

**CONSTITUTIONAL ACT
OF THE REPUBLIC OF KAZAKHSTAN**

**ON ELECTIONS
IN THE REPUBLIC OF KAZAKHSTAN***

** The title is in edition of the Constitutional Act of the Republic of Kazakhstan of 6 May 1999 No. 375-I; preamble is excluded by the same law.*

**CONSTITUTIONAL ACT OF THE REPUBLIC OF KAZAKHSTAN
“ON ELECTIONS IN THE REPUBLIC OF KAZAKHSTAN”
28 September 1995 No. 2464**

I. GENERAL PART

Chapter 1. General provisions

Article 1. Relations regulated by this Constitutional Act

This Constitutional Act shall regulate the relations arising from preparation for and conduct of the election of the President, deputies of the Senate and the Mazhilis of Parliament, the maslikhats and members of other local self-government bodies of the Republic of Kazakhstan as well as shall establish the guaranties ensuring a free expression of the will of citizens of the Republic.

Article 1 is with the changes, introduced by the Constitutional Act of RK of 19 June 2007 No. 268-III.

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 the suffrage

1. Elections of the President, deputies of the Mazhilis of Parliament and maslikhats, members of other local self-government bodies of the Republic shall be conducted on the basis of universal, equal and direct suffrage by the secret ballot.

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

3. Participation of the citizens of the Republic in elections shall be voluntary. No one shall be eligible to force a citizen to take part or not to take part in elections and to restrict his/her will.

Article 3 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 19 June 2007 No. 268-III.

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. Eligibility to be elected as a President of the Republic of Kazakhstan, a deputy of the Parliament of the Republic of Kazakhstan, maslikhat or a member of other local self-government body shall be the right of citizens of the Republic.

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.

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,

shall not be a candidate to President of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan, including by the party lists, maslikhats as well as a candidate to members of other local self-government bodies.

Article 4 is with the changes, introduced by the Constitutional Acts of RK of 8 May 1998 No.222-I; 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III; 19 June 2007 No. 268-III, 9 February 2009 No. 124-IV.

Article 5. Equal suffrage

1. Voters shall take part in the elections of the President, deputies of the Mazhilis of Parliament to be elected on the basis of the party lists and the maslikhats of the Republic on equal basis and each of them shall have one vote per one 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.

Article 5 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II; 19 June 2007 No. 268-III.

Article 6. Direct suffrage

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

Article 7. Indirect suffrage

1. Electors – the citizens of the Republic as the maslikhat deputies – shall take part in the election of deputies of the Senate of Parliament.

2. Electors shall take part in the election of Senate deputies on the equal basis and each of them shall have one vote at the election of a Senate deputy.

3. *(The clause is excluded by the Constitutional Act of RK of 8 May 1998 No. 222-I).*

Article 8. Secret ballot

Voting at the election of the President, deputies of the Parliament and maslikhats, members of other local self-government bodies of the Republic shall be secret, which shall rule out any possibility of any control over the expression of voters' will.

Article 8 is with the changes, introduced by the Constitutional Act of RK of 19 June 2007 No. 268-III.

Article 9. Electoral systems

1. The following system for vote count shall be applied at the elections of the President, deputies of the Senate and deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan:

1) *(The clause is excluded by the Constitutional Act of RK of 6 November 1998 No. 285-I).*

2) a candidate shall be considered as elected who has:

- collected more than fifty percent of votes of voters (electors) taken part in the voting;
- in comparison with the other candidate collected more votes of voters (electors) taken part in the rerun of a vote.

1-1. Deputies of the Mazhilis of Parliament from the political parties shall be elected by party lists in the single countrywide electoral district.

2. At elections of maslikhat deputies the candidate, who in comparison with other candidates has collected more votes of the voters taken part in the voting shall be considered as elected.

3. The following vote count system shall be applied at the election of members of other local self-government bodies:

1) *(The sub-clause is excluded by the Constitutional Act of RK of 6 May 1999 No. 375-I).*

2) the candidates, who in comparison with other candidates have collected more votes of voters taken part in the voting, shall be considered as elected.

Article 9 is with the changes, introduced by the Constitutional Acts of RK of 6 November 1998 No. 285-I; 6 May 1999 No.375-I; 14 April 2004 No. 545-II; changes and additions made by the Constitutional Act of RK of 19 June 2007 No. 268-III.

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;
- 3) district election commissions;
- 4) precinct election commissions.

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

Territorial, district and precinct election commissions shall be elected by the corresponding maslikhats on the basis of the proposals of political parties.

Each political party shall be eligible to nominate one candidature to the corresponding election commission. A political party shall be eligible to nominate to an election commission a nominee who is not a member of the given political party.

If political parties have not submitted any proposals in a time-limit fixed by a maslikhat, which must not exceed one month prior to the term for the formation of the election commissions, a maslikhat shall elect the election commission on the basis of the proposals of other public associations and the superior election commissions.

The persons nominated to the election commission shall submit an application with their consent to work in the commission. The chairperson, deputy chairperson and secretary of the election commissions shall be elected at the first meeting of the election commission.

Formation of the new election commission shall be started not later than 2 months and finished not later than 3 days before expiration of the term of office of the election commissions.

The bodies forming election commissions shall be eligible to introduce changes in their composition during the term of office of such election commissions.

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

5. Decisions of election commissions taken 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 the election commission can be terminated by the decision of the body forming the election commission or by a court decision on the basis of an application of the superior 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 Act.

Article 10 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 545-II.

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.

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

3. *(The clause is excluded by the Constitutional Act of RK of 19 June 2007 No. 268-III).*

4. Central Election Commission shall have its own personnel.

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

Article 11 is with the changes, introduced by the Constitutional Acts of RK of 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

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 on the admission of political parties to the participation in elections of deputies of the Mazhilis of Parliament to be elected on the basis of the party lists;

3) *(The sub-clause is excluded by the Constitutional Act of RK of 19 June 2007 No. 268-III).*

3-1) *(The sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

4) Draft and submit to the Government of the Republic an estimate of expenditures on the conduct of electoral campaign;

5) administer the management over election commissions at elections of the President, deputies of the Parliament; cancel and suspend their decisions; distribute among them the funds from the republican budget allocated for the conduct of electoral campaigns; control creation of the required material and technical conditions for the activities of election commissions; consider applications and appeals related to decisions and actions (inactivity) of the territorial and district election commissions; organize an explanation of the election legislation; conduct workshops with

representatives of political parties and other participants in the electoral process on organization and conduct of elections; implement international cooperation in the area of electoral systems;

6) establish the form and text of the ballot paper at elections of the President, the form of the ballot paper at elections of deputies to the Parliament, maslikhats and members of other local self-government bodies, the order of their production as well as the degree of security, the forms of the voter (elector) registers, the subscription lists for the collection of voters' signatures to support the candidates to President and collection of electors' signatures to support the candidates to the Senate deputies, other election documents, the form of ballot-boxes made of transparent material and samples of seals of the election commissions, the order of storage of election documents; ensure production of ballot papers at elections of the President and deputies of the Parliament and maslikhats;

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

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 electoral campaign at elections of the President and deputies to the Parliament, periodically issue information bulletins;

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) during organization and conduct of elections of maslikhats and other local self-government bodies ensure methodological guidance for the territorial election commissions and as well as supervision of their activities on the compliance with the provisions and requirements of this Constitutional Act. In the case of revealing the infringements of this Constitutional Act appeal to the body that forms the election commission or to the court with an application to cease the activity of the corresponding election commission;

16) according to the number of the population of the administrative-territorial units determine the number of the maslikhat deputies to be elected by them;

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) conduct a single electronic register of citizens – the 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;

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

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

Article 13. Territorial election commissions

Territorial election commissions shall be the election commissions of oblasts (cities of the republican status and the capital of the Republic), regions, cities and districts in the cities.

2. The territorial election commissions shall:

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

2) be formed of seven members.

3. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

4. Information on the membership in the territorial election commissions at elections of the President, deputies of the Parliament and maslikhats shall be published in mass media not later than in ten days, and in the territorial commissions on elections of the members of other local self-government bodies not later than in seven days after appointment or announcement of such elections.

Article 13 is in edition of the Constitutional Act of RK of 6 May 1999 No.375-I; changes are introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II, 19 June 2008 No. 268-III.

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 preparation and conduct of elections of the President, deputies of the Parliament and maslikhats, 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;

3) administer the activities of the subordinated territorial, district and precinct election commissions; cancel and suspend their decisions; distribute among them the funds of the republican budget allocated for conduct of electoral campaigns; control creation of the required materials and technical conditions for activities of district and precinct election commissions; considers applications and appeals related to decisions and actions (inactivity) of district and precinct election commissions; organize implementation of decisions of the Central Election Commission by all election commission formed within the boundary of the corresponding administrative-territorial unit, appeal to the body forming the election commission or to the court with an application to cease the activity of the election commissions that have committed violation of this Constitutional Act;

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;

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 election districts at elections of maslikhat deputies and publish their list, notify voters on the locations of their election commissions;

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

7) ensure production of ballots at elections of the members of other local self-government bodies, except maslikhats;

8) receive from district election commissions the protocols on registration of candidates to deputies of the corresponding maslikhats and ensure publication by the district election commissions of the lists of the registered candidates;

9) sum up the election results of maslikhat deputies, register the elected deputies and publish announcements about it in the mass media, submit to the Central Election Commission the protocols on vote count in the corresponding constituencies and electoral districts for the publication of them at the official web-site of the Central Election Commission;

10) organize rerun of a vote, re-run of election and by-election of deputies to the Senate and maslikhats;

11) appoint and organize election, re-run of election and by-election of the members of other local self-government bodies, except maslikhats; fulfill the functions of the district election commission at election of members of other local self-government bodies, except maslikhats located in the territory of the corresponding administrative-territorial unit; register the candidates to members of other local self-government bodies, except maslikhats, their proxies, issue the corresponding certificates to them; publish in local mass media information on registration of candidates; sum up the election results of the members of other local self-government bodies, except maslikhats and publish in local mass media information on the election results;

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

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

Article 15. District election commissions

1. District election commissions shall ensure organization and conduct of elections of maslikhat deputies in the constituencies.

2. District election commissions shall consist of seven members.

3. The list of members of district election commissions shall be published in mass media not later than in ten days after appointment or announcement of elections.

Article 15 is in edition of the Constitutional Act of RK of 6 May 1999 No.375-I; changes are introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II, 19 June 2007 No. 268-III.

Article 16. Authorities of the district election commission

District election commission shall:

1) supervise implementation of election legislation in the territory of a corresponding electoral district;

2) organize conduct of elections of maslikhat deputies;

3) organize and coordinate the activity of the precinct election commissions; cancel and suspend their decisions; control creation of the required material and technical conditions for the operation of the precinct election commissions; consider appeals and appeals in relation to the decisions and actions (inactivity) of the precinct election commissions. In case of revealing the infringements of this Constitutional Act, apply to the body that forms the election commission or to the court with an appeal to cease the activity of such an election commission;

4) *(The sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II);*

5) register the nominated candidates to maslikhat deputies, their proxies, issue the corresponding certificates to them and publish announcements on registration of candidates in the local mass media;

6) control timeliness and correctness of the compiled voter registers and submission of them for public formalization;

7) ensure supply of ballot papers to the precinct election commissions;

8) be eligible to hear to the reports of precinct election commissions, state bodies and organizations located in the territory of the district on the issues related to the preparation and conduct of elections as well as to hear to information of public associations on the issues related to implementation of election legislation;

9) receive from precinct election commissions the protocols on the voting results, on their basis determine the election results in the district and ensures publication of announcements about it in mass media;

10) *(The sub-clause is excluded by the Constitutional Act of RK of 19 June 2007 No. 268-III);*

11) conduct re-run of election and by-election of maslikhats;

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

Article 16 is with the changes, introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II, 19 June 2007 No. 268-III.

Article 17. Precinct election commissions

1. The precinct election commissions shall ensure organization and conduct of elections of the President, deputies of Mazhilis of the Parliament and maslikhats, members of other local self-government bodies in the corresponding electoral districts.

