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The Constitutional Law of the Republic of Tajikistan

"About the elections to the Majlisi Oli of the Republic of Tajikistan"

1999

1. GENERAL PROVISIONS:

Article 1. Relations, regulated by this Law

This Law regulates the suffrage, its guaranties, the order of preparing and conducting elections to the Majlisi Oli of the Republic of Tajikistan in accordance with the Constitution of the Republic of Tajikistan.

Article 2. The structure of the Majlisi Oli of the Republic of Tajikistan

Majlisi Oli of the Republic of Tajikistan consists of two chambers – the National Assembly and the Assembly of Representatives.

Article 3. The principles of citizens' participation in the elections

Deputies of the Assembly of Representatives are elected on the basis of universal, equal and direct suffrage, by secret voting and by combined voting. No quota is prescribed.

Elections of the members of the National Assembly are conducted in a secret voting on the basis of indirect suffrage and the President of the Republic of Tajikistan appoints one fourth of its members.

Article 4. The universal suffrage

Citizens of the Republic of Tajikistan, who have attained the age of 18 by the time of elections, have the right to vote irrespective of their social and property status, political belonging, race and nationality, sex, language, education, religion and occupation.

Citizens, who have attained the age, defined in the Constitution and in this Law, can be elected and appointed as members of the Assembly of Representatives and the National Assembly.

Persons recognized incapable by court, or kept in places of detention do not have the right to participate in elections.

The Constitution and the present Law determine the order and conditions for not being elected and the disparity of posts occupied by citizens, with the deputy status.

Article 5. Equal suffrage

Electors participate in elections on the basis of equal right.

Article 6. Direct and indirect suffrage

People's deputies to the Assembly of Representatives are elected directly by the citizens of the Republic of Tajikistan.

The deputies of the local representative bodies elect members of the National Assembly.

Article 7. Secret ballot

Voting at the elections of the members of the National Assembly and the deputies of the Assembly of Representatives shall be secret. Interference to the will expression of citizens is prohibited.

Article 8. Publicity while preparing and conducting elections to the National Assembly and the Assembly of Representatives

Preparation and conduct of elections of the members of the National Assembly and deputies of the Assembly of Representatives shall be held by electoral commissions in a transparent and open way.

Electoral commissions inform the population about their work, formation of electoral districts, polling stations, their composition, location and working hours of electoral commissions and acquaint people with voters list, list of political parties, participating in elections and give information about candidates, results of voting and elections.

One representative from each political party, which have nominated its candidates to

deputies, also a representative of a person, who has nominated himself as a candidate, proxies, representatives of press, television and radio, observers from other states and international organizations can participate in the meetings of electoral commissions and attend voting premises on the election day and during the counting. Their authority shall be confirmed by the appropriate documents. Political parties, which have nominated their candidates, shall introduce their representatives to the district electoral commissions of not later than five days before elections.

Interference of these representatives and observers with the process of voting and activity of the electoral commissions is prohibited. They have rights to put questions and demand explanations only with the permission of the chairman of the corresponding electoral commission, draw attention of the members of the commission and those present to the cases of violation of the Law. Mass Media shall cover the course of preparation and conduct of elections.

Article 9. Material maintenance of elections

Expenses related to preparing and conduct of elections of the members of the National Assembly and deputies of the Assembly of Representatives shall be covered by the Central Commission on Elections and Referenda from a common fund established on the account of the Government. (Funds, allocated voluntarily by enterprises, organizations and institutions, political parties, social associations and citizens of the Republic of Tajikistan, shall be accepted by the Central Commission on Elections and Referenda and used during election campaign with a view to ensure equal conditions for each candidate). Financing and material support of candidates from other sources is prohibited.

Government organs, enterprises, institutions and organizations shall put premises and facilities for preparation and conduct of elections at the disposal of electoral commissions free of charge. Premises and facilities of non-government organizations and enterprises for the work of electoral commissions shall be rented out on the account of the state budget.

II. ELECTORAL COMMISSION

Article 10. Types of electoral commissions

To organize and conduct elections of members of the National Assembly and deputies of the Assembly of Representatives the following electoral commissions shall be formed:

- Central Commission on Elections and Referenda of the Republic of Tajikistan;
- District electoral commissions on the election of members of the National Assembly;
- District electoral commissions on the election of deputies of the Assembly of Representatives;
- Polling station commissions on the election of deputies to the Assembly of Representatives.

