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**INFORMATION
ABOUT ELECTIONS IN THE
REPUBLIC OF KAZAKHSTAN
TO THE VOTERS**

1999

Information about elections in the Republic of Kazakhstan to the voters

Election rights of the citizens

Every person has a right to take part in government by his own country directly or thanks to freely elected representatives.

Will of the people should be the basis of the power of the government: this will should be expressed in periodic and non-counterfeited elections, which should be carried on by universal and equal suffrage, by secret ballot or by means of other equivalent forms, ensuring freedom of voting.

The citizens of the Republic of Kazakhstan have a right to vote and be eligible for election to state bodies and institutions of local government, as well as to take part in the Republican referendum.

The citizens, recognized incapable by the court, and also kept in the places of deprivation of freedom under the judgement of the court are not entitled to vote and be eligible for election.

Elections in the Republic of Kazakhstan are based on free effectuation of right of the citizen of the Republic of Kazakhstan to vote and be eligible for election.

Elections are carried out on the basis of universal, equal and direct suffrage by secret ballot.

Elections of deputies of the Senate of the Parliament of the Republic of Kazakhstan are carried out on the basis of indirect suffrage by secret ballot.

Participation of the citizens of the Republic of Kazakhstan in the elections are voluntary. No one has the right to compel to participation or non-participation of the citizen in the elections and to restrict the expression of his will.

Universal active suffrage is the right of the citizens of the Republic of Kazakhstan to vote at the elections by coming of full age (18), not depending on origin, social, post and property status, sex, race, nationality, language, attitude to religion, convictions, place of residence or other circumstances.

Eligibility is the right of the citizens of the Republic of Kazakhstan to be elected President of the Republic of Kazakhstan, deputy of the Parliament of the Republic of Kazakhstan, maslikhat or member of the local government.

The person is not subject to registration as a candidate for President of the Republic of Kazakhstan, parliamentary candidate of the Republic of Kazakhstan, for election to the maslikhats, as well as a candidate for member of the institutions of local government, who:

- 1) was brought to disciplinary responsibility for commission of corruption violation of law during a year before registration;

- 2) was imposed in a judicial procedure administrative sanction for intentional violation of law during a year before registration;
- 3) has a record of conviction, which to the moment of registration was not expunged or remitted in accordance with the procedure established by law;
- 4) has not a medical certificate on psychical state of health.

Voters participate in the elections with equal reason and each of them possesses correspondingly one voice per one ballot paper.

President, deputies of the Majilis of the Parliament and maslikhats, members of the institutions of local government of the Republic of Kazakhstan are elected by the citizens directly.

Ballot at the elections is secret, excluding the possibility of any kind of control over the expression of will of voters.

Acquaintance of voters with constituencies and the compositions of the election commissions

Composition of the territorial election commissions on elections of the President of the Republic of Kazakhstan, deputies of the Parliament and maslikhats is published in mass media not later than within ten days, and territorial commissions on elections of the members of the institutions of local government - not later than within seven days after calling and announcement of elections.

The list of the constituencies with indication of their borders and location of the constituencies are published in the corresponding mass media by the corresponding election commissions not later than ten days after calling and announcement of the elections.

Composition of the district election commissions is published in mass media not later than ten days after calling and announcement of the elections.

Corresponding akims within seven days term, and when conducting the elections of the members of the institutions of local government - within three days term from the day of creating of polling stations, inform voters through mass media about borders of the polling stations.

Composition of the polling stations of the election commissions on elections of the President of the Republic of Kazakhstan, deputies of the Parliament and maslikhats is published in mass media not later than seven days, and territorial commissions on elections of the members of the institutions of local government - not later than three days after calling or announcement of elections.

Acquaintance of voters with the list of voters

Lists of voters of polling stations, formed at the place of the citizens' residence, are presented for general acquaintance fifteen days prior; of the polling stations, formed in military units, on board (ships), which belong to the Republic and who are at navigation, rest homes, sanatoriums, stationary treatment-and-prophylactic facilities, in the regions, located remote and difficult of access, at distant livestock districts, in investigation isolators and isolators of temporary keeping, at the representations of the Republic of Kazakhstan in foreign states - five days prior to the day of voting; of the polling stations, formed when conducting elections of the members of the institutions of local government - seven days prior to voting.