The precinct election commissions shall consist of seven members.

2. The information about the membership in the precinct election commissions at elections of the President, deputies of the Parliament and maslikhats shall be published in mass media not later than in seven days, and in the territorial commissions at elections of members of other local self-government bodies not later than in three days after appointment or announcement of elections.

Article 17 is in edition of the Constitutional Act of RK of 6 May 1999 No.375-I; the changes are introduced by the Constitutional Act of 14 April 2004 No. 545-II.

Article 18. Authorities of the precinct election commissions

Precinct election commission shall:

1) conduct electoral campaign in the electoral district at elections of the President, deputies of the Mazhilis of Parliament, maslikhats and members for other local self-government bodies;

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;

5) notify the voters about the day, time and place of voting;

6) arrange the premises, ensure manufacturing of polling 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;

10) exercise other authorities according to the legislation of the Republic.

Article 18 is with an amendment, introduced by the Constitutional Act of RK of 14 April 2004 No. 545-II.

Article 19. Status of an election commission's member

1. The members of the election commissions shall be representatives of the state bodies and shall be under the state protection.

2. The legal status of the election commission members stipulated by the Constitution, this Constitutional Act and other legislative acts of the Republic of Kazakhstan.

2-1. A person with a previous conviction that has not been cancelled or removed in the order established by the Law; a person admitted by the court as incapable or partially incapable, can not be a member of the election commission.

3. Chairperson, members of the Central Election Commission and employees of its office shall exercise their authorities on the professional and permanent basis.

A chairperson of the election commission shall represent the interests of the commission in the courts and other state bodies, also be eligible to delegate to other persons the powers to represent the interests of the election commission by issuing them with the relevant letter of attorney.

4. The members of the election commission that are not listed in clause 3 of this Article during conduct of elections cannot be dismissed from their work or transferred to other work by the initiative of the employer without their consent.

5. A member of the election commission shall:

1) be notified about the meetings of the corresponding election commission forty eight hours earlier, except for the cases that require an immediate decision-making;

2) be eligible to speak up at the meetings of the election commission, to make proposals in respect to the issues that are within the competency of the corresponding election commission, and to require voting in their respect;

3) be eligible to ask to other participants of the meeting any questions according to the agenda and to receive answers to the point;

4) be eligible to inspect the documents and materials of the election commission, which he/she represents, and to obtain their certified copies;

5) supervise the activities of the subordinate election commission upon authorization confirmed by three quarters of votes of the members of the election commission, which he/she represents;

6) be obliged to respect the requirements of the Constitution, this Constitutional Act and other legislative acts of the Republic of Kazakhstan, the generally accepted ethical standards;

7) be obliged to fulfill the assigned to him/her responsibilities, decisions and instructions of the election commission and its chairperson, the superior election commission;

8) be obliged to ensure the observance and protection of electoral suffrages and legal interests of the citizens, demonstrate impartiality and independence at decision-making as well as abstain from a public evaluation of the activities of candidates and the political parties which have nominated the party list;

9) not be bound by the decisions of the political party, which he/she represents, or other public association and not be eligible to defend their interests.

6. The member of the election commission shall be released from his/her duties upon expiration of the fixed term of the authorities of the election commission, cessation of its activity as well as by the decision of the body which has formed the election commission, in the case of:

1) submission of an application on the exemption of duties by his/her own will;

2) loss of citizenship of the Republic of Kazakhstan;

3) departure to the permanent place of residence outside of the given administrative-territorial unit where the corresponding election commission has been formed;

4) come into effect of the judgement of guilty of the court in respect to him/her;

5) come into effect of the court's decision in respect to him/her on legal incapability, partial incapability, missing or announcement of him/her as decedent;

6) his/her death.

A member of the territorial, district and precinct election commission shall be released from his/her duties in the case if the political party which has nominated such a member has ceased its activities.

The adoption in the order established by the laws of the Republic of Kazakhstan of the decision on the dissolution of the political party shall be a basis for exemption from duties of the members of the territorial, district and precinct election commissions, which have been nominated by this political party.

7. In the case of numerous infringements by a commission's member of official powers or the requirements of this Constitutional Act, he/she shall be dismissed from the position by the body, which forms the election commission.

8. The superior election commission shall nominate a member of the election commission to replace the retired member of the election commission before the election of the commission's member by a body forming an election commission in the order established in Article 10 of this Constitutional Act.

9. The election commission shall not consist of employees from one and the same organization.

10. A member of the election commission must live in the territory of administrative-territorial unit, where the corresponding commission is located.

Article 19 is with changes, introduced by the Constitutional Acts of RK of 4 April 2004 No. 545-II; 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

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 style, publicity and transparency.

2. The first meetings of the commissions shall be convened:

1) in respect to the Central Election Commission – by the Chairperson of the commission within fourteen days after the commission's formation;

2) in respect to subordinate election commissions – by the chairpersons of the superior election commissions not later than seven days after their formation.

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 Act. 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 the conditions for free access for all individuals with own decisions, which shall be placed in public telecommunication networks and in the cases stipulated by this Constitutional Act shall be subject for publication in other way.

The political parties, which do not have their representative in the composition of election commission, shall be eligible to delegate to the corresponding election commission their representative with the right of a consultative vote for the period of preparation for and conduct of electoral campaign.

A representative of a political party with the rights of a consultative vote shall be eligible to speak at the meeting of an election commission, make proposals on the issues within the competence of an election commission, appeal against actions (inaction) of the election commission to a superior election commission or a court.

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 Election Day since the opening of polling stations and till determination of voting results at the vote count the following persons shall be eligible to be present at the same time at the polling station: one proxy of each candidate and political party; one representative of each mass media upon submission of a certificate of employment and the editor's assignment; one observer representing each political party, other public associations, other non-governmental organizations of the Republic of Kazakhstan and observers of foreign states and international organizations.

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 Act. 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. During preparations for and conduct of an election the members of territorial, district and precinct election commissions may by their wish to be exempted from their professional and official duties by the decision of election commission, whose work shall be paid 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 shall not be eligible to be members of election commissions:

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

2) candidates to President, deputies to the Parliament and maslikhats and to members of local self-government bodies;

3) persons, occupying positions of political civil servants;

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

A spouse and close relatives of the candidates as well as persons, who are directly subordinated to candidates, shall not be eligible to be members of election commissions, who are directly involved in the organization and conduct of elections in the electoral district, where the above mentioned candidate stands for election.

Persons indicated in sub-clause 2 of this clause shall be exempted from duties of a member of election commission since the date of registration of the corresponding candidate.

Article 20 is with changes, introduced by the Constitutional Acts of RK of 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

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

1. The authorities of an observer of political parties, other public associations, nonprofit organizations must be certified in written form with indication of his/her surname and given names. This document shall be certified by a seal of the organization that sent an observer and shall be valid upon submission of a document, confirming the observer's identity. The documents shall be submitted to the chairperson of an election commission or to the person, who substitutes him/her, for the purposes of registration of an observer in the registry.

2. The observers of political parties, other public associations, nonprofit organizations of the Republic of Kazakhstan shall be eligible 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 Act, 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. The observers of political parties, other public associations, nonprofit organizations of the Republic of Kazakhstan shall:

- 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 Act 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.

4. In case of the breach of the legislation of the Republic of Kazakhstan by international observers a corresponding election commission shall be eligible to cancel the registration of this observer.

Article 20 is in edition of the Constitutional Act of RK of 19 June 2007 No. 268-III.

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. Conduct of accreditation shall be finished five days prior to the voting date.

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 Act and other legislation of the Republic of Kazakhstan.

8. In the cases stipulated by this Constitutional Act 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.

Article 20-2 is added by the Constitutional Act of RK of 19 June 2007 No. 268-III; changes are introduced by the Constitutional Act of 9 February 2009 No. 124-IV.

Chapter 3. Constituencies and electoral districts

Article 21. Constituencies and their system

1. In the Republic of Kazakhstan the system of constituencies shall be formed and used at elections of maslikhat deputies, members of other local self-government bodies.

2. Constituencies shall be formed by taking into account the administrative-territorial division of the Republic and an approximately equal number of voters. In this case the difference in the number of voters in the constituency in the oblast, the city of the republican status and the capital of the Republic, district and the city shall not exceed fifteen percent of the average quantity of voters per each deputy's mandate in the given administrative-territorial unit.

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. At elections of members of other local self-government bodies the single-member constituencies shall be formed with observance of conditions stipulated by clause 2 of this Article.

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.

Article 21 is with the changes, introduced by Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 19 June 2007 No. 268-III.

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

1. Constituencies shall be formed by territorial election commissions.

2. The list of the constituencies with indication of their borders and locations of district election commissions shall be published in local mass media by the corresponding election commissions not later than in ten days after appointment or announcement of elections.

3. Changes in the list of constituencies, determination of their borders and location of election commissions shall be made by the corresponding election commission.

Article 22 is with the changes, introduced by the Constitutional Act of RK of 19 June 2007 No. 268-III.

Article 23. Formation of electoral districts

1. For the conduct of voting and vote count in districts and cities the corresponding akims shall take a decision to form electoral districts on the basis of the approval of election commissions. The electoral districts shall be formed with the purpose to ensure and create maximum convenience for the voters and taking into account the 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) *(The sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 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 corresponding akims within seven days (in case of conduct of elections of members of other local self-government bodies within three days after the appointment or announcement of the election) shall notify voters via mass media about the borders of the electoral district.

Article 23 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No.545; 15 April 2005 No. 44-III; 19 June 2007 No. 268-III; 9 February 2009 No.124-IV.

Chapter 4. Registers of voters (electors)

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

1. The voter registers shall be compiled at elections of the President, deputies of the Mazhilis of Parliament and maslikhats, members of other local self-government bodies. The elector register shall be compiled at elections of the Senate deputies.

2. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 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. The voter register shall be compiled in the alphabetic or other order. The register shall include the voter's surname, given names, year of birth (for the persons of 18 year old the day and month of birth as well) and address of residence. The elector register shall be compiled in the alphabetic or other order and shall include the elector's surname, given names, year of birth and the name of the maslikhat where the elector is a deputy as well as the address of residence.

5. The voter register by place of residence shall be compiled by the corresponding local executive body on the basis of the data provided by the population accounting agencies.

Each voter shall be eligible to be registered as a voter in the corresponding local executive body from the moment of announcement or appointment of an election.

In case if not later than thirty days before elections a voter learns that he/she shall be unable to arrive on the Election Day to the polling station at the place of his/her registration, the voter shall be eligible to submit a written application to the local executive body in the place of his/her residence and to request his/her enrolment in the corresponding voter register.

Upon an application of a citizen in compliance with this clause the local executive body shall arrange exclusion of the citizen from the voter register in the place of his/her registration and enrolment of him/her in the voter register in the electoral district where the named citizen shall vote.

The voter register by each electoral district shall be signed by the relevant akim and submitted by act to the corresponding election commission twenty days before beginning of voting.

The data on voters, preliminary compared with the data of other competent bodies and organizations shall be submitted by the local executive body in electronic and paper form to the corresponding territorial election commissions by 1 July and 1 January of each year.

The officials of local executive bodies shall bear responsibility for authenticity of the voter registers and for the data on voters submitted to the corresponding election commission.

6. Undergraduate and postgraduate students of full-time courses who live in hostels shall be included in the voter register according to the location of their hostels.

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 a 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. The register of electors at election of deputies to the Senate of the Parliament shall be compiled by the corresponding territorial election commissions upon the presentation by the secretary of the corresponding oblast, urban (the city of the republican status and the capital of the Republic) maslikhats.

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

Article 24 is with the changes, introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

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) the citizens registered in the place of their residence in the territory of the corresponding electoral district;

3) in the 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 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.