Electoral commissions are independent from any government organs. Resolutions and other official documents of the electoral commissions, assumed within their authority, are obligatory for all government organs, local self-government organs, political parties, social associations, organizations and officials, electors, deputies and also for the lower electoral commissions.

Resolutions of electoral commissions contradicting to the Constitution, the present Law and other normative and legal documents, or those assumed out of their authority shall be canceled by the higher electoral commission or by the court.

Article 11. Formation of Central Commission on Elections and Referenda

The Central Commission on Election and Referenda administers the system of electoral commissions of the Republic of Tajikistan and is the legal and constantly acting organ. A term of office of Central Commission on Elections and Referenda is five years. It expires in the time of election of new members of the Central Commission on Elections and Referenda.

The Central Commission on Elections and Referenda consists of a chairman, deputy chairman and 13 members.

The Assembly of Representatives elects the Chairman, deputy chairman and members of the Central Commission on Elections and Referenda on the proposal of the President of the Republic of Tajikistan within three days after the date of elections has been set.

The Central Commission on Elections and Referenda publishes the information about its staff, address and telephone members in the official Media of the Republic of Tajikistan.

The Central Commission on Election and Referenda has its own working organ.

The Central Commission on Elections and Referenda and its organs are financed from the Republican budget.

Article 12. Powers of the Central Commission on Elections and Referenda

The Central Commission on Elections and Referenda:

- 1) implements controls over execution of the present Law and secures its uniform application throughout the territory of the Republic, within its authority issues instructions and interprets the implementation of the present Law;

- 2) forms single mandate constituencies for the election of deputies of the Assembly of Representatives and gives them names and numbers;

- 3) forms district electoral commissions for the election of members of the National Assembly and deputies of the Assembly of Representatives and publishes information on their location;
- 4) organizes the work of electoral commissions, determines the order of altering their staff; cancels resolutions of district electoral commissions on elections of members of the National Assembly and deputies of the Assembly of Representatives by its own or by representation of the Prosecutor General of the Republic of Tajikistan in cases these resolutions contradict the present Law;
- 5) resolves questions of attaching of polling stations to constituencies formed outside the Republic of Tajikistan;
- 6) guarantees equal conditions for candidates to participate in election campaign;
- 7) allocates funds to electoral commissions, controls providing of election commissions with premises, transport and means of communication and settles other questions concerning the logistical support of elections;
- 8) determines the form of ballot-papers on election of the members of the National Assembly and deputies of the Assembly of Representatives, of voters lists, of protocols of sessions of electoral commissions and other election related documents, the type of ballot-boxes and stamps of electoral commissions, the order of storage of election documents;
- 9) prepares ballot papers for elections of the members of the National Assembly and the deputies of the Assembly of Representatives in the single all-republic constituency;
- 10) listens to reports of heads of Ministries, State Committees, organs of local executive power, local self-governing organs, representatives of political parties on the preparation and conduct of elections;
- 11) determines the order of participation of observers, foreign observers, representatives of local and foreign media, and provides them with necessary documents;
- 12) registers the list of candidates from political parties nominated in the single all-republic constituency and their proxies;
- 13) submits appropriate certificates to the candidates registered in the single all-republic constituency and to the empowered persons of political parties;
- 14) sums up the results of elections throughout the country, registers the elected deputies, publishes reports on the results of elections and list of the elected members of the National Assembly and the deputies of the Assembly of Representatives;
- 15) solves problems concerning repeated elections of the members of the National Assembly and the deputies of the Assembly of Representatives;
- 16) sets the date of elections for the Assembly of Representatives and the National Assembly instead of those, who have quitted;

17) considers applications and complaints about decisions and actions of electoral commissions and renders decisions on them;

18) provides forwarding of election related documents to the archives;

19) carries out other functions in accordance with the present Law and other laws of the Republic of Tajikistan.

Article 13. Formation of district electoral commissions

District electoral commissions on election of members of the National Assembly and deputies of the Assembly of Representatives are the following:

1. a district electoral commission on election of members of the National Assembly;
2. a district electoral commission (the Central Commission on Elections and Referenda) on elections of deputies to the Assembly of Representatives from the single all-republic constituency;
3. a district electoral commission on election of deputies of the Assembly of Representatives from single mandate constituencies.

