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LAW ON THE ELECTION OF
THE PRESIDENT OF MONGOLIA

F Clifton White Resource Center
International Foundation for Election Systems

GENERAL PROVISIONS

Article 1. Purpose of the Law

The purpose of the present Law shall be to regulate relations pertaining to the preparation for and holding of the elections of the President of Mongolia.

Article 2. Legislation on presidential elections

The legislation on presidential elections shall consist of the Constitution of Mongolia, the present Law and other legislative acts issued in accordance with them.

Article 3. Basic election principles

1. Presidential elections (hereinafter referred to as "elections") shall be conducted in two stages, as provided by Article 31, paragraph 1 of the Constitution.

2. At the primary stage of the elections Mongolian citizens eligible to vote shall participate in electing President on the basis of universal, free and direct suffrage by secret ballot.

3. The primary elections shall be universal. Mongolian citizens who, on the day of the election, are residing in the country and have reached the age of 18 years, shall have the right to vote, irrespective of their ethnic origin, language, race, sex, social origin and status, income, occupation, post, religion, opinion, education. Those who have been certified insane by medical conclusion and who are under detention shall not be eligible to participate in elections.

4. The primary elections shall be direct. An elector shall vote in person for the President.

5. An elector shall cast his/her vote by secret ballot. No voter shall be barred to freely make his/her choice.

6. At the second stage the State Great Khural shall acknowledge as President-elect the candidate who has obtained a majority of the votes cast in the primary elections and pass a law recognizing his/her full powers .

Article 4. Nomination of candidate for President

1. The political parties which have seats in the State Great Khural shall individually or jointly nominate a candidate for President in accordance with Article 31, paragraph 2 of the Constitution of Mongolia.

2. A person shall not be renominated for the same elections.

Article 5. Administration of the elections

1. Elections shall be administered by election committees at the levels of state administrative and territorial units as well as towns, villages and districts therein.

2. State central and local bodies and officials shall assist in the preparation for and holding of elections in conformity with applicable laws.

Article 6. Transparency in the preparation for and holding of elections

1. The preparation for and holding of elections shall be conducted publicly. This provision shall not apply to secret ballot.

2. It shall be the duty of state press and information agencies to promptly inform the public of the process of the preparation for and holding of elections, as well as their outcome.

3. The news distributed by other central and local press and information agencies shall be correct and objective.

Article 7. Fund requirements for election campaign

1. The following election administration expenses shall be funded from state budget:

1) expenses for printing and preparing the curriculum vitae of the candidates, the certificates of the candidates, party election campaign officers and of observers, as well as ballot papers, elector movement cards, election returns and report forms, and election committee seals and stamps:

2) expenses related to election committees' office supplies, postage, communication, transportation and official trips:

3) other expenses authorized by the State Great Khural.

2. The amount of expenses to be funded from state budget shall be determined by the State Great Khural.

3. Remuneration for the work of election committee members shall be paid by their respective employer agencies taking into account their average monthly salaries or wages. Shall a pensioner or unemployed person be employed as an election committee member, he/she shall be remunerated from local budget upon the recommendation of the election committee concerned and taking into account the work performed by him/her.

4. Polling stations shall be provided to election committees free of charge by national and local budget units and state run organizations as well as by private business entities on the basis of their mutual arrangement.

Governors of administrative and territorial units concerned shall be responsible for providing election committees with polling stations, transportation, communication and other necessary facilities.

5. The nominating party shall establish election campaign funds within five days after the registration of its nominee, open a bank account for the funds and inform the General Election Committee and the public thereof. Contributions of the candidate, nominating party as well as of supporting parties, organizations and individuals shall be deposited with and be used through the account.

Contributions of supporting parties, organizations and individuals to election campaign shall be made in cash only and be deposited with the bank account so designated.

No contributions to election campaign shall be received, made or used other than through the bank account so designated.

No contributions shall be accepted during the preparation for and holding of elections (from the calling until the end of the elections) from state budget or mixed public property organizations (affecting any part of public property), foreign organizations (from foreign participants of joint entities) and from foreign nationals and stateless persons.

No part of aid resources shall be sold and used for election campaign purposes.

The total amount of election campaign contributions by supporting parties, organizations and individuals shall not exceed ten million tugriqs.

