of the issue first in Mazhilis and then in Senate and shall be issued by the relevant resolutions of Parliament Chambers;
- 3) Government of the Republic of Kazakhstan requests the President of the Republic of Kazakhstan to call a referendum. The Government submits the initiative at its session, by a majority vote of the total number of its members and issues an appropriate resolution;
- 4) At least 200 thousand citizens of the Republic, eligible to take part in the Republican referendum, who quantitatively and equally represent all regions, the capital of the Republic and cities of the national importance request the President of the Republic to call a referendum.

2. Proposals to call a referendum on one and the same question (the same questions) can be submitted and reviewed by the President of the Republic not earlier than two years after the previous decision on the above question (above questions).

**Footnote: Article 11 as amended by the Constitutional law of RK dated 05.04.2008 № 30-IV (see Article 2 on the procedure of enactment).**

### **Article 12. Formation of the initiative groups on the issue calling a Republican referendum**

1. If the initiative to conduct referendum has been submitted by citizens, the referendum initiative group is composed of no less than three representatives of each region, the capital of the Republic of Kazakhstan and the city of national importance is established.

2. Referendum initiative group is formed at a meeting, which is attended by citizens eligible to take part in referendum but not less than 30 representatives of each region, capital of the Republic of Kazakhstan and city national importance.

3. Not later than 10 days prior to the meeting, its initiators must inform the local executive body about the time, place and the purpose of the meeting in a written form.

4. Before the meeting, the registration of participants is carried out and a list of participants is compiled with mandatory indication of their full name, place of residence and documents, certifying the identity of citizens of the Republic of Kazakhstan.

5. Members of the referendum initiative group are elected by a majority vote of meeting participants. The list of initiative group includes full name, place of residence of each member of the group. The question proposed for referendum is formulated by the initiative group clearly, so that it is possible to give a clear answer to it.

### **Article 13. Registration of referendum initiative group and issue (s), suggested for referendum**

1. The referendum initiative group applies to the Central Election Commission with the request to register the group and the issue (s), proposed for the referendum.

2. Registration is done upon submission of the following documents:

1) Application for registration of the group and registration of the issue (s) proposed by it for the referendum;

2) Minutes of the meeting, at which the initiative group has been established;

3) List of initiative group's members.

3. Initiative group and the issue (s) suggested for the referendum must be registered by the Central Election Commission within ten days from the date of application for registration. Information about registration must be reported by the Central Election Commission to mass media.

4. Referendum initiative group gets a certificate of registration of the group and the issue (s) proposed by it for the referendum within five days from the date of registration. The form of certificate of registration must be approved by the Central Election Commission.

5. Registration can be denied in cases of violation of the requirements of this Constitutional Law. The refusal of the Central Election Commission to register initiative group and the issue (s) proposed for the referendum may be appealed within ten days in the

Supreme Court of the Republic, which considers the complaint within ten days from the date of its submission. Decision of the Supreme Court is final.

#### **Article 14. The procedure and timeframe of signatures collection**

1. Collection of citizens' signatures is organized by referendum initiative group and begins on the date of receipt of the certificate of registration of the group and the issue (s) proposed by it for the referendum. It is carried out by the members of the group who are eligible to take part in the republican referendum.

2. The Central Election Commission issues subscription lists to the referendum initiative group at the same time as certificate of registration of the group and the issue (s) proposed by it for the referendum.

3. Subscription lists include the wording of the issue (s) proposed by the initiative group for the referendum.

4. The person who collects signatures presents a copy of certificate of registration of the initiative group and the issue (s) proposed by it for the referendum. Every citizen may sign the subscription list only once. In this case, the citizen presents a document proving his/her identity. Citizen's signature is supplemented with his/her full name, place of residence, data of documents certifying his/her identity, and date of signing the list.

5. Each completed subscription list must be signed by a person, who has been involved in collection of signatures.

6. Subscription lists of the non-fixed format as well as subscription lists, which have been filled with violation of the requirements of this Constitutional Law are cancelled.

7. In the period of three days after the completion of the collection of signatures, the completed signature sheets shall be submitted by the persons collecting the signatures to the territorial electoral commission, the latter, within ten days, shall verify the authenticity of the signatures on the signature sheets with the involvement of employees of the competent authority for documenting and issuing passports and identity cards, draw up a corresponding protocol and send it to the Central Election Commission.