District electoral commissions of Autonomous Mountainous Badakhshan Oblast (GBAO), regions (oblasts), districts, Dushanbe, cities and districts of republican subordination all together (cities and districts of the republic subordination) shall be formed by the Central Commission on Elections and Referenda not later than two months before elections of members of the National Assembly. Each commission consists of chairman, deputy chairman, secretary and not less than 8 members. These commissions operate as district electoral commissions on election of members of the National Assembly.

Single mandate district electoral commissions on election of deputies of the Assembly of Representatives shall be formed by the Central Commission on Elections and Referenda not later than two months before elections, consisting of a chairman, deputy chairman, secretary and not less than 6 members.

District electoral commissions on election of deputies of the Assembly of Representatives shall be formed upon the proposal of local executive organs with the consideration of the suggestions of political parties.

District electoral commissions on election of members of the National Assembly shall be formed upon the proposal of chairmen of GBAO (Badakhshan oblast), oblasts, Dushanbe. District electoral commissions on election of members of the National Assembly from cities and districts of the republican subordination shall be formed upon the proposal of the Government of the Republic of Tajikistan.

Article 14. Powers of district electoral commissions on election of deputies of the

Assembly of Representatives

A district electoral commission on elections of deputies of the Assembly of Representatives:

1. controls the implementation of the present Law;
2. forms polling stations, determines their numeration, forms precinct electoral commissions and regulates their activity;
3. listens to reports of local executive bodies, managers of enterprises, institutions and organizations on preparation and conduct of elections;
4. distributes financial means among precinct electoral commissions, controls the providing of the precinct electoral commissions with premises, transport and communication means and resolves other issues of logistical support of elections in its constituency;
5. implements supervision for compiling voters lists and making them available to the public;
6. renders assistance to nomination of candidates to the Assembly of Representatives;
7. ensures equal conditions for participation of candidates of the Assembly of Representatives in election campaign;
8. accepts appropriate documents from political parties and citizens (as self - nominated) who have proposed the candidates;
9. registers candidates nominated to the Assembly of Representatives and their proxies, and issues appropriate identification cards for them, issues placards with biography of candidates to the Assembly of Representatives;
10. arranges meetings of candidates to the Assembly of Representatives with electors;
11. confirms the content of ballot-papers according to the samples, approved by the Central Commission on Elections and Referenda, prepares ballot-papers and supplies precinct electoral commissions with them;
12. defines the results of elections in the constituency and submits them to the Central Commission on Elections and Referenda; issues certificates for elected deputies of the Assembly of Representatives;
13. organizes repeated voting and elections, as well as elections of deputies to the Assembly of Representatives instead of those quitted;
14. considers applications and complaints about decisions and action of polling station commissions and takes decisions on them;
15. exercises other powers in accordance with the present Law and other legislative acts of the Republic of Tajikistan.

Article 15. Powers of district electoral commission on election of members of the National Assembly

A district electoral commission on election of members of the National Assembly:

- 1) controls the implementation of the present Law within the constituency;
- 2) listens to reports of local executive bodies on preparation and conduct of elections;
3. compiles the list of electoral deputies;

4. attends sessions of the assemblies of people's deputies of regions, cities and districts;
5. accepts appropriate documents from local executive bodies;
6. confirms the content of the ballot-papers on election of members of the National Assembly in accordance with the samples, approved by the Central Commission on Elections and Referenda;
7. defines the results of election in constituencies and submits it to the Central Commission on Elections and Referenda, issues certificates for elected members of the National Assembly;
8. considers received applications and complaints and takes decisions on them;
9. organizes repeated elections of members of the National Assembly;
10. exercises other powers in accordance with present Law and other legislative acts of the Republic of Tajikistan.

Article 16. Formation of precinct electoral commissions

A precinct electoral commission on election of deputies of the Assembly of Representatives shall be formed by a district electoral commission on election of deputies of the Assembly of Representatives from a single mandate electoral district not later than 45 days before elections consisting of not less than 5 and not more than 19 members, including a chairman, deputy chairman and a secretary. When it is necessary a number of members of polling station commission can be increased or reduced. In the representations of the Republic of Tajikistan in foreign countries the head of the office exercises the functions of the chairman of the precinct electoral commission.