Citizens are allowed in the premises of the corresponding election commissions to be acquainted with the lists of voters and also to verify the data about voters.

Every citizen is entitled to appeal against non-inclusion, incorrect inclusion in the list or exclusion from the list, and also inaccuracy of the information of voter. Statements of necessity of amending of the lists are considered by the corresponding election commission not later than within three days term, and on the eve and in the day of voting - immediately. In case of rejection of a statement the election commission without delay issues to declarant the copy of motivated ruling of rejection of his statement.

Ruling may be appealed to the corresponding court at the place of staying of election commission, which reviews a complaint within three days, and on the eve and in the day of election - without delay and accepts final ruling. In case of positive ruling to declarant, amendment of the list of voters (electors) or inclusion of non-included voter in the additional list is carried out by the election commission immediately.

Persons presenting candidates and organizing bodies

Voters may be in the composition of the persons presenting candidates or members of their organizing bodies.

Candidates have a right to have persons presenting candidates, who render assistance to them in conducting of election campaign, carry out pre-election agitation, represent the candidates' interests in relations with state bodies, organizations, social associations, election commissions.

Candidates determine persons presenting candidates by their discretion and inform about them for registration to the corresponding election commission.

Candidate for the Presidency of the Republic of Kazakhstan may have up to twenty five persons presenting him.

Candidate for election to the Majilis of the Parliament of the Republic of Kazakhstan may have up to seven persons presenting him.

Candidate for election to the Senate of the Parliament of the Republic of Kazakhstan may have up to five persons, presenting him.

Candidate for election to maslikhat and members of the institutions of local government may have up to three persons presenting him.

Persons, presenting candidate act within the framework of authorities, granted to them by the candidate.

Persons, presenting candidate lose their status on termination of election campaign or on personal initiative, or on decision of the candidate.

Organizing bodies of the citizens are set up by the candidates themselves or by persons, presenting them, if they had granted this right to them.

Candidate himself determines the composition of the organizing body and its number.

Organizing bodies are set up for:

- 1) implementation of gathering signatures of voters to support the nominated candidature for the Presidency, deputies of the Senate of the Parliament of the Republic of Kazakhstan;
- 2) carrying out of the election campaign to support or against this or that candidature.

Members of the organizing body lose their status on termination of the election campaign or by personal initiative, or by decision of the candidate.

Financing of the elections

Elections of the President of the Republic of Kazakhstan, deputies of the Parliament, excluding of the deputies of Majilis of the Parliament, elected by party lists, maslikhats, members of the institutions of local government are financed from the funds of the Republican fiscal.

Financing of the elections in the Republic of Kazakhstan on the part of the international organizations and international social associations, foreign state bodies, foreign law persons and citizens, as well as persons without citizenship, any kind of direct and indirect their participation in financing of the elections in the Republic is prohibited.

Election campaign of the candidates at the elections of the President of the Republic of Kazakhstan and deputies of Majilis of the Parliament may be financed from the funds of formed election funds of the candidates.

Election funds of the candidates are subject to state registration.

Election funds of the candidates are formed from the following sources:

- 1) own resources of the candidates for election as a deputy of constituencies, from the funds of the political parties;
- 2) funds, allocated to the candidate by his social association of the Republic of Kazakhstan, which had nominated him;
- 3) voluntary donations of the citizens and organizations of the Republic of Kazakhstan.

There prohibited voluntary donations of state bodies and organizations, institutions of local government, charitable organizations, religious associations, Kazakhstani law persons, who have foreign interest in their authorized capital.

Only legally obtained funds may be directed to election funds. The total sum of financial funds received by a fund is announced in mass media.

Carrying out of election canvassing

State guarantees to the citizens, possessing positive suffrage, social associations the right of free agitation in favour of and against this or that candidate.

Election canvassing begins on the day of registration of candidates and closes at 00.00 o'clock of local time a day prior to the day of elections.

Election canvassing is implemented:

- 1) through mass media;
- 2) by way of carrying out public pre-election measures (pre-election meetings and meetings with voters (electors), public pre-election debates and discussions, meetings, processions, demonstrations and other pre-election measures), personal meetings of the candidates and their persons, presenting them with voters (electors);
- 3) by means of issue and (or) distribution of printed, audiovisual and other agitation materials.