Article 25 is with the changes, introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

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, 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 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 elector register at election of the Senate deputies shall be presented for public familiarization by their publication in local mass media not less than seven days before 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) shall be eligible to check the data about him/her in the voter register and appeal against the non-enrolment, incorrect enrolment or exclusion from the register as well as against inaccuracies in the data about a voter (elector). Applications on enrolment in the voter register or exclusion from it, making corrections in the register shall be considered by the corresponding election commission on the day of the receipt of the application. In case of refusal of the application the election commission shall immediately issue a copy of decision on the motivated refusal of application. The decision can be appealed in the corresponding court in the location of the election commission, which shall consider the appeal on the day of its receipt and shall make its final judgment. In case of positive for the applicant decision the correction in the voter (elector) register or enrolment of a voter in the voter register must be done by the precinct election commission immediately.

Article 26 is with the changes, introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II; 9 February 2009 No. 124-IV.

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 Act), personal meetings of candidates and their proxies with voters (electors);

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

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.

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 Act 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 exercise unbiased interpretation of the electoral campaign of candidates, political parties; to abstain from publications of campaign materials and other information, obviously discrediting the honor, dignity and professional reputation of the candidate or the political party; to grant for the indicated persons a possibility for a free of charge publication of denial in protection of honor, dignity and professional reputation in the nearest publication of the printing on the same page, in the same volume and in the same font or broadcasting on television or radio at the same time within twenty four hours after reception of the appeal.

Mass media shall be obliged to disseminate information about events on the nomination of all candidates and party lists, registration by election commissions in equal volumes of the printed page, time for broadcasting.

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 Act.

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.

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 Act and other legislative acts of the Republic of Kazakhstan.

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

2. Since the completion of registration, which is established according to this Constitutional Act, and till the end of the campaign, the candidates and the political parties that have nominated their party lists shall be eligible to campaign their election program in the press and other mass media.

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 shall guarantee an equal allocation of funds to the candidates to come out with their programs in mass media. Each candidate shall be granted with funds for a fifteen minutes speech on TV, ten-minutes broadcasting by the radio as well as for publication of two articles in the press in the volume that does not exceed 0.1 of a printed sheet.

The political parties that have nominated their party lists shall be eligible to participate in the political debates on TV, organized by the Central Election Commission within the time limit fixed by the Central Election Commission.

Mass media shall provide time for broadcasting and the space to print for the registered candidates and political parties that have nominated their party lists on a contractual basis. The terms and conditions of the contract for the provision of broadcasting and the printed space in mass media to the candidates and political parties that have nominated the party lists should not create advantages in favor of a certain candidate and a political party. The data about the size of payment, conditions and order of granting of on-air broadcasting time and the printed area shall be declared and published by the corresponding organization of the TV-radio broadcasting, the editorial staff of the periodic press not later than on the tenth day after an official publication of the decision on appointment an election. The named information needs to be presented to the Central and oblast (regional) election commissions during Elections of the President of the Republic of Kazakhstan, to other territorial as well as region election commissions during election of deputies of the Parliament, maslikhats and members of other local self-government bodies.

The consent for allocation of time for broadcasting and a printed area given by mass media to one of the candidates or a political party which has nominated its party list shall be considered as consent to allocate time for on-air broadcasting and a printed area to other candidates or political parties that have nominated their party lists.

The sequence of appearance of candidates and the political parties which have nominated their party lists in mass media shall be established in the course of reception of written applications or through casting lots if applications were received at one and the same time.

It shall be prohibited to interrupt and comment on speeches of the candidates on television and radio immediately after the speech as well as in press 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 publication of posters, leaflets, slogans and other printed campaign materials the corresponding election commissions shall allocate to the candidates an equal sum of money, except

for the candidates who stand for elections under party lists. All printed campaign materials shall contain data about the organization that published the given materials, place of their printing and circulation, about the persons who have placed the order, sources of funding to cover such expenses. It shall be prohibited to produce printed campaign materials outside the territory of the Republic of Kazakhstan and to distribute anonymous campaign materials.

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. The candidates to President, deputies of the Parliament and maslikhat shall be eligible to cover all the expenses related to making statements in mass media, conduct of pre-election campaign, issuing of additional campaign materials as well as transport charges, travel and living expenses at the cost of their own election funds. Attraction for these purposes money from other sources, acceptance of any goods, works and services of physical persons and legal entities that are used by the candidate during the electoral campaign that have not been covered from the election funds of the candidate shall be forbidden. The candidate shall be forbidden to render any assistance to the indicated physical persons and legal entities for provision of the above named 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. The periodic printing facilities of the Central and local executive bodies shall be obliged to publish announcements of the election commissions, the data about the candidates taking part in elections in the order and volume to be determined by the Central Election Commission.

9. At publication of the results of the public-opinion polls related to elections, the mass media shall be obliged to name the organization that conducted such a poll, the persons who ordered the poll and paid for it, time of conduct of the poll, method of information collection, accurate wording of questions, the number of the interrogated persons and the factor of an error in the results of interrogation.

Within five days prior to Election Day and on Election Day publication of voting results, forecasts of the election results and other surveys associated with elections in the mass media shall be prohibited.

On the day of elections conduct of the poll in the premises of the polling station shall be forbidden.

Article 28 is in edition of the Constitutional Acts of RK of 14 April 2004 No. 545-II; 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

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

The candidate to President, deputy of the Parliament and maslikhat and member of other local self-government bodies, the political party which has nominated the party list shall put

forward their electoral program on future activities. The election program must not proclaim ideas of a forcible change of the constitutional form of government, infringement of territorial integrity of the Republic, undermining the safety of the state, unleashing of social, racial, national, religious, class and patrimonial clashes, violence cult as well as creation of the militarized formations that is not stipulated by the legislation.

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.

Article 29 is in edition of the Constitutional Act of RK of 14 April 2004 No. 545-II.

Article 30.

(The article is excluded by the Constitutional Act of RK of 14 April 2004 No. 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 Act.

Article 31 is in edition of the Constitutional Acts of RK of 14 April 2004 No. 545-II; 15 April 2005 No. 44-III; 19 June 2007 No. 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.

Chapter 6. Financing of elections

Article 33. The state financing of elections

1. Elections of the President, deputies of the Parliament, except for deputies of Mazhilis of the Parliament, elected on the basis of party lists, maslikhats, members of other local self-government bodies of the Republic of Kazakhstan shall be funded from the republican budget through the accounts of local executive bodies opened specifically for these purposes. The territorial election commissions shall control the funds that are transferred to the above named accounts from the republican budget. The order of financing shall be established by the budgetary legislation.

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 Act;

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 Act;

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) for the production of posters about candidates to President, the Senate and maslikhats deputies, members of other local self-government bodies as well as about political parties, which have nominated party lists, which shall be placed in the premises of an election commission and at polling stations.

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. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

Article 33 is in edition of the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; of 15 April 2005 No. 44-III; 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

Article 34. Private financing of elections

1. Pre-election campaigns of candidates at elections of the President of the Republic of Kazakhstan and elections of deputies of Parliament and maslikhats can be funded from the election funds formed in compliance with the procedure established by this Constitutional Act.

2. The election funds shall be subject to the state registration in the order established by the legislation.

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 the funds that have been received in a legal way can be transferred to the election funds. Within ten days after publication of the election results the information about the total sum of the money transferred to the fund and about its sources shall be published in mass media by:

the Central Election Commission – at elections of the President, deputies to Mazhilis of the Parliament of the Republic of Kazakhstan to be elected on the basis of party lists;

the oblasts (the city of the republican status and the capital) election commissions - at election of deputies to the Senate of the Parliament;

the district election commissions – at election of maslikhat deputies.

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 Act. 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 Act 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 order of spending the money from the election funds and the corresponding financial 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 Act.

9. Within five days after establishment of the results of the elections, the candidate and the political party shall be obliged to present to the corresponding election commission a report on the estimation of the funds from the election fund. The two thirds of the financial resources from the election fund that have not been spent for the electoral campaign shall be transferred to the republican budget, and one third shall be returned to the candidate and 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.

Article 34 is in edition of the Constitutional Acts of the Republic of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III; 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

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.

Article 35 is in edition of the Constitutional Act of RK of 14 April 2004 No. 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.

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

Chapter 7. The procedure of voting

Article 37. The ballot paper

1. The ballot paper shall include all registered candidates with indication of their surnames, given names in the alphabetic order of the state language. The ballot paper for voting for political parties shall include the names of political parties in the order determined by a casting of lots. The casting of lots shall be conducted by the Central Election Commission. The procedure for casting of lots shall be determined by the Central Election Commission.

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. The ballots shall be delivered to the precinct election commissions not later than one day before the elections with a reserve of one percent of the total number of voters in the electoral district.

4. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

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

Article 37 is in edition of the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 19 June 2007 No. 268-III.

Article 38. Time and place of voting

1. Voting at elections of the President, deputies of Mazhilis of the Parliament and maslikhats, members of other local self-government bodies shall be conducted on the day of elections from 7 am till 8 pm of local time. The territorial or district election commissions upon presentation by the corresponding akim and the precinct election commissions shall be eligible to establish other time for beginning and end of voting. In this case voting cannot begin before 6 am and end after 10 pm. The voters shall be notified about the decision of the territorial or district commissions to change the time for the start and end of voting.

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.

Article 38 is with the changes, introduced by the Constitutional Acts of the Republic 14 April 2004 No. 545-II; 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

Article 39. The polling station

1. Voting at elections of the President, deputies of the Parliament, maslikhats and members of other local self-government bodies of the Republic of Kazakhstan shall be conducted in the specially allocated premises equipped with the required number of polling booths. Places for issue of ballots as well as ballot-boxes must be arranged in such a way that voters at the approach to them shall inevitably have to pass through the polling booths. Observers, proxies, media representatives and members of the election commission must be ensured with opportunity to watch the ballot-boxes, the entrance and exit from the polling booths.

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 Act 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 Act 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.

Article 39 is with the changes, introduced by the Constitutional Acts of the Republic 14 April 2004 No. 545-II; of 9 February 2009 No. 124-IV.

Article 40. Opening of the voting

1. On the Election Day at elections of the President, deputies of Mazhilis to be elected on the basis of the party list, maslikhats, members of other local self-government bodies the precinct election commissions shall open the polling stations one hour prior to the beginning of voting.

2. On the Election Day on elections of deputies of the Senate and deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan, the corresponding territorial election commissions shall open the polling stations one hour prior to the beginning of voting.

3. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 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.

Article 40 is with the changes, introduced by the Constitutional Acts of the Republic 14 April 2004 No. 545-II; 19 June 2007 No. 268-III.

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.

At voting outside polling station the ballot-paper (ballot-papers) shall be issued to the voters on the basis of an application for voting outside the polling station and the voters shall put their signature in the application in confirmation of their will.

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. *(The clauses are excluded by the Constitutional Act of RK of 14 April 2004 No. 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.

Article 41 is with the changes, introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II; 15 April 2005 No. 44-III; 19 June 2007No. 268.

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) shall put any mark in an empty space to the right of the surname of the candidate for whom he/she votes.

In the ballot with the names of political parties the voter shall put any mark in an empty space to the right of the name of the political party for which he/she votes.

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. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

Article 42 is with the changes, introduced by the Constitutional Acts of RK of 6 November 1998 No. 285; 6 May 1999 No. 375-I; 14 April 2004 No. 545-II; 19 June 2007 No. 268-III.

Chapter 8. Determination of the voting results

Article 43. Vote count at the polling station

1. Vote count at elections of the President, deputies of Mazhilis of Parliament to be elected on the basis of the party list and maslikhats, members of local self-government bodies of the Republic of Kazakhstan in all electoral districts shall begin at 8 pm of local time if in the given polling station the time of voting has not been changed according to the order established by this Constitutional Act. In case of a change of the time for voting, vote count shall begin upon 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 Act 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.

In this case the ballots shall be stacked in a pile per each candidate or a political party which has nominated the party list and in a pile for null and void ballots.

2. The vote count at elections of the deputies of the Senate of the Parliament and deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan shall begin without delay upon the end of voting.