Article 17. Powers of precinct electoral commissions

A precinct electoral commission:

1. compiles the voter list of the polling station;
2. acquaints electors with the voter list, considers applications and complaints on mistakes and inaccuracies made in the list and decides on amending it;
3. informs the population about location of the precinct electoral commission, its working hours, date of elections and place of voting;
4. prepares premises for voting, ballot-boxes and other election equipment;
5. organizes voting in the polling station on the election day;
6. counts the number of cast votes in the polling station;
7. considers applications and complaints about the preparation of elections and conduct of voting and takes decisions on them;
8. exercises other powers in accordance with the present Law and other legislative acts of the Republic of Tajikistan.

Article 18. Membership in the electoral commissions

A member of an electoral commission must be impartial and unbiased while implementing his/her authority.

A member of the commission may be relieved of his/her obligations upon personal application about refusal of his/her powers or in case of deprivation of his/her powers.

The organ, which have formed the electoral commission, has the right to strip a member of the commission of his/her powers, if he/she does not observe the requirements of the present Law or does not regularly fulfill his/her duties. In case of necessity a new member of the electoral commission shall be appointed in accordance with the procedure established by the present Law.

Candidates to the National Assembly and the Assembly of Representatives, judges, prosecutors, servicemen of law-enforcement forces, proxies of candidates may not be members of electoral commissions. A person nominated as a candidate to the National Assembly or the Assembly of Representatives, but being a member of an electoral commission shall be released from obligations in the commission after he/she is registered as a candidate

One and the same person can be a member only of one electoral commission.

Article 19. Organization of the work of electoral commissions

A meeting of an electoral commission shall be considered competent if not less than two thirds of the commission members participate in it. Decisions of the commission shall be taken and accepted by open polling by majority votes from the total number of the present members of the commission.

If a member of the commission disagree with its decision, he/she has the right to express his/her opinion in written form, which is to be attached to the session protocol. If the votes are equally divided, the chairman's vote will be deciding.

Government organs, political parties, enterprises and institutions, organizations and officials are obliged to assist the electoral commissions in implementing their authorities and provide them with the necessary information.

Any electoral commission is entitled to apply for consideration of questions on preparation and conduct of elections to the government organs, political parties and social associations, enterprises and institutions. They shall consider these issues and reply to the electoral commission in the period of not more than 3 days.

The chairman, deputy chairman, secretary or any other member of the commission may be released for the period of preparation and conduct of elections from his/her practical or service duties. In this case he/she will receive the average salary from the amount allocated for conducting elections.

District electoral commissions and precinct electoral commissions terminate their activity after members of the National Assembly and deputies of the Assembly of Representatives have been elected.

Article 20. Consideration of complaints on decisions of electoral commissions

Organs of political parties, which have nominated candidates, candidates themselves, proxies, observers and voters may apply to higher electoral commissions or to the court about decisions of electoral commissions within ten days after decisions have been taken.

Decisions of the Central Commission for Elections and Referenda may be appealed to the Supreme Court of the Republic of Tajikistan within ten days after these decisions have been taken.

A complaint shall be considered within three days, but if there are less than 6 days left before elections, it shall be considered immediately.

III. CONSTITUENCIES AND POLLING STATIONS

Article 21. Formation of constituencies

Territorial constituencies are formed for election of the members of the National Assembly and the deputies of the Assembly of Representatives.

For elections of the members of the National Assembly five multi-mandate constituencies are formed on the territory of the Republic of Tajikistan including one constituency in the GBAO, one in each oblast (region), one in Dushanbe and one for all cities and districts of the republic subordination.

District electoral commissions on elections of the members of the National Assembly from GBAO and oblasts are located accordingly in the administrative centers of oblasts - Khorog, Hodjent and Kurgan-Tube, and from Dushanbe, cities and districts of the republican subordination – in Dushanbe.

For election of the deputies of the Assembly of Representatives 41 single-mandate territorial constituencies shall be formed and for election of the deputies of the Assembly of Representatives according to the list, proposed by political parties, one all-republican constituency shall be formed.

The President of the Republic of Tajikistan determines the size of each constituency for every particular election for the Assembly of Representatives.

The Central Commission on Elections and Referenda forms constituencies upon the proposal of the President of the Republic of Tajikistan.

In the period of formation of constituencies the following requirements shall be taken into account:

1. approximately equal number of electors may range between plus-minus 15%. This figure may reach 20% in remote regions;
2. constituencies form the unit boundaries on the territory of GBAO, oblasts, Dushanbe, cities and districts of the republican subordination. Formation of constituencies from regions not bordering each other may not be possible.