6. Election campaign funds shall be utilized to cover expenses related to advertising of the candidates, their meetings with electors, the organization of public meetings and gatherings, as well as office supplies, postage, transportation, communication and business trips of the candidates and party election campaign bodies and officers and other expenses authorized by the regulations of the General Election Committee.

The procedures for the establishment of election campaign funds and their utilization and reporting shall be approved by the General Election Committee in consultation with the Ministry of Finance.

7. The bank account transactions of the candidate's election campaign funds shall be frozen for the candidate with the end of the voting day of the primary elections.

8. The reports on the use of election campaign funds shall be submitted to the General Election Committee by the nominating party and organization representing the parties which jointly put forward the candidate, within a month after the freeze of the bank account so designated. The General Election Committee shall consider the reports and publish its conclusions in the state central press within three months after the end of the elections.

9. The fund balance in the election campaign account for the candidate shall be collected for state revenue. Election campaign funds used for unauthorized purposes and not through the account shall be reimbursed.

Article 8. Legal guarantees for election rights

1. It shall be prohibited for candidates and party election bodies and officers to participate in reviewing by state organizations the implementation of elections laws.

2. Should a violation of election laws be qualified as a criminal offense, the person concerned shall be imposed penalties under the Criminal Code.

3. A fine of 500-10 000 tugriks shall be levied by court on persons, who can not be imposed a criminal charge for their violation of election laws by the acts to bar the enjoyment by electors of election rights or the performance by an election committee and its officers of their duties, to misuse electors' religious belief, to vote on others' behalf, to solicitate votes and to deliberately obstruct vote casting and counting, etc.

4. A fine of 200-2000 tugriks shall be levied by court on officials, who can not be imposed disciplinary charge for their failure to perform their duties specified in Article 5, paragraph 2 and Article 16, paragraphs 4, 5 of this Law.

5. A fine of 500-10 000 tugrigs shall be levied by court on candidates, officials and party election officers for their failure to comply with the election committee demands that they stop violating the provisions specified in Article 28, paragraph 2 of this Law.

6. A fine of 1000-5000 tugrigs by court shall be levied on governors and senior officials of government agencies, who can not be imposed disciplinary charge for their failure to perform their duties specified in Article 7, paragraph 4 and Article 17 paragraph 3 and Article 29, paragraph 2 and Article 30, paragraph 2 of this Law.

7. A fine of 3000-50 000 tugrigs shall be levied by court on press and information agencies which have violated the provisions of Article 28, paragraphs 2,3 of this Law.

8. A fine of 500-10 000 tugrigs shall be levied by court on persons, who can not be imposed criminal charge for their violation of the provisions specified in Article 27, paragraph 4 of this Law.

9. A fine of 1000-5000 tugrigs shall be levied by court on election committee officers, who have violated the provisions of Article 11, paragraph 3 and Article 35, paragraph 2 of this Law.

10. A fine of 1000-5000 tugrigs shall be levied by court on citizens employed in election committees but have failed to perform or have not duly performed their duties.

11. Organizations, officials and citizens, charged under the provisions of this Article, may appeal or make complaints against court decisions in accordance with the laws concerned.

CHAPTER TWO

CALLING ELECTION AND ESTABLISHING
CONSTITUENCIES

Article 9. Calling an election

The State Great Khural shall call an election not later than 75 days before the polling day.

Article 10. Constituencies and their
establishment.

1. For the purposes of vote casting and counting, the Khural Presidium of Representatives of soums and districts' citizens shall establish constituencies 70 days before the polling day and shall announce the name, place and headquarters of constituencies. In exceptional cases, such as movement to and settlement of a large number of citizens in other place, a constituency can be established or moved 5 days before the polling day.

2. A constituency may consist of up to 2000 electors, but not more than 6000 electors in the capital and other cities.

CHAPTER THREE

ELECTION ADMINISTRATION ORGANIZATIONS
AND THEIR FUNCTIONS

Article 11. Election committees

1. The following organizations shall be responsible for the preparation for and holding of elections:

- 1) General Committee of the State Great Khural on election (the General Election Committee);
- 2) local committee on election (local election committee);
- 3) division committee on election (division election committee);

2. A local election committee shall establish subsidiary committees in its soums or comparable administrative and territorial units.