Carrying out election canvassing, distribution of any agitation pre-election materials is prohibited to:

- 1) state bodies, institutions of local government, and also their officials in discharge of one's functions;

- 2) military units, military institutions and organizations;
- 3) members of the election commissions.

It is prohibited to carry on election canvassing, followed by providing the voters with goods, services, securities free of charge or under the privileged conditions, and also payment of funds or promising to provide the same, excluding of distribution of printed, including illustrated materials free of charge, as well as marks, flags, and other marks and symbols, specially produced for election campaign.

Printed canvassing materials can be put up in any premises, on any building, construction and other object with the consent of the landlord or owner of the indicated objects.

It is prohibited to put up canvassing materials on the monuments, obelisks, buildings and constructions, which are of historical, cultural and architectural value as well as in the premise of the election commission and polling stations. Candidate for the Presidency of the Republic of Kazakhstan, Parliamentary candidate, candidate for election to Maslikhat, for members of the institutions of local government makes a programme of his future activity. The programme of the candidate shouldn't proclaim the ideas of violent change of the Constitutional system, violation of the integrity of the Republic, undermining of the security of the state, war, social, racial, national, religious, class and tribal superiority and also cult of cruelty and violence.

In the day of elections and the day prior to it any election canvassing is prohibited. Printed canvassing materials put up earlier outside the premises of election commissions and polling stations may be left in their former places.

Time and place of voting at the elections

Voting at the elections of the President of the Republic of Kazakhstan, candidates for election to Majilis of Parliament and maslikhats, members of the institutions of local government is conducted in the day of elections from 7 a.m. till 8 p.m. of local time. Territorial or constituency election commissions on presentation of corresponding akim, polling station commission have the right to set up another time of beginning and termination of voting. At the same time the voting couldn't begin earlier than 6 a.m. and terminate later than 10 p.m. Ruling of territorial and polling station commissions of changing of the time of beginning and termination of voting should be accepted and brought to the voters' notice not later than 7 days prior to the day of election.

The election commission informs the voters about time and place of voting not later than 10 days and while conducting elections of the members of the institutions of local government - not later than 5 days prior to the day of conducting of elections.

Organization of voting at the polling station

Each voter (elector) votes personally.

Both transmission of the right to vote and voting instead of other persons at the elections are not admitted.

Ballot papers for voting should be issued to voters (electors) on the basis of lists of voters (lists of electors) upon presentation of the document, certifying the personality of the voter (elector).

Voters (electors) sign in the lists for ballot papers.

Member of the commission, who had issued the ballot paper (ballot papers), sets his signature in them and also sets his signature in the list opposite the surname of the voter (elector), who had received the ballot paper (ballot papers).

Ballot papers are filled in by the voters in the booth or in the room for secret ballot. Presence of any person, except voter, is prohibited while filling them in. Voter (elector), who hasn't any possibility to fill in the ballot paper himself, has a right to accept aid of the person whom he trusts and the surname of whom after election will enter the list of voters near the signature of the voter (elector) for ballot paper. This person couldn't be:

- 1) member of the election commission;
- 2) official of the local representative or executive institution;
- 3) person presenting the candidate;
- 4) journalist - representative of mass media;
- 5) observer, accredited under the corresponding election commission from the public associations of the Republic, observer of the foreign state of international organization.

Filled in ballot papers are put into the ballot box for voting.

In case when some voters according to state of their health or any other reasons couldn't arrive for voting, polling station commission according to their request should organize the voting at the place of staying of these voters. Oral statement on granting a possibility to vote outside the room for voting should be confirmed by the voter in written for on coming of the members of polling station commission. Representatives and observers, during voting outside the room for voting, have a right to attend it.

Persons, staying in the room for voting, are obliged strictly abide by the rules, established by the election commission. Chairman of the corresponding election commission is responsible for the order and has a right to demand any person, who violates provisions of the given Decree and hinder the conduct of voting, to leave the room.