**Footnote. Article 14 as amended by Constitutional Law № 156-VII of 05.11.2022 (shall enter into force on 01.01.2023).**

#### **Article 15. Responsibility for the violation of the signature collection procedure**

1. In case of invalid signatures, violation of the procedure of collection of signatures and filling the subscription lists, the chairperson of the territorial election commission makes a corresponding statement to the Central Election Commission.

2. Central Election Commission can take a decision to terminate the activities of the initiative group's members within one month from the date of submission of the statement or

on the cancellation of subscription lists, in which violation of the requirements of this Constitutional Law have been discovered.

3. During preparation for referendum and its conduct, re-election of the initiative group's members in respect of which the decision on the termination of activities has been taken is not permitted.

4. In case of a repeated violation of the signatures collecting procedure and filling the subscription lists by the initiative group, the Central Election Commission may take a decision on termination of the activities of the referendum initiative group and on cancellation of the certificate of its registration.

#### **Article 16. Submission of subscription lists and final protocol on the results of collection of signatures**

1. Subscription lists to be filled and authenticated in the relevant territorial election commissions must be submitted by persons, who have carried out the collection of signatures, to the initiative group of referendum. The initiative group compiles aggregate data on the results of signature collection and shall forward filled subscription lists and aggregate data to the Central Election Commission not less than ten days from the date of completion of signature collection.

2. If the submitted subscription lists comply with the requirements of this Constitutional Law, the Central Election Commission shall put down the results of signature collection to the final protocol. Proposal to conduct referendum along with the final protocol on the results of signature collection are forwarded to the President of the Republic of Kazakhstan within one month from the date of receipt of documents from the referendum initiative group.

3. The procedure and terms for storage of subscription lists and final protocols on the results of signature collection is established by the Central Election Commission.

#### **Article 17. Decision-making by the President of the Republic of Kazakhstan regarding the initiative to call a Republican referendum**

President of the Republic upon an initiative of the Parliament, the Government or citizens of the Republic to call a referendum takes one of the following decisions:

- 1) To call a referendum;
- 2) To make changes and additions to the Constitution, to adopt the Constitutional law, the law or any other decision on the issue (s) proposed as the subject of referendum without conducting referendum;
- 3) To reject the initiative to call a referendum.

1-1. If the President of the Republic rejects the proposal of the Parliament to submit draft amendments to the Constitution to the republican referendum, the Parliament may pass a law

on making these amendments to the Constitution by a four-fifth majority vote in both Parliament Chambers. In this case, the President of the Republic either signs this law or submits it to the republican referendum.

**Footnote: Article 17 is supplemented by item 1-1 by the Constitutional Law of RK dated May, 6 1999 № 376**

#### **Article 18. Decision to call a Republican referendum**

1. The decision to call a referendum is made by the President of the Republic by issuing of the corresponding Decree, which establishes:

- 1) date of conducting the referendum;
- 2) wording of the issue (s) submitted to referendum;
- 3) solution of other issues associated with conduct of referendum.

2. President of the Republic with the consent of referendum initiators prior to conduct of referendum may review the wording of the issue (s) to be submitted to the referendum for the purposes of more accurate expression of the will of its initiators.

3. The Decree of the President of the Republic to call a referendum, wording of drafts of the Constitution, the Constitutional Law and amendments to them are published in mass media.

#### **Article 19. Terms for conduct of Republican referendum**

Referendum must be conducted not earlier than one month and not later than three months from the date of taking decision on its appointment. In exceptional cases, the President of the Republic may establish other terms for the conduct of referendum.

#### **Article 20. Republican referendum Commissions**

1. Preparation for referendum and its conduct lie within the scope of responsibility of:

- 1) The Central Election Commission of the Republic of Kazakhstan performs the functions of the Central referendum Commission;
- 2) The Territorial election commission of the Republic of Kazakhstan performs the functions of the territorial referendum commissions and
- 3) Precinct election commissions, which perform the functions of precinct referendum commissions.