3. The chairman, secretary and officers of an election committee shall not campaign for a candidate.

Article 12. The General Election Committee of
the State Great Khural and
its functions

1. The General Election Committee of the State Great Khural (hereinafter referred to as "The General Election Committee") shall independently carry out its activities, and its functions, composition, requirements imposed thereon, term of its establishment shall be determined in accordance with Article 11 of the Law on election of the State Great Khural of Mongolia.

Article 13: Local election committees and their functions.

1. The General Election Committee, in order to prepare for and hold elections in aimags and capital city districts, and to collect and report the returns, shall establish local election committees with the composition of a chairman, secretary and members 65 days before the polling day, taking into account the recommendations of the Khural Presidium of Representatives of citizens of aimags and capital city districts, and inform the public thereof.

The number of local election committee members shall be determined by the General Election Committee given the work load and party representation therein.

2. Local election committees shall perform following functions within their constituencies:

1) to plan and arrange for the preparation and holding of elections;

2) to examine the implementation of election laws and ensure their uniform observance, and to provide an integrated guidance for the activities of subsidiary and division election committees;

3) to coordinate election activities of relevant local state bodies;

4) to hear reports on election activities submitted by subsidiary and division election committees as well as by the heads of relevant local state bodies and undertake necessary measures.

5) to examine and rectify petitions against decisions of subsidiary committees and other disputes and complaints having to do with the violation of election laws;

6) to sum up and submit to the General Election Committee the election returns collected from subsidiary and division election committees;

7) to arrange for and hold re-elections;

8) to perform other functions provided by relevant laws and carry out directives of the General Election Committee.

Article 14. Subsidiary committees and their functions

1. A local election committee shall establish subsidiary committees with the composition of a chairman, secretary and up to 5 members 60 days before the polling day, taking into account the recommendations of the Khural Presidium of Representatives of citizens of relevant soums and comparable administrative and territorial units and inform the public thereof.

2. A subsidiary committee shall perform the relevant functions of a local election committee on behalf and upon the recommendations of the latter concerning the preparation for and holding of elections in the locality concerned.

Article 15. Division election committees and their functions

1. A local election committee shall establish division committees with the composition of a chairman, secretary and members 55 days before the polling day, taking into account the recommendations of the Presidium of the People's Khural of citizens of a relevant bagh and khoroo and inform the public thereof.

The number of division election committee members shall be determined by the local election committee given the number of electors, work load and party representation therein.

2. A division election committee shall perform following functions:

1) to notify electors of its address and timetable as well as polling day and hours;

2) to follow and register electors' movement;

3) to prepare and verify the list of division electors;

4) to prepare a polling station, ballot papers and boxes and arrange for polls;

5) to sum up election returns and submit it to the local subsidiary committee concerned;

6) to sort out election documents and turn over them to the local subsidiary committee concerned;

7) to rectify and submit authorities concerned disputes and complaints having to do with the preparation for and holding of elections;

8) to perform directives of a local election committee and other functions as provided by relevant laws.

Article 16. Organization of election committee work.

1. Election committees shall consider at their meetings issues relating to their functions and take decisions and adopt resolutions thereon by a majority vote of its members. Not less than two thirds of members shall make a quorum.

Chairmen of the General Election Committee and local and subsidiary election committees shall issue directives on administration matters.

2. Local and subsidiary election committees, as well as division committees may, given their work requirements and expense extent, employ committee members temporarily suspending them from their basic work.

3. Complaints may be submitted to local election committees, if they concern decisions of subsidiary and division election committees and to the General Election Committee, if they concern decisions of local election committee, unless otherwise stipulated by law. Complaints shall be considered and rectified within 10 working days after they were received.

4. Election committees are entitled to make legitimate requests to parties, public organizations and individuals in connection with the preparation for and holding of elections, and the organizations and individuals concerned shall respond to the requests within 5 working days after they were submitted.

5. State, party and non-governmental organizations and officials are obliged to implement election committee decisions taken in accordance with their powers.

CHAPTER FOUR

ELECTOR LIST

Article 17. Elector list and its compilation and making public

1. An elector list shall be compiled for each election division and the number of electors shall be integrated in election committees.

2. An elector list shall contain the full name, age, residence address, passport and register numbers of all electors residing permanently or temporarily in the constituency concerned at the time of the list compilation. Each elector can only appear on one elector list.

3. Governors of soums, districts, baghs and khoroos shall compile in duplicate lists of electors, residing in their respective administrative and territorial units, in accordance with address reference, and in the forms approved by the General Election Committee, and shall submit them to division election committees 50 days before the polling day.