3. Vote count shall be done separately by each candidate, each political party. 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;
- 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) where more than one candidate, more than one political party have been marked, except for voting at elections of members of local self-government bodies 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. *(The clause is excluded by Constitutional Act of the RK of 6 May 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. At election of deputies of the Senate and deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan the precinct election commission (territorial election commission) on demand of the proxy shall conduct a recount of votes only once within the term established by clauses 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 Act 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. The election results in the electoral district shall be determined at the meeting of the district election commission and shall be conducted in one of the polling stations determined by the

district election commission not later than ten days before Election Day, with publication of the data about the place and time of the meeting in the mass media. The results shall be determined on the basis of the protocols of the precinct election commissions which shall be delivered to the given polling station.

Copy of the protocol on the election results in the given electoral district shall be hung out in the premise of the polling station for public familiarization and shall be kept in the given premise for three days.

At the request of a person who according to this Constitutional Act can be present during vote count, the named person shall be issued with a copy of the protocol certified by signatures of the chairperson and the secretary of the commission and the seal of the election commission.

8-2. The district election commission not later than five days after the day of voting shall draw up and post up in its office, where its meeting was held, a summary sheet on the results of vote count in the corresponding electoral district for public familiarization.

A summary sheet on the results of vote count shall be compiled on the basis of protocols of the precinct election commissions on the results of vote count, shall be signed by the chairperson and the secretary of the district election commission and shall be posted up for the public familiarization.

9. In case of revealing by the corresponding superior election commission of mistakes, non-conformities in the protocols of precinct election commissions (at elections of deputies of the Senate and deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan – protocols of territorial election commissions) as well as doubts of the correctness of the vote count, the given commission shall be eligible to take a decision to recount the votes by the corresponding precinct (territorial) election commission. The vote recount shall be conducted in presence of a member of the superior election commission as well as the applicants, who have presented the facts of the wrong vote count.

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.

Article 43 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III; 19 June 2007 No. 268-III.

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 the maslikhat deputies and members of other local self-government bodies shall be determined 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) maslikhat deputies shall be published in the local mass media by the corresponding territorial and district election commissions within seven days since the date of election;

3) members of local self-government bodies other than maslikhats shall be published in the local mass media by the corresponding territorial election commission within four days since the day of election.

5. The statement of the Central (territorial) Election Commission shall include the following data: the date of elections, the total number of the citizens enrolled in the voter (elector) registers and who have taken part in voting; the total number of the electoral districts; the total number of the

candidates who stand for elections; the number of the voters voting outside the polling station; the number of the political parties participating in elections; number of administrative units where repeat voting shall be held; the number of votes (the poll) voted for each candidate to President, deputies of the Senate of the Parliament, for each political party in the corresponding administrative-territorial unit number of votes cast for candidates to the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan; the elected President, the deputies of the Senate of the Parliament, deputies of Mazhilis to be elected by the Assembly of the People of Kazakhstan, maslikhats, members of the local self-government bodies with indication of the surname, given names, year of birth, position, place of residence as well as at the discretion of a candidate the data about his/her membership in a political party and his/her ethnic origin.

The statement of the corresponding district election commission shall include the following data: total number of the citizens enrolled in the voter registers and taken part in voting; number of votes cast for each candidate; number of null and void ballots in electoral districts; surname, given names, year of birth, position, place of residence of the elected maslikhat deputies as well as at the discretion of a candidate the data on his/her membership in a political party and his/her ethnic origin.

The data in the statements of the Central and territorial election commissions shall be presented according to constituencies, while data in statements of district election commissions according to electoral districts. The corresponding election commission shall make the statement on the preliminary election results within forty eight hours since the end of vote count and the issue of the corresponding protocol.

6. *(The clause is excluded by the Constitutional Act of the RK of 6 May No 375-I).*

Article 44 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III; 22 December 2006 No.208; 19 June 2007 No. 268-III.

Article 45. Registration of the President, deputies of the Parliament, maslikhats and members of the bodies of local governing

The corresponding election commissions in the order established by this Constitutional Act shall conduct registration of the elected President, deputies of the Parliament, maslikhats, members of other local self-government bodies upon a receipt from them within seven days of a written application on abdication of all responsibilities by them that are incompatible in compliance with the Constitution and the laws of the Republic with the status of the President, the deputy of the Parliament, maslikhat and the member of the local self-government body.

Article 46. The certificate and a breastplate of the President, the deputy of the Parliament, maslikhats and the member of local self-government body

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 mass media of the results of election of the Parliament deputies shall present each deputy with the certificate and a breastplate of the established form.

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) members of other local self-government bodies shall present each of them with the certificate of the member of local self-government body of the sample established by the Central Election Commission.

Chapter 9. Guarantees for the freedom of elections

Article 47. Guarantees to candidates during electoral campaign

1. The candidates to President, deputies of the Parliament, maslikhats from the date of their registration and till publication of the election results shall be eligible to be released from work, military service and periodical military trainings. The time of the candidates' participation in elections shall be included in the term of service in the specialty area in which he/she has worked till the day of registration.

2. The candidates to President, the deputies of the Parliament, maslikhats and the members of other local self-government bodies since the date of their registration and till publication of the election results cannot be dismissed from their work, transferred to other work or position without their consent as well as sent on a business trip or invoked on military trainings.

3. The candidates to President, deputies of the Parliament since the date of their registration and till publication of the election results as well as till their registration as the President, the deputy of the Parliament cannot be subject to arrest, court hearing, administrative punishment and criminal liability to be imposed by a court without the consent of the Central Election Commission, except the cases of detention at the scene of the crime or committing the grave crimes.

Article 47 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

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.

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.

Article 48 is with the changes, introduced by the Constitutional Acts of RK 14 April 2004 No. 545-II; 9 February 2009 No. 124-IV.

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

Courts and public prosecutor bodies shall be obliged to accept applications from the members of the election commissions, citizens, representatives of the public associations registered in the statutory order concerning the issues of conducting the voting including the issues on infringements of election legislation that have been received during preparation and conduct of elections and shall consider them within five days, while the applications received less than five days prior to the voting or on Election Day shall be considered immediately.

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 Act.

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 Act.

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 Act.

Article 49 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

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 Act;
- 2) non-implementation of a decision of the election commission accepted within its competence;
- 3) conduct of the pre-election campaign before the registration of a candidate and the party list nominated by the political party, on the Election Day or on the day preceding the elections;
- 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) breach of conditions for conduct of pre-election campaign in mass media;
- 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 Act 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 Act 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.

Article 50 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

Chapter 9.1. Peculiarities of the conduct of elections with the use of the electronic electoral system

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 Act 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 Act.

4. The electronic electoral system shall be used after it has been approved by the state commission established in the order to be determined by the Government of the Republic of Kazakhstan.

Constituencies and electoral districts, where the electronic electoral system is used, shall be determined by the Central Election Commission depending on their readiness to use the electronic voting.

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 Act, shall be stipulated by the Central Election Commission.

Article 50-1, clause 5 is with the changes, introduced by the Constitutional Act of RK of 15 April 2005 No. 44-III.

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 Act 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 Act.

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 Act, 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 Act.

The voter with the use of control elements of the device for electronic voting shall select on the electronic ballot the surname of the candidate for whom he/she wants to vote and shall confirm his/her choice.

At voting for political parties, the voter with the use of the control elements of the device for electronic voting shall select the name of the political party for which he/she wants to vote and shall confirm his/her choice.

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 a 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.

Article 50-5 is with the changes, introduced by the Constitutional Act of RK of 9 February 2009 No. 124-IV.

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 Act, 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 Act 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 Act, 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 election of the President shall be conducted once in five years on the first Sunday of December of the corresponding year and shall not coincide by their terms with election of a new composition of the Parliament.

Article 51 is with the changes, introduced by the Constitutional Acts of RK of 6 November 1998 No. 285-I; 19 June 2007 No. 268-III.

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

1. Early presidential election shall be appointed by the decision of the President of the Republic and shall be conducted within two months from the date of its appointment.

2. The regular election following the early election of the President shall be announced in five years within the term established by this Constitutional Act.

Article 51-1 is in the edition of the Constitutional Act of RK of 3 February 2011 No. 404-IV.

Article 52.

(The Article is excluded by the Constitutional Act of RK of 6 November 1998 No. 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. *(The clause is excluded by the Constitutional Act of RK of 6 November 1998 No. 285-I).*

3. One and the same person cannot be elected as the President more than two times.

Present restriction shall not apply to the First President of the Republic of Kazakhstan – the Leader of the Nation.

Article 53 is with the changes, introduced by the Constitutional Acts of RK of 6 November 1998 No. 285-I; 15 April 2005 No. 44-III; 19 June 2007 No. 268-III; 14 June 14 2010 No.289-IV.

Article 54. Requirements to candidates to President of the Republic of Kazakhstan

1. To be elected as a President of the Republic of Kazakhstan, a citizen of the Republic shall meet the requirements established in clause 2 of Article 41 of the Constitution as well as have a positive suffrage according to the clauses 2 and 3 of Article 33 of the Constitution and this Constitutional Act.

2. Conformity of candidates to President of the Republic of Kazakhstan to the requirements established by the Constitution and this Constitutional Act shall be determined by the Central Election Commission within five days from the moment of submission by a citizen of an application for self-nomination for the presidency or upon submission of an abstract of the minutes of the meeting of the supreme body of the republican public association on nomination of the candidate with enclosure of the candidate's application confirming his/her consent to run for the presidency. In this case the Central Election Commission shall establish the fact of residence of the candidates to President of the Republic of Kazakhstan during the last fifteen years in the Republic of Kazakhstan, while the procedure for determination of the fluent command by a candidate of the State language shall be determined by the resolution of the Central Election Commission in compliance with the act of the Constitutional Council of the Republic on the official interpretation of clause 2 of Article 41 of the Constitution.

3. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

Article 54 is with the changes, introduced by the Constitutional Acts of RK of 8 May 1998 No. 222-I; 14 April 2004 No. 545-II; 19 June 2007 No. 268-III.

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

1. The right to nominate the candidates to President shall belong to the republican public associations registered in the established order as well as citizens – by self-nomination.

2. Nomination of candidates to President shall begin on the day following the day of announcement and shall end two months before elections.

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. Self-nomination of a candidate to President shall be carried out upon submission of a corresponding application to the Central Election Commission.

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.

Article 55 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-II.

Article 56. Signature collection in support to the candidate to President of the Republic of Kazakhstan

1. The support by voters to the candidate to President shall be confirmed by their signature collection.

2. The candidate to President must be supported by at least one percent of the total number of voters, equally representing at least two thirds of the oblasts, the city of the republican status and the capital of the Republic.

3. Signature collection in support to the candidate to President shall be organized by proxies and shall be drawn in the subscription lists to be issued by the Central Election Commission not later than in five days after the check of the candidate's conformity to the requirements of the Constitution and this Constitutional Act on the basis of the documents on nomination mentioned in clauses 3 and 4 of Article 55 of this Constitutional Act.

4. Each subscription list shall have serial number and include the surname, given names of the candidate, personal signature of a proxy, the surname and given names of a person who is collecting signatures, the name of a settlement where collection of signatures is conducted, and include the columns containing the following data about the persons, who put signatures:

- 1) surname and given names;
- 2) number and serial number of the document, identifying them;
- 3) day, month and year of birth;
- 4) address of the permanent or temporary residence;
- 5) personal signature.

5. The person collecting signatures during signature collection shall submit a copy of the certificate of a proxy. The proxy shall put signature in the corresponding subscription list.

6. The Central Election Commission shall:

- 1) approve a sample of a subscription list;
- 2) provide candidates to President with the necessary amount of subscription lists.

7. The filled subscription lists on signature collection in support to the candidates to President shall be submitted to the territorial election commission which within ten-days shall check of the authenticity of signatures with involvement of the staff of passport services and shall also draw up the required protocols and send them to the Central Election Commission.

8. Check of authenticity of signatures shall be carried out before determination of authentic signatures in the quantity required for a candidate to President in compliance with clause 2 of this Article.