When executing the requirements of paragraphs 1 and 2 of this Article the code of the territorial and administrative division of the Republic shall be taken into account.

The Central Commission on Elections and Referenda publishes the list of constituencies with indication of borders, number of voters, location of district electoral commissions 5 days after setting the date of elections.

Article 22. Order and standards of the formation of polling station commissions

In order to provide favorable conditions for voters, polling stations are formed within the borders of districts, cities and districts of the republic subordination. The borders of polling stations may not cross the borders of constituencies.

Polling stations may be formed at representative offices of the Republic of Tajikistan in foreign states, sanatoriums, rest houses, medical institutions, remote and difficult to access populated localities, which form a part of constituencies according to their location.

The Central Commission on Election and Referenda settles questions of attaching polling stations formed outside the Republic of Tajikistan, to constituencies.

District electoral commissions form polling stations by proposals of the chairmen of cities and districts.

The Central Commission on Elections and Referenda forms polling stations in the representative offices of the Republic of Tajikistan in foreign states upon proposals of the Ministry of Foreign Affairs of the Republic of Tajikistan.

Polling stations are formed within 25 days after setting the date of the election. In the representative offices of the Republic of Tajikistan in foreign states and also in remote and difficult to access populated localities polling stations may be formed within the same time limit but in exceptional cases – not later than 10 days before elections.

Polling stations are formed in populated areas with not less than 20 and not more than 3000 voters.

The chairman of a city or district provides each polling station with the voting premises.

District Electoral Commission informs voters of the borders of each polling station indicating the location of a precinct electoral commission and premises for voting.

IV. VOTER LISTS

Article 23. Voter list and order of its making

A voter list for elections of deputies of the Assembly of Representatives shall be compiled in each polling station and signed by a chairman and secretary of the precinct electoral commission. A precinct electoral commission may involve representatives of the public to participate in compiling a voter list.

Local executive authorities counts the total number of voters and submit information about electors living in the appropriate territory to precinct electoral commissions for compiling voter lists.

The fact of permanent residence in the constituency is essential for including of a voter into the voter list.

Voter lists are compiled in alphabetical order or in any other orders convenient for voting.

In voter lists shall be indicated the voter's name and surname, date of birth (for those attained 18 years also the day and month of birth) and address.

Voter lists are compiled 15 days after the formation of precinct electoral commissions.

Lists of elector deputies are compiled 15 days before elections by district electoral commissions for elections of the members of the National Assembly upon proposal of chairmen of people's deputies of oblasts, Dushanbe, cities and districts of the republican subordination and signed by chairmen and secretaries of commissions.

List of elector deputies is compiled in alphabetical or any other order and indicate name, date of birth, name of the organ, represented by the elector and his/her home address.

Entering of any alteration to the voter list after the beginning of counting of votes is prohibited.

List of voters, serving in military units, as well as members of their families and other electors who live in the areas of dispositions of military units shall be made on the basis of information provided by commanders of military units. Servicemen living outside their military unit locations shall be included into voter lists according to their place of residence on common ground.

List of voters of polling stations formed within representative offices of the Republic of Tajikistan in foreign countries, sanatoriums, rest houses, hospitals and other medical institutions shall be compiled on the basis of information, provided by the heads of these

institutions.

Article 24. Procedure of including citizens to the list of voters

All the citizens of the Republic of Tajikistan, who have attained the age of 18 by the election day and at the time of compiling voter lists live permanently or temporarily in the territory of the given polling station and have the right to vote, shall be included into the voter lists.

A voter may be included to the voter list only in one polling station. Voters living in the territory of the given polling station but omitted in the list due to some reasons shall be included into it according to the decision of the precinct electoral commission. Deputies of the following organs shall be included into the list of electors of the National Assembly:

1. deputies of Assemblies of people's deputies of districts and cities (with the exception of towns of district subordination) in the territory of GBAO and also deputies of Assemblies of people's deputies of Badakhshan and oblasts;
2. deputies of Assemblies of people's deputies of districts, located in Dushanbe and deputies of Assemblies of people's deputies of Dushanbe;
3. deputies of Assemblies of people's deputies of cities (with the exception of the towns of district subordination) and districts of the republican subordination.