Chief staff officers of police, hospitals, rest houses and sanatoria are obliged to provide information necessary for the compilation of elector list.

4. The division election committee shall compile in duplicate the elector list, not less than 45 days before the polling day, in the form approved by the General Election Committee and make public the list signed by the chairman of the division election committee not less than 15 days, or in case of hospitals, rest houses and sanatoria 7 days before the polling day.

Article 18. Complaints concerning elector list

1. An elector is entitled to lodge a complaint to the division election committee concerned if his/her name was not registered or was not duly registered.

2. The division election committee shall examine the complaint within 3 working days after the receipt and make corrections in the electors list, or decide to disregard the complaint and respond accordingly. If the elector concerned does not agree with the decision he/she may appeal to the court.

Article 19. Elector movement

1. In case an elector moves to another election division before the polling day, he/she shall obtain a movement card, and have his/her name removed from the old elector list and be registered with the elector list of the new place moved to.

CHAPTER FIVE

NOMINATION AND REGISTRATION OF
CANDIDATES FOR PRESIDENT

Article 20. Term of nomination

Nomination shall commence 7 days after the calling an election and last for 15 days.

Article 21. Nomination by individual party

A central organ of the party (hereinafter referred to as "party"), which has seats in the State Great Khural shall nominate a candidate for President. A central party organ shall be party congress, party conference, and plenum or other similar bodies when the congress is not in session.

Article 22. Joint nomination by parties

1. When jointly nominating a candidate, parties shall, at the meeting of their central organs, decide and make an agreement on their joint participation in elections.

2. The agreement on joint participation in elections shall contain provisions concerning the reciprocal rights and commitments of the parties, an organization to represent the parties in elections, full names and posts of the persons included in the governing body of the organization, as well as the amount of the contributions to be made by the parties to the election campaign fund and other matters agreed upon.

The agreement shall be stamped and signed by the leaders of the parties joined for the elections.

3. The parties joined shall nominate a candidate for President by the decision of the organization to represent them in elections.

4. A party which made an agreement on joint participation in elections shall not individually nominate a candidate for President or establish a separate election campaign fund.

5. The name of the candidate shall be removed from the candidate registry by the General Election Committee if the parties cancel the agreement on their joint participation in elections and renounce their decision on the nomination of the candidate for President.

Article 23. Candidates and their registration

1. A person formally registered with the General Election Committee and acquired a certificate shall be considered a candidate for President.

2. The General Election Committee shall register the candidate and issue a certificate for him/her 25 days after the calling of an election.

3. The central party organ or the organization representing the parties joined for the elections shall attach to the decision on the nomination of the candidate for President following documents: a written acceptance by the candidate of the nomination, the candidate's election platform developed in accordance with Presidential powers as provided by the Constitution, curriculum vitae prepared in accordance with the form provided by the the General Election Committee, birth certificate (or any other document certifying that the candidate is Mongolian in origin if the birth certificate is not available), a document issued by soum or district Governors to certify that the candidate has, at least for last 5 years, been continuously residing in his/her country, and medical conclusion.

When registering the candidate, verification shall be made whether the presented documents are genuine and complete and the nomination process has been proceeded in accordance with relevant laws.

4. The General Election Committee shall make public the registration of the candidates within 3 working days after the registration.

Article 24. Canceling nomination decision,
and recalling the candidate

1. A candidate is entitled to withdraw from the election process, or party or parties joined for the elections may also call back and replace their candidate.

Party or parties joined for the elections shall immediately notify the General Election Committee of their replacement decision. The General Election Committee shall make public its decision to consider the nomination invalid, as well as the candidate's withdrawal or recalling by the party or parties joined for the elections.

2. Party or parties joined for the elections shall not be permitted to replace their candidate if they fail to inform 21 days prior to the polling day the General Election Committee of their decision to recall the candidate.

Article 25. Replacing the candidate

The party concerned or the parties joined for the elections may nominate a new candidate and have him/her registered with the General Election Committee 18 days before the polling day in case the previous candidate has died or a party or parties joined for the elections recalled their candidate before the term specified in Article 24 of the present Law.