**2. is excluded by the Constitutional Law of the Republic of Kazakhstan dated 15. 06. 2017 № 75-VI (shall be enforced from the date of its first official publication).**

**Footnote. Article 20 as amended by the Constitutional Law of the Republic of Kazakhstan dated 15. 06. 2017 № 75-VI (shall be enforced from the date of its first official publication).**

#### **Article 21. Authorities of the Central referendum Commission**



## 1. The Central Election Commission

1) exercises control of implementation of the legislation on referendum throughout the Republic, ensures its uniform application; takes within its competence decisions mandatory on the entire territory of the republic;

2) arranges preparation for referendum and its conduct;

3) prepares and submits a draft budget for the preparation for referendum and its conduct to the Government of the Republic;

4) supervises activities of the referendum commissions, cancels and suspends their decisions; allocates financial means for preparation and conduct of the referendum;

5) controls logistical support to the referendum commissions;

6) considers applications and complaints about violations of the referendum legislation;

7) establishes the form and texts of the ballot, the voter lists, subscription lists and other documents necessary for conduct of referendum; the voting time; the procedure for storage of referendum documents;

8) may hear reports of the referendum commission, state bodies and their officials on the matters related to the preparation for referendum and its conduct, as well as information of public associations on issues regarding observance of election legislation;

9) inform citizens about preparations for the referendum;

10) summarizes the results of the referendum in the Republic as a whole; ensure transmission of the message about it to the mass media;

11) registers the referendum initiative group and the issue (s) proposed by it for the referendum as well as makes official statement about it in the mass media;

12) establishes the form of the certificate for registration of the referendum initiative group;

13) issues the registration certificate for the referendum initiative group together with the subscription lists;

14) decides about termination of the activities of the initiative group members, of the whole initiative group as well as about cancellation of the initiative group registration certificate in cases provided by this Constitutional Law;

15) declares conduct of referendum in some constituencies (territorial administrative units ) as invalid in cases stipulated by this Constitutional Law.

2. A meeting of the Central referendum Commission is legally qualified if attended by at least two thirds of its members.

3. The Central referendum Commission takes decisions by a majority vote.

**Footnote: Article 21 as amended by the Constitutional Law of RK dated 24 November 2004 № 604 (shall be enforced on January, 1, 2005).**

## **Article 22. Authorities of territorial referendum commissions**

### 1. Territorial election commissions

1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 15. 06. 2017 № 75-VI (shall be enforced from the date of its first official publication);

2) exercises control of implementation of the legislation on referendum on the territory of the territorial-administrative units;

3) organizes the activities of precinct commissions, allocates financial means for preparation and conduct of the referendum;

4) controls the logistical support to precinct referendum commissions;

5) considers applications and complaints about violations of the referendum legislation;

6) may hear reports of the precinct commission, state bodies and their officials on the matters related to the preparation for referendum and its conduct, as well as information of public associations on issues regarding observance of election legislation;

7) receives protocols of voting results from precinct referendum commission; summarizes the results of the referendum at the relevant territorial-administrative unit;

8) checks the subscription lists of the referendum initiative group for the compliance with the requirements established by this Constitutional Law.

2. A meeting of the territorial referendum commissions is legally qualified if attended by at least two thirds of its members.

3. Territorial referendum commissions take decisions by a majority vote.

Footnote: Article 22 as amended by the Constitutional Law of RK dated November 2, 2004 № 604 (shall be enforced on January, 1, 2005); dated 15.06.2017 № 75-VI (shall be enforced from the date of its first official publication).

### **Article 23. Authorities of the precinct referendum commissions**

1. Precinct referendum commissions

1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 15. 06. 2017 № 75-VI (shall be enforced from the date of its first official publication);

2) present the list of citizens eligible to take part in the republican referendum, examine applications on errors and inaccuracies in the lists, solve the issues of entering the relevant changes in the lists;

3) notify citizens about the date, time, place and procedure of voting;

4) arrange premises for voting and setting up of voter booths and ballot boxes;

5) organize voting at the polling station on the day of referendum;

6) conduct counting of votes and determine the voting results at polling stations;

7) consider applications and complaints on the preparation for voting and its conduct at the polling stations and take decisions on them;

8) take decisions about validity of ballots.

2. A meeting of the precinct referendum commissions is legally qualified if attended by at least two thirds of its members.

3. Precinct referendum commissions take decisions by a majority vote of their members, except the cases, when according to this Constitutional Law two thirds majority of all commission's members is needed to take a decision.

**Footnote: Article 23 as amended by the Constitutional Law of RK dated November 24, 2004 № 604 (shall be enforced on January, 1 2005); dated 15.06.2017 № 75-VI (shall be enforced from the date of its first official publication).**

#### **Article 24. Support of referendum commissions**

1. Decisions of referendum commissions made within their authority are binding for all state bodies, bodies of local self-government, organizations as well as for their officials on the relevant territory.