Article 25. The way of acquainting citizens with the voter lists and the right to complaint about error inaccuracies made in the voter lists

Voter lists shall be submitted for the public acquaintance 15 days before elections. Polling stations formed in representative offices of the Republic of Tajikistan in foreign countries, sanatoriums and rest homes, hospitals and other constant medical institutions, remote and difficult to access populated areas – 5 days before elections.

Lists of elector deputies for the election of the members of the National Assembly shall be submitted for public acquaintance through local media 7 days before elections.

Citizens shall be given an opportunity to get acquainted with the list of voters and check up the correctness of its compilation in the working premises of the electoral commission.

Each citizen shall have the right to complain about incorrect inclusion to the list or exclusion from the list, incorrect information about the elector. The electoral commission shall consider an application about omissions and mistakes in the list of voters in the course of two days, but if a complain received the day before elections or just in the day of elections, the commission shall consider it immediately and make necessary corrections in the list, or give the applicant a copy of the decision on declining of the application. The decision of the election commission may be appealed to a court in accordance with the established procedure. The decision of the court is definitive. According to the decision of the court the electoral commission inserts corrections into the voter list.

Article 26. Securing the rights of citizens when they change the place of residence

In the period of getting acquainted with the list of voters and up to the date of elections if a voter has no possibility to stay at the place of residence (departure for an official trip status in hospital or any other reason) he/she has the right to get a ballot-paper from the polling station commission on presentation of his/her passport or identity card, express his/her will with regard to a candidate, give the ballot-paper placed into an envelope to the electoral commission.

The electoral commission shall register it in the list of voters with indication of the date. The sealed envelope shall be stamped in the presence of the voter. The election commission shall be responsible for safe keeping of the envelope.

V. NOMINATION AND REGISTRATION OF CANDIDATES AND GUARANTIES OF THEIR ACTIVITY**Article 27. Appointment of elections of member of National Assembly and deputies of Assembly of Representatives:**

Elections of members of National Assembly and deputies of Assembly of Representatives shall be appointed by the President of the Republic of Tajikistan not later than **75 days** before expiration of the term of office of deputies of previous Majlisi Oli. **Elections for National Assembly shall be conducted 25 days after the elections for the Assembly of Representatives.**

In case of anticipate dissolution of Majlisi Oli in situations determined by the Constitution of the Republic of Tajikistan, President of republic of Tajikistan shall appoint elections of Majlisi Oli not later than 80 days after the dissolution.

The date of election shall be published through the press and other Mass Media within three days after setting of elections.

Article 28. Elections of deputies of Assembly of Representatives

Deputy of Assembly of Representatives shall be elected for the period of five years.

A person, who has attained the age of 25 years and has been the citizen of the Republic of Tajikistan minimum for the last five years, and with higher education, may be elected a

deputy of the Assembly of Representatives.

The Assembly of Representatives shall consist of 63 deputies:

- 3. 65% of the deputies (41 persons) of the Assembly of Representatives shall be elected from single-mandate constituencies;**
- 4. 35% of the deputies (22 persons) of the Assembly of representatives shall be elected from the single all-republican electoral district in proportion with the number of votes, which were given to the roll of candidates, nominated by political parties.**

Article 29. Elections and appointment of the members of the National Assembly

A member of the National Assembly shall be elected and appointed for the five years term.

The National Assembly consists of **25** members elected on the basis of territorial interests, of former presidents, if they have not refused such a right, and of **8** members, appointed by the President of the Republic of Tajikistan for the period of the authority of National Assembly.

Three fourth of members of the National Assembly (**25** members) shall be elected by local representative organs on the basis of representation of territorial interests. These members shall be elected in equal proportion of **five** persons from Gorno-Badakhshan Autonomous Oblast, each oblast (region), Dushanbe, and cities and districts of the republican subordination.

Each former President of the Republic of Tajikistan becomes the life member of National Assembly, if he does not refuse of such a right.

One fourth of members of National Assembly (**8** persons) shall be appointed by the President of the Republic of Tajikistan.

A citizen, who has attained the age of 35 years, received higher education and has been a citizen of the Republic of Tajikistan for the last seven years minimum may be elected and appointed a member of National Assembly.

A member of National Assembly elected by the local representative organ should have the permanent residence in the corresponding electoral district.

Article 30. The right for the promotion of candidates

Political parties have the right to nominate candidates to the deputies of the Assembly of Representatives. Citizens also have the right to nominate themselves (self-nomination).