Article 26. Assisting the candidate

1. The nominating party (the representing organization in case of the parties which jointly nominated a candidate) shall establish a party election body responsible for the organization of the candidate's election preparation and campaign advertisements and notify the General Election Committee of its establishment.

2. The General Election Committee shall register and issue a certificate for the chief and officers of the party election body.

Article 27. Guarantees for the candidate's
campaign activities

1. The candidate shall enjoy the right to expound his/her election platform, freely express his/her views, make advertisements through press and information means and to obtain, in accordance with relevant procedures, necessary data and other reference materials from the organizations concerned.

2. The candidate shall be taken under protection when required. Expenses for the protection shall be covered from state budget.

3. It shall be prohibited, without the permission of the General Election Committee, to subject the candidate to criminal liability, arrest, suspend or detain (unless he/she was arrested while committing a crime or being at the place with clear evidence of a crime), impose by court disciplinary charge, search him/her or his/her residence and office, and to dismiss from his/her work at an administration initiative.

4. It shall be prohibited to slander the candidate, damage his/her reputation, dignity and the confidentiality of his/her private life and correspondence.

5. The employing administration shall relieve the candidate from his/her work and render every assistance in his/her election campaign in accordance with relevant laws.

6. The President of Mongolia, if nominated for re-election, shall continue to carry out his/her duties. But he/she can not instruct any authority or official and/or have decisions taken in connection with presidential election matters.

Article 28. Election campaign

1. Meetings, gatherings or agitation centres may be organized by the candidate to introduce his/her election platform, freely express his/her views, and/or by a party or parties joined for the elections to advertise their candidate.

2. Election campaign shall end 24 hours before the polling day. It shall be prohibited to make any advertisement from this period until the end of the polls, and to conduct opinion polls or publish its results during a week prior to the polling day.

3. Free and equal access shall be provided for each candidate in state radio and television, or state-controlled newspaper and periodicals for his/her election advertisement.

4. There shall be a charge for any of candidate advertisements made for the time other than allocated by the General Election Committee in state radio and television, or state-controlled newspaper and periodicals.

Article 29. Meetings of the candidate. with electors

1. The candidate may meet his/her electors in the period up to 24 hours before the polling.

2. Governors of relevant administrative and territorial units shall render every possible assistance to the candidate when the latter meets his/her electors.

CHAPTER 574

POLLS, PRIMARY ELECTION OUTCOME

Article 30. Polling station and term

1. Polls shall be conducted at the polling station between 07 a.m. and 10 p.m. on the polling day. A division election committee shall keep the public informed of the place and time of the polls during the period of 14 days prior to the polling day.

2. Soum or district governors shall be responsible to provide their constituencies with facilities with voting booths and ballot boxes enough for electors to ballot in secret.

Article 31. Ballot papers

1. Ballot papers shall be printed in accordance to the form approved by the General Election Committee and be transmitted by the Committee to local election committees and from the them to division election committees through subsidiary committees not less than 5 days before the polling day.

2. On the ballot paper there shall be printed the candidate's full name followed by, in brackets, the name of the nominating party or parties joined for the elections. Print order of candidates' names shall be fixed by the General Election Committee with the names placed in rotation on the principle of equality and due consideration given to constituency size and elector numbers.

3. Ballot papers shall be stamped and signed by the chairman and secretary of a division election committee. Ballot papers without signature and stamp shall not be used for polls.

Article 32. Administration of polls

1. On the polling day, at 7 a.m. members of a division election committee shall, in the presence of electors' representatives, check and seal all ballot boxes, and give start to the polls. Party observers and information agency representatives may be present at the opening.

2. An observer has to be registered with a subsidiary election committee and have a certificate. The observer may just monitor whether vote casting and counting and summing up of election returns were proceeded according to election laws, but he/she shall not interfere in the functions of an election committee.

The procedures for the participation of foreign observers in elections shall be established by the General Election Committee.

3. A division election committee shall check against elector list the passport or other certificates of each elector, and provide him/her with a ballot paper.

Electors moved during polls shall be registered with supplementary elector list and be provided with ballot papers after their passports, or other certificates and movement cards have been checked.

4. The fact of elector's vote casting shall be marked on his/her passport and elector list.

Article 33. Vote casting

1. An elector shall come to the polling station and cast his/her vote in person. However, votes of those electors, who can not come to the polling station due to illness or some other valid reasons shall be taken with a sealed ballot box by not less than 2 division election committee members who come to them at their request.