Article 56 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II.

Article 57.

(The Article is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).

Article 58. The size of the election fund of candidates to the President of the Republic of Kazakhstan

The election fund of the candidate shall be formed of:

1) candidate's own funds, the total amount of which must not exceed the size of the established by the legislation minimum wage for more than five thousand times;

2) funds allocated to a candidate by the republican public association which has nominated this candidate, the total amount of which must not exceed the size of the established by the legislation minimum wage for more than seven thousand times;

3) voluntary donations of citizens and organizations of the Republic, the total amount of which should not exceed the size of the minimum wages established by the legislation for more than fifteen thousand times.

Article 58 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 545-II.

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. A candidate to President before registration and after check of his/her conformity to the requirements of the Constitution and this Constitutional Act as well as after the checks of the collected signatures in his/her support shall deposit on the account of the Central Election Commission an election contribution in the size fifty times exceeding the size of the established by the legislation minimum wage. The election contribution shall be paid back to the candidate if according to the election results the candidate has been elected as the President of the Republic or according to the results of voting the candidate has collected at least five percent of votes of the voters who have taken part in voting as well as in case of a death of a candidate. In all other cases the election contribution shall not be returned and shall be transferred to the republican budget as the state revenue.

Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies in the place of residence for the first day of the month when the nomination term starts which is established in the order and the form established by the authorized body of the Republic ensuring tax control over fulfillment of tax liabilities before the state.

The authenticity of information about income and property to be declared by a candidate and his/her spouse shall be checked by the tax bodies within fifteen days since the day of registration of a candidate.

In this case, the organizations that have been asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days since the receipt of the request.

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

4. Registration of candidates to President shall begin two months before and shall end forty days before the day of election if other term is not stipulated at the appointment of election.

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) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No.545-II).*

4-2) references from the tax body confirming that a candidate and his/her spouse have submitted declarations on income and property.

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

6. Registration of the candidate to President in case of self-nomination shall be conducted upon submission of the following documents:

- 1) an application on the intention to stand for elections of the President of the Republic of Kazakhstan;
- 2) protocols of territorial election commission on the results of check of the collected signatures of citizens in support to the candidate to President;
- 3) the biographic data on the candidate;
- 3-1) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No.545-II).*
- 3-2) reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property;
- 4) document certifying that the candidate has deposited the election contribution.

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 Act;
 - use by a candidate of the official or professional status for the purposes of electoral campaign;
 - conduct of electoral campaign before registration of a candidate, on the day of elections or the day preceding Election Day;
 - 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 Act;
- 3-1) cancel the decision on registration of the candidate in case of revealing at the moment of submission of a declaration of the fact of a non-authenticity of the data on income and property declared by the candidate or his/her spouse according to the legislation of the Republic of Kazakhstan on struggle against corruption.

The refusal in registration or cancellation of registration can be appealed by the candidates to the corresponding court.

Two days prior to Election Day it shall be not allowed to cancel the decision on registration of the candidate or to re-register the candidate whose registration was cancelled.

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.

Article 59 is with the changes, introduced by the Constitutional Acts of the Republic of Kazakhstan of 8 May 1998 No. 222-I; 6 May 1999 No.375-I; 28 June 1999 No. 407-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

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. At any time before registration and after it the supreme body of the republican public association can cancel the decision on nomination of the candidate to President by submitting a corresponding statement 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 withdrawing of the candidature or cancellation of the decision on nomination of the candidate have been effected without any circumstances that caused by the above-mentioned, the Central Election Commission shall be eligible to charge part of the expenses incurred for the conduct of electoral campaign that have been covered from the funds of the republican budget to the account of the candidate or a public association that has nominated the given candidate.

Article 60 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

Article 61. Nomination of candidates to President of the Republic instead of the retired members after the end of the registration term.

1. If at the end of the registration term in the result of retirement of the candidates at least two candidates to President are left, the Central Election Commission by its resolution shall prolong the term of elections but not for more than two months.

2. In this case nomination of candidates to President shall be carried out according to the rules established by this Constitutional Act.

Article 61 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No 375-I; 14 April 2004 No. 545-II.

Article 62. Vote count at the election of the President of the Republic of Kazakhstan

1. The results of vote count at the Election of the President of the Republic of Kazakhstan shall be determined at the sitting of the territorial election commission and shall be written down in the protocols signed by the chairperson and members of the commission and delivered to the Central Election Commission within two days.

2. Other issues related to determination of the result of vote count shall be solved according to the rules established in the General part of this Constitutional Act.

Article 62 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No 375-I.

Article 63. Rerun of a vote

1. If the ballot includes more than two candidates to President and none of them has been elected, the Central Election Commission shall appoint rerun of a vote for the election of the President among two candidates who have received the majority of votes. In case of retirement of one of the candidates the ballot shall include the next candidate from those candidates who have received the majority of votes.

2. Rerun of a vote shall be conducted within two months with the observance of the requirements of this Constitutional Act. Mass media shall be informed about conduct of a rerun of a vote.

3. *(The clause is excluded by the Constitutional Act of RK of 6 November 1998 No. 285-I).*

Article 63 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II.

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. Formation of the election commissions, nomination and registration of candidates to President, other electoral campaigns shall be carried out in the order stipulated by this Constitutional Act. In this case the reduced term for the electoral campaign shall be fixed by the Central Election Commission.

4. The re-run of election shall be announced in mass media.

Article 64 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

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) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 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 Act.

Article 65 is with the changes, introduced by the Constitutional Acts of RK of 6 November 1998 No. 285; 6 May 1999 No. 375-I; 14 April 2004 No. 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 Act 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 election of the President of the Republic

Early presidential election shall be conducted in accordance with the rules established by this Constitutional Act for the regular election of the President. The term for the conduct of electoral campaign shall be determined by the Central Election Commission.

Article 66-1 is in edition of the Constitutional Act of RK of 3 February 2011 No. 404-IV.

Article 67.

(The Article is excluded by the Constitutional Act of RK of 6 November 1998 No. 285-I).

Article 68. Consideration by the Constitutional Council of the Republic of the issue on correctness of election of the President of Republic

1. By the appeal of the President of the Republic, the Chairperson of the Senate, the Chairperson of Mazhilis, at least one fifth of the total number of Parliament deputies and the Prime-Minister, which can be submitted within ten days after summarizing of the results of the elections, in case of a dispute, the Constitutional Council shall settle the issue of correctness of the election of the President of the Republic. In this case inauguration of the President of the Republic shall be suspended for a period of the appeal's consideration.

2. In case of a dispute about the correctness of election of the President of the Republic, the Central Election Commission shall submit the materials related to preparation and conduct of the election to the Constitutional Council.

3. In case of recognition by the Constitutional Council of the fact that the election of the President of the Republic of Kazakhstan did not correspond to the Constitution in the electoral districts (administrative-territorial units) where the facts of infringements of the Constitution have been revealed, the Central Election Commission shall take a decision on identification of the election conducted in the corresponding electoral districts (administrative-territorial units) as null and void and on conduct of a rerun of a vote within two months in those electoral districts (administrative-territorial units) where the elections have been recognized as null and void.

Article 68 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

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 the case stipulated by sub-clause 2) clause 1 of this article shall be appointed by the President of the Republic simultaneously with adoption of a decision by him about the early termination of the powers of the Parliament and shall be conducted within two months from the date of the pre-term termination of the term of office of the Parliament.

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.

Article 69 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No.375-I.

Article 70. The requirements to the candidates to the Senate deputies

To be elected as a deputy of the Senate, the citizen should meet the requirements established in clause 4 of Article 51 of the Constitution as well as have active suffrage according to clauses 2 and 3 Article 33 of the Constitution and this Constitutional Act.

Article 70 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II

Article 71. Nomination of candidates to the Senate deputies

1. Nomination of candidates to the Senate deputies shall begin since the day that follows the day of appointment of an election and shall end one month prior to the day of election.

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 Act 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.

Article 71 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II; 19 June 2007 No. 268-III.

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 filled in subscription lists shall be submitted, accordingly, to the oblast, urban (the city of the Republican status and the capital of the Republic) election commission who shall check the authenticity of the collected signatures with involvement of the staff of the passport services and shall draw out the protocol within five days.

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.

Article 72 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

Article 73. Registration of candidates to the Senate deputies

1. Registration of the candidates to the Senate deputies shall be conducted, accordingly, by the oblast (regional), urban (the city of the Republican status and the capital of the Republic) 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 Act 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.

Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies by the place of his/her residence for the first day of the month when the nomination term starts which shall be established in accordance with Constitutional Act and by order and form of the authorized body of the Republic ensuring tax control over fulfillment of tax liabilities before the state.

Accuracy of the information about income and property declared by a candidate and his/her spouse shall be checked by the tax bodies within fifteen days since the day of registration of a candidate.

In this case, the organizations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days since receiving the request.

3. Registration of candidates to the Senate deputies shall begin after receiving of all the necessary documents and shall end twenty days prior to the day of elections if at appointing an election it is not established otherwise.

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) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No 545-II);*

- 4-2) a reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property.

5) the document certifying that the candidate has made his/her election contribution.

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) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No.545-II)*;
- 3-2) a reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property.
- 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 Act;

use by a candidate of his/her official or professions status for the purposes of the electoral campaign;

conduct by the candidate of a pre-election campaign before his/her registration, on the day of elections or the day preceding it;

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 Act;

3-1) shall cancel the decision on registration of the candidate to case of revealing at the moment of submission of a declaration the fact of unauthenticated data on income and property declared by the candidate or his/her spouse according to the legislation of the Republic of Kazakhstan on anti- corruption.

The refusal in registration or cancellation of the registration can be appealed by candidates to the corresponding court.

Cancellation two days prior to Election Day of the decision on registration of the candidate or restoration of the candidate who has been withdrawn from registration shall be inadmissible.

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.

Article 73 is with the changes, introduced by the Constitutional Acts of the Republic of Kazakhstan on 8 May 1998 No. 222-I; 6 May 1999 No.375-I; 28 June 1999 No. 407; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

Article 74. Withdrawing of the candidature, cancellation of the decision on nomination of the candidate to the Senate deputies

1. The candidate to the Senate deputies within the period starting from the day of registration and two days before voting can withdraw his/her candidature by submission of a written application about it, accordingly, to the oblast, urban (the city of the Republican status and the capital of the Republic) election commission.

2. The maslikhat (maslikhats) that nominated a candidate within the period till registration and after it can cancel its decision to nominate a candidate by submission of an application about it, accordingly, to the oblast, urban (the city of the Republican status and the capital of the Republic) election commission.

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.

Article 74 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004, No. 545-II; 15 April 2005, No. 44-III.

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.

Article 75 is in edition of the Constitutional Act of RK of 14 April 2004 No. 545-II.

Article 76. Nomination of candidates to the Senate deputies instead of the retired ones after termination of the term of registration

1. If in the result of the candidates' retiring after termination of the term of registration at least two candidates to the Senate deputies left, the Central Election Commission on the basis of the statement submitted by the corresponding oblast (the city of the Republican status and the capital) and the urban election commission shall issue its regulation by which it prolongs the term of elections but not more than for two months.

2. In this case, nomination of candidates to the Senate deputies shall be realized according to the rules established by this Constitutional Act.

Article 76 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 545-II.

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 secretary of the oblast, urban (the city of the Republican status and the capital of the Republic) maslikhat shall preside at the joint session.
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 minutes of the joint session presented by the secretary of the corresponding maslikhat, accordingly, to the oblast, urban (the city of the Republican status and the capital of the Republic) election commission shall serve as the document that confirms the conduct of the joint session on election of the Senate deputies.
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.

Article 77 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

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 Act.

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 Act.

3. *(The clause is excluded by the Constitutional Act of RK of 6 May 1999 No.375-I).*

Article 79 is with the changes, introduced by the Constitutional Acts of the Republic of Kazakhstan on 6 May 1999 No.375-I; 14 April 2004 No. 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 Act. 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. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

Article 80 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 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) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 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 Act.