**2. Excluded by the Law of the Republic of Kazakhstan dated 05.07.2024 № 109-VIII ( comes into force ten calendar days after the day of its first official publication).**

3. State bodies, bodies of local self-government, organizations and their officials are obliged to assist the referendum commissions in exercising their authorities, provide information and materials necessary for their work, and provide other assistance.

4. Ensuring the conditions for the activities of members of referendum commissions in terms of remuneration for their work during the period of preparation and holding of a referendum shall be determined in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan".

**Footnote. Article 24 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.07.2024 № 109-VIII (comes into force ten calendar days after the day of its first official publication).**

### **Chapter III. Procedure of conduct of the Republican referendum**

#### **Article 25. Lists of citizens eligible to take part in the Republican referendum**

Compilation of lists of citizens eligible to take part in referendum, entries into the lists and appeals against denied entry, incorrect entries or removal from lists, inaccuracies; ensuring participation in the referendum by change of residence are carried out according to the rules, established by the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan".

#### **Article 26. Notification about the time and place of voting during the conduct of Republican referendum**

1. Precinct referendum commissions inform citizens about the time and place of voting not later than 10 days prior to voting.

2. The issues submitted to the referendum, drafts of the Constitution, the Constitutional law, legislations and amendments to them must be put up on a visible place in the voting premises.

#### **Article 27. Ballot papers for voting at the Republican referendum**

1. The ballot paper contains the issues submitted to the referendum and answer options.
2. If several issues are submitted to the referendum, the ballot papers must be of different colours.
3. Ballot papers are printed in Kazakh and Russian.
4. The ballot manufacturing procedure is regulated by the Central referendum commission.
5. Ballot papers are delivered to precinct referendum commissions no earlier than three days and no later than one day before voting with a reserve of one percent of the total number of voters at the precinct.

**Footnote. Article 27 as amended by the Constitutional Law of the Republic of Kazakhstan dated 05.07.2024 № 109-VIII (comes into force ten calendar days after the day of its first official publication).**

#### **Article 28. Ballot papers declared invalid during vote count**

1. Ballot papers are found invalid during vote count if
  - 1) they are not conform with the sample
  - 2) they are not signed by a member of the precinct commission
  - 3) there is no indication of any of the options for answering the referendum question;
  - 4) they are marked in pencil, they have traces of erasure or other forgery, or where the will of the voters cannot be determined.

2. Ballot papers with all options marked for the referendum question shall be declared valid but shall not be counted.

3. Disputes about validity of ballot papers arising during vote count are settled by the precinct referendum commission by voting. The decision is taken by a two-thirds majority vote.

**Footnote: Article 28 as amended by the Constitutional Law of RK dated November, 24 2004 № 604 (shall be enforced on January, 1 2005); № 119-VII of 05.05.2022 (shall enter into force on the date of its first official publication); № 156-VII of 05.11.2022 (shall be in force on 01.01.2023).**

#### **Article 29. Voting at the Republican referendum**

The date, place, organization and voting procedure for the referendum are regulated by the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan".

When voting, a citizen shall place any mark in the empty box to the right of the option for which he/she is voting.

**Footnote. Article 29 as amended by Constitutional Law № 119-VII of 05.05.2022 (shall be promulgated from the date of its first official publication).**

### **Article 30. Vote count and determination of results of the Republican referendum**

1. During the vote count, the precinct referendum commission determines
  - 1) the total number of citizens eligible to take part in the republican referendum in the polling station;
  - 2) the number of citizens who have received ballot papers;
  - 3) the total number of citizens who have taken part in voting;
  - 4) the number of votes cast in favor of each issue and number of votes cast against each issue;
  - 5) the number of cancelled ballot papers;
  - 6) the number of ballot papers declared valid but kept uncounted during vote count.
2. Other issues related to vote count at the polling station, summing up the results of voting in the territorial-administrative unit must be resolved in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" to the extent not contrary to this Constitutional Law.

### **Article 31. Summing up the results of the Republican referendum**

1. The Central referendum Commission on the basis of submitted protocols on the results of voting determines
  - 1) the total number of citizens of the Republic of Kazakhstan eligible to take part in the referendum;
  - 2) the number of citizens, who have taken part in voting;
  - 3) the number of citizens, who cast their votes in favor of the referendum issue as well as those, who cast their votes against the referendum issue, and the number of invalid ballot papers, on each issue submitted to the referendum.
2. referendum is considered valid, if more than half of the citizens eligible to take part in the referendum have voted.
3. Decision on the issue submitted to referendum is considered as adopted if it has received more than half of votes of citizens participating in the referendum. Amendments to

the Constitution, submitted to the Republican referendum, are considered as adopted if they have been supported by more than half of citizens, who have taken part in voting at least in two thirds of regions, cities of national importance and the capital.