2. To cast his/her vote, an elector shall get a ballot paper, enter a voting booth and circle the number preceding the full name of a preferred candidate from among others, listed in the ballot paper, and put the paper into a ballot box.

3. In case an elector made a mistake and put a wrong mark when filling in a ballot paper, he/she shall notify and return it to the division election committee before putting into the ballot box and may get a new ballot paper.

An election division committee shall make a record of and keep the ballot paper returned.

4. No person, except an elector, shall be present in the voting booth. An elector, who is not able to fill in the ballot paper in person, may be assisted by his/her trustee. However, any party election officer, election committee member or observer can not be allowed to assist as a trustee.

Article 34. Considering ballot paper invalid

A ballot paper shall be considered invalid in following cases:

- 1) vote wasn't cast in specified form;
- 2) the ballot paper didn't have the signature of the chairman and secretary and stamp of the division election committee concerned;
- 3) the ballot paper was not marked, and/or name of more than one candidates was marked, or had marks other than specified in this Law;
- 4) all candidates' names were crossed out;
- 5) the mark made before the candidate's name was altered.

Article 35. Vote counting

1. Vote counting shall be proceeded in transparency. Representatives of observers, electors as well as press and information agencies may be present during vote counting.

2. A division election committee shall announce at 10 p.m. the beginning of vote counting and open ballot boxes after unused ballot papers were counted and sealed. It shall be prohibited to open ballot boxes before the count time or make interruptions during vote counting.

3. A division election committee, on the basis of an elector list, shall count the total number of its constituency electors, the number of electors got ballot papers, the number of total or valid and invalid ballot papers taken out of ballot boxes and the number of votes cast for each candidate.

4. A division election committee shall consider the election returns, decide upon and announce conclusions at its meeting and immediately submit them to the local or subsidiary election committee concerned.

Article 36. Summing up and submitting election returns

1. A local election committee, on the basis of its subsidiary and division committee conclusions, shall integrate data on the total number of its constituency electors, the number of electors got ballot papers, the number of valid and invalid ballot papers, and the number of votes cast for each candidate.

2. A local election committee shall prepare and consider, within 3 days and through its meeting, the returns of the elections held within its constituency and notify them to the General Election Committee within 2 days.

Article 37. Primary election returns

1. The General Election Committee shall prepare, on the basis of local election committee conclusions, total primary election returns for each candidate.

2. The total election returns shall be determined by the total ballot papers taken out of ballot boxes.

CHAPTER SEVEN

CONSIDERING INVALID AND RE-CONDUCTING POLLS

Article 38. Considering invalid and reconducting polls in election division

1. A local election committee shall consider invalid division elections when:

1) polls were conducted in a place other than so designated and announced and/or conducted on a day other than previously announced in all cases except such certain developments as fire, flood etc;

2) ballot boxes were lost after voting began, and/or opened before the time stipulated in the Law (this shall not apply to paragraph 3 of the present Article);

3) any act of intimidation directed at election committee members and electors was proved to have influenced electors' votes and election outcome and;

4) violations of the election law, such as fraud and abuse of their rights and functions by election committee members and officials of other agencies, seriously affected the election outcome.

2. Polls shall be re-conducted within 7 days after a local election committee has considered the elections invalid. Decision to re-conduct polls shall be made by a local election committee. The decision shall contain information on the place and day of the polls to be re-conducted. Polls can be re-conducted on a working day. All the electors of a division election shall be involved in the polls if voting has been concluded invalid throughout the division.

3. The votes of those who could not come to the polls because of the reasons specified in Article 33, paragraph 1 of the present Law, shall be considered invalid if their ballot boxes were lost or opened before the time stipulated in the Law. In this case the voters who cast their votes in those ballot boxes shall be requested to participate in the polls to be re-conducted.

Article 39. Re-conducting polls in case
none of the candidates
won majority of votes

1. The two candidates who won the largest number of electors' votes shall contest for re-election if none of the candidates won a majority vote.

2. The General Election Committee shall re-conduct an election within 14 days after the primary elections if the circumstance in paragraph 1 of this Article occurs.