Article 81 is with the changes, introduced by the Constitutional Acts of the Republic of Kazakhstan of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

Article 82. Registration of the Senate deputies

1. The Central Election Commission on the basis of the protocols of the oblast, urban (the city of the Republican status and the capital of the Republic) election commissions shall register the elected the Senate deputies.

2. The Central Election Commission on the basis of the statement submitted by the oblast, urban (the city of the Republican status and the capital of the Republic) election commission or applications of electors can declare the elections of the deputy to the Senate as null and void if during the given elections or at vote count or determination of the voting results certain infringements of this Constitutional Act took place on the basis of which the commission can refuse the registration of the Senate deputy. In this case the given decision of the Central Election

Commission can be appealed by the candidate to the Senate deputies within ten days since the date of its adoption in the court which within ten days shall take its decision.

Article 82 is with the changes, introduced by the Constitutional Acts of the Republic of Kazakhstan of 19 June 1997 No. 133-I, 6 May 1999 No. 545-II.

Article 83. Conduct of the early elections and by-elections of the Senate deputies

1. The early elections and by-elections of the Senate deputies shall be conducted according to the rules stipulated by this Constitutional Act for the regular election of the Senate deputies. In this case the term for conduct of elections shall be determined by the Central Election Commission.

2. Elections and by-elections of the Senate deputies shall not be conducted one year prior to the expiration of the constitutional term of office of the Senate deputies.

Article 83 is with the changes, introduced by the Constitutional Acts of the Republic of Kazakhstan of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

Article 84. Consideration by the Constitutional Council of the issue of correctness of holding the election of the Senate deputies

1. By the appeal of the President of the Republic, the Chairperson of the Senate, the Chairperson of Mazhilis, at least one fifth part of the total number of the deputies of the Parliament and the Prime-Minister of the Republic which can be submitted within ten days after the summarizing of the results of the elections, the Constitutional Council in case of a dispute shall solve the issue of correctness of election of the Senate deputies. In this case, the registration of the elected Senate deputies shall be suspended for the period of the consideration of appeal.

2. The Central Election Commission in case of a dispute about correctness of election of the Senate deputies shall submit the materials related to preparation for and conduct of the election to the Constitutional Council.

3. In case of recognition by the Constitutional Council that the election of the Senate deputies are not held in compliance with the Constitution in those administrative-territorial units where infringement of the constitution has been revealed, the Central Election Commission shall take a decision on recognition of the election as invalid in these administrative-territorial units and on the conduct of re-run of election within two months in those administrative-territorial units, where the election has been declared null and void.

Article 84 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

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.

3-1. The election day of Mazhilis deputies who are elected by the Assembly of the People of Kazakhstan can be different from the election day of Mazhilis deputies who are elected on the basis of a party list.

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.

Article 85 is with the changes introduced by the Constitutional Acts of the Republic of Kazakhstan on 6 May 1999 No.375-I; as of 19 June 2007 No. 268-III.

Article 86. The requirements to the candidates to the Mazhilis deputies

To be elected to a deputy of the Mazhilis, the citizen should meet the requirements established in clause 4 Article 51 of the Constitution as well as to have the positive suffrage according to clauses 2 and 3 of Article 33 of the Constitution and this Constitutional Act.

Article 86 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 545-II.

Article 87. Nomination of candidates to the Mazhilis deputies

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

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.

3. Political parties shall make party lists in the alphabetical order of the state language. 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. Candidates to the Mazhilis deputies of the Parliament to be elected by the Assembly of the People of Kazakhstan shall be nominated by the Board of the Assembly. Relevant decisions shall be taken by a majority vote and shall be recorded in the minutes of the Board.

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

5. Nomination of candidates to the Mazhilis deputies to be elected on the basis of the party lists shall begin two months prior and end forty days prior to the election unless other deadlines are set at the time of appointing of the election.

Nomination of candidates to the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan shall begin *one month prior* and end *twenty days* prior to the election.

Article 87 is in new edition of the Constitutional Act of the RK of 19 June 2007 No. 268-III second part of clause 5 is with the changes, introduced by the Constitutional Act of RK of 9 February 2009 No.124-IV.

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. No election contribution shall be payable by political parties, which have received votes of seven and more percent of all voters at the previous election to the Mazhilis.

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

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

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

Article 88 is in new edition of the Constitutional Act of 19 June 2007 No. 268-III.

Article 89. Registration of candidates to the Mazhilis

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

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

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

In this case organizations, which have received the requests of the tax bodies to provide data about income and property of the candidate nominated by a political party and his/her spouse, shall provide requested information within four days upon a receipt of such request.

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

In this case organizations, which have received the requests of the tax bodies to provide data about income and property of the candidate nominated by the Board of the Assembly of the People

of Kazakhstan and his/her spouse, shall provide requested information within two days upon a receipt of such 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) tax authorities' certificate of receipt of an income and property statement of the candidate and his/her spouse;

5) a receipt confirming that the election 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.

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

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

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

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

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

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

6. The Central Election Commission shall:

1) publish in mass media an announcement of registration specifying the name of the political party and number of persons on the party list as well as the surname, 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) publish in mass media an announcement of registration specifying the name of the Assembly of the People of Kazakhstan, number of persons nominated by the Board of the Assembly of the People of Kazakhstan as well as the surname, given names, year of birth, job position, residence and work address of each nominee as well as his/her ethnic background, the latter to be specified at his/her discretion, within three days of the registration of candidates nominated by the Board of the Assembly of the People of Kazakhstan;

3) issue relevant certificates to candidates upon registration;

4) refuse to register or cancel 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;

conduct of a pre-election campaign by a political party, which has nominated a party list, by candidates it has nominated, its proxies prior to the registration;

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

if a court finds out that a political party nominating the party list, or its 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 Act.

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) decide to exclude a person from the list who is listed on the party list in the following cases:

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

if a person listed on the party list avails himself/herself of his/her official position in his/her pre-election campaign;

conduct of a pre-election campaign by a person listed on the party list prior to the registration of the party list;

if a court finds out that a person listed on the party list disseminates false information discrediting the honor and dignity of a candidate, a political party, which has nominated the party list, or a person from the party list damaging their professional reputation;

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

if a court finds out that a person listed on the party list or his/her proxies bribed voters;

in other cases stipulated by this Constitutional Act.

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

Decisions to exclude a person from the party list shall not be allowed two days prior to the voting day;

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

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

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

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

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

if a court finds out that a candidate or his/her proxy disseminates false information discrediting the honor and dignity of a candidate, damaging his/her professional reputation;

if income and property data submitted by the candidate and his/her spouse shall be found as false, as per the anti-corruption law of the Republic of Kazakhstan;

if a court finds out that a candidate or his/her proxies bribed voters;

in other cases stipulated by this Constitutional Act.

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

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

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

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

Registration of candidates nominated by the Board of the Assembly of the People of Kazakhstan shall start twenty days and shall end fifteen days prior to the election unless other deadlines are set at the time of appointment of the election.

Article 89 is in new edition of the Constitutional Act of 19 June 2007 No. 268-III, is with the changes, introduced by the Constitutional Act of 9 February 2009 No. 124-IV.

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.

2. The Board of the Assembly of the People of Kazakhstan may revoke its nominated candidate by applying with a relevant written request to the Central Election Commission. In this case, the Central Election Commission shall decide to cancel the registration of the candidate.

Article 90 is with the changes, introduced by the Constitutional Act of RK of 19 June 2007 268.

Article 91.

(The Article is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).

Article 92.

(The Article is excluded by the Constitutional Act of RK of 19 June 2007 No. 268-III).

Article 92-1. The size of the election fund of the political party.

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.

Article 92-1 has been added by the Constitutional Act of RK of 6 May 1999 No. 375-I.

Article 93.

(The Article is excluded by the Constitutional Act of RK of 19 June 2007 No. 268-III).

Article 93-1. Procedures for holding a session of the Assembly of the People of Kazakhstan on election of the Mazhilis deputies

1. An election of deputies of Mazhilis to be elected by the Assembly of the People of Kazakhstan shall be held at a session of the Assembly of the People of Kazakhstan shall be appointed by the President of the Republic.

2. The session of the Assembly of the People of Kazakhstan shall be attended by the Chairperson and members of the respective territorial election commission of the capital of the Republic or the city of the republican status, on whose territory a session shall be held.

The Board of the Assembly of the People of Kazakhstan shall notify the Central Election Commission of the voting venue within ten days before the voting.

3. The election commission shall arrange a station for voting on the election of Mazhilis deputies in the premises where a session of the Assembly of the People of Kazakhstan is to be held.

4. The document of the session of the Assembly of the People of Kazakhstan submitted to the territorial election commission shall be a document certifying that such session on election of Mazhilis deputies has been held.

5. The session shall be closed after the announcement of voting results with regards to the election of Mazhilis deputies by the corresponding territorial election commission.

Article 93-1 has been added by the Constitutional Act of RK of 19 June 2007 No. 268-III.

Article 94. Vote count at election of the Mazhilis deputies on the basis of the party lists

1. On the basis of the voting results the precinct election commission shall draw up protocol on voting results to be immediately forwarded to the corresponding territorial election commission.

2. The results of a party-list based election shall be determined at a sitting of the Central Election Commission on the basis of the protocols of the corresponding territorial election commissions to be forwarded to the Central Election Commission within two days of the date of election. Protocols shall be drawn up with regards to the election results.

3. Other issues related to determination of the vote count results and election results shall be determined in accordance with the rules set out in the General part of this Constitutional Act.

Article 94 is with the changes, introduced by the Constitutional Act of RK of 19 June 2007 No. 268-III.

Article 94-1. Vote count at election of the Mazhilis deputies that elected by the Assembly of the People of Kazakhstan

1. The results of vote count at elections of the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan shall be determined at a sitting of the corresponding territorial election commissions held at the voting station.

2. On the basis of the voting results the territorial election commission shall draw up a protocol on vote count to be announced at the session of the Assembly of the People of Kazakhstan and to be forwarded to the Central Election Commission within two days of the election date.

3. Other issues related to determination of the results of vote count shall be determined in accordance with the rules set out in the General part of this Constitutional Act.

Article 94-1 has been added by the Constitutional Act of RK of 19 June 2007 No. 268-III.

Article 95. Rerun of a vote at elections of the Mazhilis deputies

1. By the request of the corresponding territorial election commission or citizens, the Central Election Commission shall be eligible to invalidate the election of Mazhilis deputies in a corresponding administrative and territorial unit, if this Constitutional Act was breached during the elections or vote count or determination of the election results, which do not allow the results of expression of the citizens' will to be accurately determined. In this case the Central Election Commission shall announce rerun of a vote in a corresponding administrative and territorial unit.

2. Rerun of a vote shall be held within the term established by the Central Election Commission on the basis of the same party lists, the same electoral districts and the same voter

registers, which have been used for the initial election. Rerun of a vote shall be announced in mass media.

Article 95 is in edition of the Constitutional Act of RK of 19 June 2007 No. 268-III.

Article 96. Re-run of election of the Mazhilis deputies

1. If elections of the Mazhilis deputies on the basis of the party lists has been invalidated, the Central Election Commission shall take a decision on conducting a re-run of election of the Mazhilis deputies on the basis of the party lists. Voting shall be made at the same polling districts and the same voter lists, which were used for the initial elections.

2. Re-run of election of the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan shall be set by the Central Election Commission, if the election was invalidated or if no person was elected during the initial elections.

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 Act. 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.

Article 96 is in edition of the Constitutional Act of RK of 19 June 2007 No. 268-III.

Article 97. Establishment and publication of the election results of the Mazhilis deputies

1. The election results of Mazhilis deputies in the entire territory of Republic shall be determined by the Central Election Commission within seven days from the day of election.

2. *(The clause is excluded by the Constitutional Act of RK of 19 June 2007 268-III.);*

3) *(the clause is excluded by the Constitutional Act of RK of 14 April 2004 545-II.).*

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 Act.

Article 97 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No.375-I.