Voting when changing the place of staying and early voting

When changing by the voter of the place of his staying at the period between presentation of the lists of voters for general acquaintance and the day of elections the polling election commission according to the request of the voter and on presenting the document, certifying his personality, issues the certificate for the right of voting to the voter. In this list of voters there should be done a corresponding mark. On presenting the certificate for the right of voting the polling station commission in the day of elections enters the voter on the additional list of voters at the polling station according to the place of his staying.

In case if the voter got to know not earlier than 7 days prior to the elections of the President of the Republic of Kazakhstan, candidates for Majilis of the Parliament and Maslikhats either not later than three days prior to the elections of the members of the institutions of local government that he wouldn't have the possibility to arrive in the day of elections to the premises for election, he has a right to get ballot papers for voting from the polling station election commission. Upon receiving the ballot paper the voter signs in the lists of voters. Voter after filling in of the ballot paper puts it into the envelope, which is glued and sealed and witnessed with signatures of the members of election commission and passes it to the commission.

Glued envelope should be kept in the polling election commission till the day of voting and in the day of voting it should be dropped into the box for voting by the Chairman of the commission at presence of its other members prior to the beginning of general voting. At the same time the intact of the envelope, the presence of the seal or signatures, and also the correspondence of the quality of envelopes to the marks in the list of voters should be checked up.

Guarantees of the activity of candidates in the course of the election campaign

Candidates for President of the Republic of Kazakhstan, Parliamentary candidates, candidates for election to Maslikhat from the day of their registration and till the day of publication of the results of elections may be released of their job, to exempt from military service and military assembly with compensation for expenses for this period at the rate of the minimum wage from the sources of the Republican fiscal, allotted to conduct elections. Period of taking part of the candidate in elections is recorded as length of service on the speciality which he occupied prior to the day of registration.

Candidates for President of the Republic of Kazakhstan, Parliamentary candidates, candidates for election to Maslikhat, members of the institutions of local government from the day of their registration and till the day of publishing of the results couldn't be discharged from their work, transferred to another work or post without their consent, and also sent to business trip or called up for military assembly.

Candidates for President of the Republic of Kazakhstan, Parliamentary candidates from the day of their registration and up to publishing of the results of elections couldn't be arrested, subjected to bringing to the militia office, administrative sanctions, imposed in a judicial procedure, be brought to the criminal responsibility, and also to be detained without consent, correspondingly, of the Central Election Commission, corresponding territorial or constituency election commission, except the cases of detaining directly at the place of crime and commission of grave crime.

Protection of the rights of voters

Persons, who impede free implementation by the citizen of the Republic of his election right, right to carry on election canvassing, either spreading known to be false information about candidates or making other actions, derogating from honour and dignity and also the persons carrying on the election campaign in the day of elections and the day before it, interfering the work of the election commissions and impeding voting, exercising functions related to the registration of the candidate, counting of voices and determination of the results of elections, impeding the legal activity of the persons presenting candidates, representatives and observers at the elections bear the responsibility established by law.

Courts and bodies of public prosecutor's office are obliged to accept statements of the members of election commissions, citizens, representatives of registered public associations in the established by the law order, concerning the issues of carrying out voting, including the cases on violation of the legislation on elections, which entered during the period of preparation and conduct of elections and consider them in five days term and those which entered the day before and in the day of voting - immediately.

With the view of protection of their rights and legitimate interests and also defence of legitimate interests of other law and natural persons, society or state the citizens have the right to appeal to the bodies and officials.

Appeals of the citizens are considered and there taken decisions at terms till 1 month from the day of coming in the bodies, and not requiring the additional examination and checking - not later than 15 day. In cases when it is necessary to carry out additional checking the terms may be prolonged by the head of the corresponding body but not for the period of time more than 1 month about what it is necessary to inform the declarant.

Appeals of the citizens to the actions of the state bodies and organizations not having their own superior bodies should be resolved in judicial procedure.

In the memorandum there used provisions of the articles of the Constitution of the Republic of Kazakhstan, Universal Declaration of Human Rights, Decree of the President of the Republic of Kazakhstan valid in force of the constitutional law "On elections in the Republic of Kazakhstan", Decree of the President of the Republic of Kazakhstan, valid in force "On the order of consideration of appeals of the citizens" and resolutions of the Central Election commission of the Republic of Kazakhstan.

(unofficial translation)

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