CHAPTER EIGHT

PRESENTING THE ELECTION OUTCOME TO STATE GREAT KHURAL AND PASSING LAW RECOGNIZING THE CANDIDATE AS PRESIDENT AND HIS FULL POWERS

Article 40. Proposing to the State Great Khural to consider the elections invalid and to re-conduct elections

1. The General Election Committee shall, within 30 days after the end of the elections, propose to the State Great Khural to consider the elections invalid and to re-conduct a new election in cases/when:

1) 50 per cent of all the electors registered in elector lists didn't participate in the primary elections;

2) neither of the candidates won a majority vote of the electors participated in re-elections;

3) the polls were not conducted in conformity with the Law;

2. In case the State Great Khural considered the polls invalid on the ground of this Article, paragraph 1(1), it shall announce the re-conducting of polls within 60 days after taking such a decision. In case the State Great Khural considered the polls invalid on the ground of this Article, paragraph 1(2), it shall announce a re-election within 7 days after taking such a decision. If the State Great Khural considered the polls invalid on the ground of this Article, paragraph 1(3), it shall examine the matter in detail and decide to re-conduct either polls or election in accordance with this paragraph. Local, subsidiary, and division election committees shall be established anew in case of re-voting and re-election. The relevant provisions of this Law shall be applied to such activities as the preparation for and holding of Presidential election, the nomination of candidates, election campaign, etc.

Article 41. Passing a law recognizing
Presidential full powers

1. Notwithstanding the provisions of Article 40, paragraph 1 of this Law, the candidate, who secured a majority vote of the electors participated in the primary elections, shall be considered President-elect in accordance with Article 31, paragraphs 4 and 5 of the Constitution, and the Chairman of the General Election Committee shall, within 30 days after the elections, propose to the State Great Khural to pass a law recognizing full powers of the President.

2. The State Great Khural shall consider the General Election Committee report on the final results of the primary elections and a Constitutional Court judgment if there is any.

Members of the State Great Khural may put questions to the Chairman of the General Election Committee and Chairman of the Constitutional Court after the report and/or judgment were heard.

3. The members of the State Great Khural shall vote on each of the following points concerning the candidate and the primary elections:

- 1) validity of the primary elections;
- 2) absence of incompatibility reasons for the candidate to be elected as President ("incompatibility reasons" shall mean failure by the candidate to meet the requirements specified in Article 30, paragraph 2 of the Constitution, an offense committed by the candidate was proved by court after the primary elections, or if the candidate has been certified insane upon a medical conclusion).

4. The candidate shall be considered President-elect and a law recognizing Presidential full powers shall be adopted in case a majority of the members of the State Great Khural voted in the affirmative for each matter specified in this Article, paragraph 3.

5. An elucidation voting shall take place on each of the points specified in Article 40, paragraph 1 in case a majority of the members of the State Great Khural didn't vote in the affirmative on the points specified in this Article, paragraph 3(1). The candidate shall be considered President-elect and a law recognizing the full powers of President shall be adopted as provided in this Article, paragraph 4 in case the members of the State Great Khural did not vote in the affirmative on the points specified in Article 40, paragraph 1. The procedure specified in Article 40, paragraph 2 of this Law shall be applied under other circumstances.

6. The State Great Khural shall call and hold a re-election for President in the event of the death of the candidate or the State Great Khural didn't consider the candidate President-elect and adopt a law recognizing the full power of the President on the ground that the candidate failed to meet the requirements, specified in this Article, paragraph 3.

CHAPTER NINE

CALLING AND HOLDING ELECTION IN CASE PRESIDENTIAL FULL POWERS END BEFORE TERMS

SETTLEMENT OF DISPUTES RELATING TO PRESIDENTIAL ELECTION

Article 42. Calling and holding election in case Presidential full powers end before terms

1. The State Great Khural shall call and hold within 4 months a new Presidential election in the event of the resignation, death or voluntary office leave of the President.

2. The provisions of this Law shall be applicable when calling and holding a new Presidential election in case Presidential full powers end before the terms.

Article 43. Settlement of Disputes relating
to Presidential election

Any dispute relating to the Presidential election shall be settled by the Constitutional Court, courts and/or General Election Committee within the jurisdiction and in accordance with procedure, as prescribed by laws.

Article 44. Entry into force

This Law shall enter into force on 1st March, 1993.

CHAIRMAN OF THE STATE GREAT KHURAL

GENERAL SECRETARY OF THE SECRETARIAT
OF THE STATE GREAT KHURAL

15th February, 1993

Ulaanbaatar