Article 97-1. Distribution of deputy mandates on the basis of the ballots by party lists

1. The Central Election Commission shall sum up the votes of voters cast in the territory of the single national constituency per each party list that has received seven and more percents of votes from the total number of the voters who have taken part in voting. The sum of votes cast for political parties, who overcame seven percent threshold shall be divided to the number of distributed deputy mandates. The received result shall be the first election quota.

2. If seven percent of votes of voters, who have taken part in voting, has been received only by one political party, then the party list of this political party as well as the party list of the party, which has received the next largest number of votes of voters, who have taken part in voting, shall be admitted to distribution of deputy mandates.

The sum of votes cast for two political parties shall be divided to the number of distributed deputy mandates. The received result shall be the first election quota.

3. The number of votes received by each party list admitted to the distribution of deputy mandates shall be divided by the first election quota.

The number of votes received by party list, which has not overcome the seven percent threshold and has been admitted to the distribution of deputy mandates in accordance with clause 2 of this Article shall be divided by the first election quota and multiplied by a correction index of 0.7.

The integral exponent received as a result of dividing the number shall be the number of deputy mandates, which the corresponding political party that formed by the party list has received.

A political party, which has not overcome the seven percent threshold and has been admitted to the distribution of deputy mandates in accordance with clause 2 of this Article shall receive no less than two mandates.

4. If after the actions made according to clause 3 of this Article there are undistributed mandates, they shall be subject to the second distribution. The undistributed mandates shall be distributed by one between the same party lists which have the largest fractional exponent (remainder) of the number received in the result of division in compliance with clause 3 of this Article. In case of equality of the largest fractional exponent (remainder), the advantage shall be given to the party list, which has been registered earlier.

During distribution of mandates according to clause 2 of this Article undistributed mandates shall be given to that party list, which as a result of voting has overcome the seven percent threshold.

5. The sequence of distribution of deputy mandates shall be determined by the governing body of a political party from candidates included into the party list according to clause 4 Article 89 of this Constitutional Act within ten days from the date of publication of the election results.

If the governing body of the political party has failed to determine the sequence of distribution of the received deputy mandates within the deadlines fixed in the first paragraph of this clause, the Central Election Commission shall take a decision with regards to distribution of deputy mandates received by party according to the registered lists in the alphabetical order in the state language.

6. In case of early retirement of the deputy, the Central Election Commission shall take a decision to transfer his/her mandate to the next candidate to be nominated by the governing body of the political party from candidates included in the party list in compliance with clause 5 of this Constitutional Act.

In case if there are no more candidates in the corresponding party list, the mandate shall remain vacant till the next elections of Mazhilis deputies.

Political parties shall be eligible to change sequence of candidates to their party lists by applying to the Central Election Commission with a written request and enclosing an abstract of the minutes from the meeting of the political party's governing body.

Article 97-1 has been added by the Constitutional Act of RK of 6 May 1999 No.375-I. Article is with the changes introduced by the Constitutional Acts of RK of 14 April 2004 No.545-II; 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

Article 98. Registration of the Mazhilis deputies

The Central Election Commission shall register the elected Mazhilis deputies.

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 Act 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.

Article 99 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No.545-II.

Article 100. Consideration by the Constitutional Council of the issue of correctness of elections of the Mazhilis deputies

1. By the appeal of the President, of the Chairperson of the Senate, the Chairperson of Mazhilis, at least one fifth part of the total number of Parliament deputies and the Prime-Minister of the Republic which can be submitted within ten days after determination of election results, the Constitutional Council shall solve the issue on the correctness of elections of the Mazhilis deputies in case of a dispute. In this case, the registration of the elected Mazhilis deputies shall be suspended for the period of time for consideration of the appeal.

2. The Central Election Commission in case of rise of a dispute on correctness of elections of the Mazhilis deputies shall submit the materials related to preparation and holding the elections to the Constitutional Council.

3. In case of a recognition by the Constitutional Council of non-compliance of the elections of deputies of Mazhilis under party lists to the Constitution in territories of those administrative-territorial units where Constitution infringements have been established, the Central Election Commission shall take a decision on a recognition of the elections invalid in territory of these administrative-territorial units and on the conduction of rerun of vote.

4. In case of a recognition by the Constitutional Council of non-compliance of the elections of the Mazhilis deputies elected by the Assembly of the People of Kazakhstan to the Constitution the Central Election Commission shall take a decision on recognition of these elections invalid and on the conduction of re-run of election of the Mazhilis deputies elected by the Assembly of the People of Kazakhstan.

Article 100 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No.545-II; 19 June 2007 No. 268-III.

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) by-election - the advance cease of authorities of the deputy, deprivation of his/her mandate or his/her death.

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.

4. By-elections of maslikhat deputies shall be appointed by oblast, city of the republican status and capital of the Republic election commission.

By-elections of maslikhat deputies shall be conducted simultaneously on the last Sunday in March and (or) on the last Sunday in October.

By the consent of the Central Election Commission, by-elections of maslikhat deputies shall be appointed by the corresponding territorial election commission for another date.

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.

Article 101 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No.545-II; 19 June 2007 No. 268-III; 9 February 2009 No. 124-IV.

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 Act.

Article 102 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 545-II.

Article 103. Nomination of candidates to maslikhat deputies

1. Nomination of candidates to maslikhat deputies shall be made by the republican or local public associations registered in due order as well as by their structural divisions, and by citizens – through self-nomination.

2. Nomination of candidates to maslikhat deputies by the republican or local public associations and their structural divisions shall be made by their supreme bodies with indication of the electoral district in which each candidate shall stand for elections. The public associations shall not be eligible to nominate candidates out of the persons who are not members of the given public association. The public association or its structural division can nominate in each electoral district only one candidate to maslikhat deputy. The decision on nomination of candidates to maslikhat deputies shall be taken by a majority of the total number of members of the supreme body of the Republican or local public association and its structural division, and shall be validated in the format of an abstract of the minutes.

3. The decision of the supreme body of the public association:

1) shall be brought to the notice of the proposed candidate;

2) in case of receipt of the candidate's application on his/her consent to stand for elections shall be delivered to the corresponding district election commission.

4. Nomination of candidates to the maslikhat deputies by citizens shall be made through self-nomination by submission to the corresponding district election commission of an application expressing the intent of an applicant to stand for elections to deputies of maslikhat in the given territorial electoral district.

5. Nobody can be nominated as a candidate from more than one electoral district.

6. Nomination of candidates shall begin two months before and ends one month prior to the day of elections if it is not established otherwise at appointment an election.

7. If by the day of termination of the term for registration of candidates to the corresponding electoral district, less than two candidates to deputies of maslikhat have been registered, then, the territorial election commission on the basis of the presentation submitted from the corresponding

district election commission shall prolong the term for nomination of candidates but not for more than twenty days.

8. The district election commission within three days establishes the conformity of the candidate to the requirements of the Constitution and this Constitutional Act.

Article 103 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 545-II.

Article 104. Registration of candidates to maslikhat deputies

1. Registration of candidates to maslikhat deputies shall be conducted by district election commissions.

Prior to his/her registration and following the check of his/her compliance with the requirements set by the Constitution and this Constitutional Act, a candidate to the deputy of the maslikhat shall deposit with the account of the *local executive bodies* an election contribution equal to 5 minimum wages as stipulated by law. The paid contribution shall be refunded to the candidate, if the candidate is elected as a deputy of the maslikhat or the candidate received votes of at least five percent of voters and in case of the candidate's death. In all other cases, the deposited contribution shall not be refunded and shall proceed to the republican budget.

1-1. Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies by his/her home address for the first day of the month when the nomination term starts which is established in the order and form fixed by the authorized body of the Republic ensuring tax control over fulfillment of tax liabilities before the state.

The authenticity of information about income and property declared by a candidate and his/her spouse shall be checked by the tax bodies within fifteen days since the day of registration of a candidate.

In this case, the organizations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days since receiving the request.

2. Registration of the candidate nominated by a public association shall be made if the following documents are provided:

1) Abstracts of the minutes of the supreme body meeting of the public association on nomination of the candidate to the corresponding electoral district with enclosure of a copy of the document on registration of the given public association in judicial authorities;

2) Application of the citizen expressing his/her consent to run for the candidacy to deputies in the given electoral district from the public association that has nominate the candidate;

3) The biographic data of the candidate;

4) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II);*

5) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property;

6) Document confirming the deposit of an election contribution by the candidate.

3. Registration of the candidate to case of his/her self-nomination shall be conducted upon submission of the following documents:

1) Application on intention to run for the candidacy to deputies from the given electoral district;

2) The biographic data of the candidate;

3) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II);*

4) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property;

5) Document, confirming the deposit of an election contribution by the candidate.

4. Any number of candidates to maslikhat deputies can be proposed for registration.

5. The district election commission shall draw up the protocol on registration of candidates to maslikhat deputies which within five days shall be submitted to the corresponding territorial election commission.

6. The district election commission:

1) within the seventh day after registration of candidates shall publish in local 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 on the basis of the candidate's consent the data on his/her membership in a public association and ethnic origin;

2) shall issue the approved certificates to registered candidates;

3) shall refuse in registration or cancel the decision on registration of the candidate in the following cases:

infringements by the candidate of the rules for nomination, non-submission of the necessary documents for registration;

incompatibility of the candidate to the requirements stipulated by the Constitution and this Constitutional Act;

use by the candidate of his/her official or professional status for the purposes of the electoral campaign;

conduct by a candidate of a pre-election campaign before his/her registration, on the day of elections or the day preceding it;

establishment by court of the fact of distribution by the candidate and (or) his 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 stipulated by this Constitutional Act;

3-1) shall cancel the decision on registration of the candidate to case of revealing at the moment of a declaration submission a fact of non-authenticity of data on income and property declared by the candidate or his/her spouse according to the legislation of the Republic of Kazakhstan on struggle against corruption.

The refusal in registration or cancellation of registration can be appealed by candidates to the corresponding court.

Two days prior to Election Day, it shall be inadmissible to cancel the decision on registration of the candidate or to restore the candidate who was earlier withdrawn from registration.

7. The refusal in registration of the candidate or cancellation of the decision on registration can be appealed by a public association or a candidate to the territorial election commission or in court within seven days. In this case the territorial election commission or the court shall take a decision in respect to this appeal within seven days from the date of submission of the appeal.

8. Registration of a candidate to maslikhat deputies shall begin two months and end twenty five days before the day of election if otherwise shall not be established at appointment of election.

Article 104 is with the changes, introduced by the Constitutional Acts of RK of 8 May 1998 No. 222-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III; 19 June 2007 No. 268-III, 9 February 2009 No.124-IV.

Article 105. Withdrawing of the candidature, cancellation of the decision on nomination of the candidate to maslikhat deputies

1. The candidate to the maslikhat deputies within the period since the registration and two days before Election Day can withdraw his/her candidature upon submission of a written application to the district election commission.

2. The supreme body of the republican or local public association or the structural division of the public association within the period before registration and after it can cancel its decision on nomination of the candidate to the maslikhat deputies upon submission of a corresponding statement to the district election commission.

3. In these cases the district election commission shall not register the candidate or shall 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 reasonable causal circumstances for it, the district election commission shall be eligible to charge part of the expenses incurred for the conduct of electoral campaign that have been covered from the funds of the republican budget to the account of the candidate or the public association that has accordingly nominated a candidate.

Article 105 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

Article 106. The size of the election fund of the candidate to maslikhat deputies

The election fund of the candidate shall be formed of:

1) Own funds of the candidate. The total sum should not exceed the established by the legislation of the Republic of Kazakhstan size of the minimum wages for more than hundred times;

2) The funds allocated to the candidate by the public association which has nominated him/her. The total sum should not exceed the size of the minimum wages for more than two hundred times established by the legislation of the Republic of Kazakhstan;

3) Donations of citizens and organizations of the Republic of Kazakhstan. The total sum should not exceed the size of the minimum wages more than three hundred times established by the legislation of the Republic of Kazakhstan.