4. The results of voting are summarized at the meeting of the Central referendum Commission, put down into the protocol signed by Chairman, Deputy Chairman, Secretary and members of Central referendum Commission and approved by the resolution.

5. The Central referendum Commission, while summing up the results of the referendum, can declare its conduct in some polling stations (territorial administrative units) invalid, if in the course of the conduct of referendum or during the vote count, or determining the voting results, there have been violations of this Constitutional Law and the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan".

**Footnote: Article 31 as amended by the Constitutional Law of RK dated May, 4 2008 № 30-IV (see article 2 on the procedure of enactment).**

#### **Article 31-1. Appealing decisions and actions (inaction) of referendum commissions**

Decisions and actions (inaction) of referendum commissions may be appealed in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" in the part that does not contradict this Constitutional Law.

**Footnote. The Law is supplemented with Article 31-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2024 № 109-VIII (comes into force ten calendar days after the day of its first official publication).**

#### **Article 32. Examination by the Constitutional Court of the Republic of the proper conduct of a republican referendum**

**Footnote. The title of Article 32 as amended by Constitutional Law № 156-VII of 05.11.2022 (shall be promulgated with effect on 01.01.2023).**

1. Upon application of the President of the Republic, the Chairpersons of the Chambers of the Parliament, at least one fifth of the total number of Deputies of the Parliament, the Prime Minister, the Constitutional Court shall decide on the propriety of a republican referendum in the event of a dispute. In this case, the tabulation of the results of the national referendum shall be delayed while the appeal is being considered.

2. Should a dispute arise as to the propriety of holding a republican referendum, the Central Referendum Commission shall refer the materials associated with the preparation and holding of the referendum to the Constitutional Court.

3. In the event of a breach of the Constitution, the Constitutional Court may declare a referendum incompatible with the Constitution of the Republic. In such a case, the Central Referendum Commission shall adopt a decision to cancel the results of the referendum in the polling stations (administrative-territorial units) where the referendum has been declared unconstitutional and hold a repeat vote within one month in those polling stations (administrative-territorial units).

4. The results of the Republican referendum which have been declared inconsistent with the Constitution at the relevant precincts (territorial-administrative units), are considered to be invalid by the Central referendum Commission. If the referendum results are declared to be consistent with the Constitution, summarizing of the referendum results will be renewed.

**Footnote. Article 32 as amended by Constitutional Law № 156-VII of 05.11.2022 (shall become effective on 01.01.2023).**

### **Article 33. Publication of the results of the Republican referendum**

An official statement of the Central referendum Commission on the results of referendum must be published in mass media not later than seven days after the day of referendum.

## **Chapter IV. Final Provisions**

### **Article 34. Entry into force of the decisions taken at the Republican referendum**

Constitution, Constitutional Laws, legislation and amendments to them, decisions on other questions, passed by the referendum, enter into force from the date of publication of the official statement on the referendum results if another date is not determined by the Constitution, Constitutional law, legislation and amendments to them.

### **Article 35. Legal effect and binding decisions adopted at the Republican referendum**

1. Decision, taken at referendum has a binding force throughout the territory of the Republic of Kazakhstan and does not need any confirmation by the acts of the President and bodies of state power of the Republic.

2. Inconsistency between the decision adopted by the referendum and the Constitution, Constitutional Laws, legislation and other normative acts of the Republic are removed by adjusting the Constitution, Constitutional Laws, legislation and other normative acts in accordance with the decision, adopted by the referendum.

### **Article 36. Responsibility for the violation of the legislation on the Republican referendum**

1. Hampering in any form of the free exercise by citizens of the Republic of their right to take part in the referendum, campaigning on the issue (s) submitted to referendum, forgery of election documents, flagrant incorrect vote count, and violation of the secrecy of ballot or any other violation of legislation on the republican referendum entail liability in the order prescribed by the law.

2. Actions of the state bodies and public officials on the issues of the preparation for referendum and its conduct may be appealed in the court.

### **Article 37. Entry into force of this Constitutional Law**

This Constitutional Law shall be enforced from the date of its publication.

*President of the Republic of Kazakhstan*

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