Article 106 is in edition of the Constitutional Act of RK of 14 April 2004 No. 545-II.

Article 107. Nomination of candidates to maslikhat deputies at by-elections after termination of the term of registration

1. If in the result of the candidates' retiring, after termination of the term of registration, less than two candidates to the maslikhat deputies remain in the corresponding electoral district, the territorial election commission on the basis of the presentation made by the corresponding district election commission on the basis of its decision shall prolong the term of elections, but not for more than two months.

2. In this case nomination of candidates to maslikhat deputies shall be conducted according to the rules stipulated by this Constitutional Act.

Article 107 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II.

Article 108. Vote count at elections of maslikhat deputies

1. Precinct election commission on the basis of the voting results shall draw up the protocol on voting results which shall be immediately sent to the district election commission.

2. The results of election of the maslikhat deputy shall be determined at the meeting of the district election commission on the basis of the protocols of the precinct election commissions. Protocols on the results of election of maslikhat deputy shall be issued and signed by the

chairperson and members of the district election commission and shall be sent to the corresponding territorial election commission within two days from the date of elections.

3. Other issues related to determination of the results of the vote count and the election results shall be solved in compliance with the rules stipulated in the General part of this Constitutional Act.

Article 109.

(The Article is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).

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 Act. 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. *The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

Article 110 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 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. The candidate shall be considered as elected maslikhat deputy if the majority of voters who have taken part in the voting voted for him/her in comparison with other candidates.

3. Other issues related to the establishment and publication of the election results of the maslikhat deputies shall be solved according to the rules established in the General part of this Constitutional Act.

Article 111 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No.375-I; 14 April 2004 No. 545-II.

Article 112. Registration of maslikhat deputies

1. Corresponding territorial election commission on the basis of protocols of district election commissions shall register the elected maslikhat deputies.

2. Corresponding territorial election commission under proposal of the district election commission or appeals of citizens shall recognize elections of maslikhat deputies as invalid, if in the course of elections or vote count or determination of election results breach of this Constitutional Act has occurred as well as shall refuse in registration of a maslikhat deputy. In this case a decision of the territorial election commission within ten days since its adoption can be appealed by candidates to maslikhat deputies to the court, which within ten days shall take a decision.

Article 112 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No. 375-I.

Article 113. Conduct of early election and by-elections of maslikhat deputies

1. Early election and by-election of maslikhat deputies shall be conducted in compliance with rules, stipulated by this Constitutional Act for the regular election of maslikhat deputies. In this case the term for the conduct of electoral campaign shall be fixed by the corresponding territorial election commission.

2. By-election of maslikhat deputies shall not be conducted one year prior the expiration of deputies' mandate.

Article 113 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 N 545-II.

Chapter 14. Elections to the other local self-government bodies of the Republic of Kazakhstan

The name of the Chapter 14 is with the changes, introduced by the Constitutional Act of RK of 19 June 2007 268-III.

Article 114. Appointment of the elections of the local self-government bodies

1. The grounds for the appointment of:

1) election shall be termination of the statutory term of office of the local self-government bodies;

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 Act.

3. The announcement about the day of elections shall be published in local mass media.

Article 114 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 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 Act.

Article 115 is with the changes, introduced by the Constitutional Act of RK of 14 April 2004 No. 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) The function of the district election commission shall be exercised by the corresponding territorial election commission;
- 3) Organization and conduct of elections are realized by the precinct election commissions.

Article 117. Nomination of candidates to members of the local self-government bodies

1. The right to nominate candidates to members of the local self-government bodies shall belong to assemblies of citizens, which shall be legally qualified in case of availability at least fifty citizens having the suffrage and compactly living in rural and urban local communities as well as to the citizens by self-nomination.

2. The decision to nominate candidates to members of the local self-government bodies shall be taken by the majority of votes of citizens present at the assembly. The decision shall be validated by the corresponding minutes.

3. The decision of the assembly of citizens shall be:

- 1) brought to the notice of the proposed candidate;
- 2) sent to the corresponding territorial election commission with the candidate's application expressing his/her consent to run for candidacy to deputies.

4. Nomination of candidates to members of the local self-government bodies by the citizens shall be made through self-nomination by submission to the corresponding territorial election commission of an application on intent to run for the candidacy to members of the local self-government bodies in the territory of the corresponding rural or urban local community.

5. The citizen who does not live in the territory of the given rural or urban local community cannot be nominated as a candidate to members of the local self-government bodies.

6. The number of the nominated candidates shall not be limited.

7. Nomination of candidates shall begin from the day following appointment of an election, and ends fourteen days prior to the day of elections.

8. If on the day of termination of the term of registration of candidates less than two candidates to members of the local self-government bodies have been registered, the territorial election commission extends the term for nomination of candidates but not for more than twenty days.

9. The territorial election commission within three days shall determine conformity of the candidate to the requirements of the Constitution and this Constitutional Act.

Article 117 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II.

Article 118. Registration of candidates to members of the local self-government bodies

1. Registration of candidates shall be carried out by the territorial election commissions.

1-1. Before registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies by the place of his/her residence for the first day of the month when the nomination term starts which is established in the order and form fixed by the authorized body of the Republic ensuring tax control over fulfillment of tax liabilities before the state.

The authenticity of information about income and property declared by a candidate and his/her spouse shall be checked by the tax bodies within fifteen days since the day of registration of a candidate.

In this case, the organizations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days since receiving the request.

2. Registration of the candidate nominated by the assembly of citizens shall be made on the basis of the following documents:

- 1) The minutes of the assembly of citizens;
- 2) Application of the citizen expressing his/her consent to run for the candidacy to members of the local self-government bodies;
- 3) The biographic data of the candidate;
- 4) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April No. 545-II)*;
- 5) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property;

3. Registration of the candidate to case of his/her self-nomination shall be conducted on the basis of the following documents:

- 1) Application expressing an intention to run for the candidacy to deputies;
- 2) The biographic data of the candidate;
- 3) *(the sub-clause is excluded by the Constitutional Act of RK of 14 April No. 545-II)*;
- 4) A reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property.

4. Any number of candidates can be presented for registration.

5. The territorial election commission shall draw up the minutes about registration of candidates.

6. The territorial election commission:

1) within on the fourth day after registration of candidates shall publish in local mass media the announcement on registration with indication of the surname, given names, the year of birth, job position, work and home address of each candidate as well as by a consent of a candidate, data on his/her membership in a public association and ethnic origin;

2) shall issue approved certificates to the registered candidates;

3) shall refuse in registration or cancel the decision on registration of the candidate to the following cases:

infringements by the candidate of the rules on nomination, non-submission of the necessary documents for registration;

incompatibility of the candidate to the requirements stipulated in the Constitution and this Constitutional Act;

use by the candidate of his/her official or professional status for the purposes of the electoral campaign;

conduct by a candidate of a pre-election campaign before his/her registration, on the day of elections or the day preceding it;

establishment by court of the fact of distribution by the candidate and (or) his/her proxies of the false information discrediting the honor and dignity of the other candidate, damaging his/her professional reputation;

establishment by court of the facts of bribing the voters by a candidate and his/her proxies;

in other cases stipulated by this Constitutional Act;

3-1) shall cancel the decision on registration of the candidate to case of revealing at the moment of submission of a declaration the fact of non-authenticity of the data on income and property declared by the candidate or his/her spouse according to the legislation of the Republic of Kazakhstan on struggle against corruption.

The refusal in registration or cancellation of registration can be appealed by candidates to the corresponding court.

Two days before Election Day cancellation of the decision on registration of a candidate or restoration of candidacy of the candidate who has earlier been withdrawn from registration shall not be allowed.

7. The refusal in registration of the candidate or cancellation of the decision on his/her registration can be appealed within three days by the assembly of citizens or the candidate to the superior territorial election commission or in court. In this case the territorial election commission or the court shall take a decision as regards the appeal within three days from the date of submission of the appeal.

8. Registration of the candidate shall begin twenty days before and end thirteen days prior to the day of elections.

Article 118 is with the changes, introduced by the Constitutional Acts of RK of 8 May 1998 No. 222-I; 6 May 1999 No. 375-I; 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

Article 119. Withdrawing of the candidature, cancellation of the decision on nomination as a candidate to members of local self-government bodies

1. The candidate within the period before registration and after it can withdraw his/her candidature through submission of a written application about it to the corresponding 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.

Article 119 is with the changes, introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II; 15 April 2005 No. 44-III.

Article 120.

(The Article is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).

Article 121. Nomination of candidates to members of local self-government bodies instead of the retired members after termination of the term of registration

1. If, on the day of termination of the term of registration of candidates, less than two candidates have been registered to members of the local self-government bodies, the territorial election commission upon presentation of the corresponding district election commission by its resolution shall extend the term of elections, but not for more than a month.

2. In the given case, nomination of candidates shall be carried out according to the rules stipulated by this Constitutional Act.

Article 121 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II.

Article 122. Vote count at elections of the member of the local self-government bodies

1. Precinct election commission on the basis of the results of voting shall issue a protocol on voting, which shall be immediately sent to the territorial election commission.

2. 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 Act.

Article 122 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No. 375-I.

Article 123. By-elections of members of the local self-government bodies

1. In case the number of the elected members of the local self-government bodies appeared to be less than the number of mandates of the corresponding local self-government body, the territorial election commission shall appoint the by-elections of the members of local self-government bodies in a month's time from the date of conduct of the initial elections.

2. By-elections are conducted according to the rules established by this Constitutional Act for initial elections.

Article 123 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No. 375-I.

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 Act.

3. Local mass media shall be informed about conduct of the re-run of election.

4. *(The clause is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).*

Article 124 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No.375-I.

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 Act.

Article 125 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No.375-I.

Article 126. Registration of members of the local self-government bodies

1. The corresponding territorial election commission on the basis of the minutes of precinct election commissions within three days from the date elections shall register the elected members of the local self-government bodies.

2. The corresponding territorial election commission upon submission of the precinct election commission or citizens' appeals can declare the elections of members of the local self-government bodies as invalid and void if during the elections or vote count or determination of the election results certain infringements of this Constitutional Act have been revealed, and can refuse in registration of members of the local government bodies. In this case the given decision of the territorial election commission can be appealed within five days from the date of its adoption by candidates to court which within ten days shall take its decision.

Article 126 is with the changes, introduced by the Constitutional Act of RK of 6 May 1999 No. 375-I.

Article 127. Conduct of by-election of members of local self-government bodies

1. By-election of members of local self-government bodies shall be conducted according to the rules stipulated by this Constitutional Act for the regular elections. In this case the term for the conduct of electoral campaign shall be fixed by the corresponding territorial election commission.

2. By-election of a member of local self-government body shall not conducted one year before the termination of the term of office of the local self-government bodies as it shall be established by the legislation of the Republic of Kazakhstan.

Article 127 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 14 April 2004 No. 545-II.

Chapter 15. Concluding and transitory provisions

Article 128.

(The Article is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).

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 Act.

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.

Article 129 is in edition of the Constitutional Act of RK of 14 April 2004 No. 545-II.

Article 130.

(The Article is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).

Article 131. Term for election of members of local self-government bodies

Election of stipulated by the Constitution of other than maslikhats local self-government bodies shall be appointed accordingly by oblast, urban (the city of the republican status and the capital of the Republic) election commissions after entry into force of the law, which shall determine the status and authorities of local self-government bodies.

Article 131 is with the changes, introduced by the Constitutional Acts of RK of 14 April 2004 No. 545-II; 19 June 2007 268-III.

Article 132.

(The Article is excluded by the Constitutional Act of RK of 14 April 2004 No. 545-II).

Article 133. Entry into force and operation of this Constitutional Act

This Constitutional Act shall:

- 1) come into effect since the date of its publication;
- 2) apply to legal relations arising after this Constitutional Act shall come into effect.

Article 133 is with the changes, introduced by the Constitutional Acts of RK of 6 May 1999 No. 375-I; 19 June 2007 268-III.

President of the Republic of Kazakhstan

Almaty, 28 September 1995
No. 2464