Political parties can also nominate the person as a candidate, if he is not a member of any political party.

Political parties can nominate their candidates to the deputy of the Assembly of Representatives provided they have received registration from the Ministry of Justice in the prescribed order before the setting of the date of elections and if they have presented documents about the sources of their income.

Assemblies of people deputies of cities (with the exception of cities of the republican subordination) and districts, Dushanbe, GBAO and regions have the right to nominate candidates to the membership of the National Assembly.

Article 31. Procedure of the nomination of candidates to Assembly of Representatives

Nomination of candidates to Assembly of Representatives from the list of candidates in single-mandated electoral districts shall start 60 days before elections and shall finish 45 days before elections.

Candidates to Assembly of Representatives in single-mandated electoral districts from political parties shall be nominated by city (with the exception of party organ of Dushanbe), and regional organs of political parties on their plenary sessions (conferences) with the indication of the electoral district, from which their candidates are proposed.

Members of the electoral district commission have the right to participate in these plenary sessions (conferences).

City and regional organs of political parties shall propose one candidate for each electoral district which is located on the territory of city and region. Decisions about nomination of candidate shall be taken in a secret way.

In cases when an electoral district embraces two or more districts or cities, nomination of candidates from political parties in this electoral district shall take place on the joint city and district party organs plenary sessions (conferences). In this case one candidate to this electoral district shall be proposed.

Order of nomination of candidates to Assembly of Representatives shall be determined by political parties. **Nomination of candidates to the Assembly of Representatives shall be registered in a resolution adopted by the political party and recorded in a protocol. The resolution shall contain: a title of the resolution and the name of the party body, date, place, name and number of the constituency, exposition of the considered issues, signature of the chairperson and the seal. The protocol shall contain: the name of the party body, the number of its members, place and date, the number of participants, considered issues, name and number of the constituency, record of proposals concerning candidates, record of discussions about candidates, form of voting, results of voting, the text of the decision, signatures of the chairperson and**

secretary of the gathering, the seal. Political parties shall inform the candidate to the Assembly of Representatives of the adopted decision not later than within two days.

List of candidates to Assembly of Representatives in the single all-republican electoral district shall be prepared by political parties on their gatherings (conferences).

Political parties shall determine the order of listing of candidates.

List of candidates and the order of placing of candidates in the list may not be changed after its submission to the Central Commission on Elections and Referenda, with the exception of exclusion of a candidate from the list.

The total number of candidates nominated by political parties may not exceed 35% of the total number of seats in the Assembly of Representatives.

List of candidates, proposed by political parties, a protocol and the resolution of the congress (conference) of a political party, where the list of candidates have been proposed, shall be submitted to the Central Commission on Elections and Referenda. **The resolution shall contain:**

the name of the party body and the title of the resolution, date and place, record of the considered issues, the signature of the chairperson and the seal. The list of the nominated candidates shall be attached to the resolution. The protocol shall contain: the name of the party body, the number of its members, place and date, the number of participants, considered issues, name and number of the constituency, record of proposals concerning candidates, record of discussions about candidates, form of voting, results of voting, the text of the adopted resolution, signatures of the chairperson and secretary of the meeting, the seal.

After the consideration of these documents the Central Commission on Elections and Referenda shall give the political party a copy of the approved list or its decision about the refusal of this list.

If the list of candidates is not affirmed the political party can apply to the Supreme Court of the Republic of Tajikistan, and the Supreme Court is obliged to consider this application in the period of not more than 6 days.

Central Commission on Elections and Referenda shall publish through media the list of candidates of the political parties, who will participate in elections from single republican electoral district.

Nomination of a candidate to Assembly of Representatives in single-mandated electoral districts in a self-proposed way shall take place through submitting to the district election commission an application about his nomination as a candidate. The candidate should collect not less than 500 signatures of electors from this electoral district. Each elector may give his signature only to one candidate from the electoral district of his residence.

Subscription lists shall contain surname, name and father's name of the candidate and of his/her empowered person, place of residence, series and number of a passport or any other document proving the identity of the empowered person,

ordinal numbers, surnames, names and father's names of signatories, dates of birth, series and numbers of passports or other document proving the identity of signatories, places of their residence, their signatures and the date of signing. The Central Commission on Elections and Referenda shall fix the samples of the subscription lists.

Article 32. Procedure for candidates' nomination for the membership of National Assembly

Nomination of candidates to the membership of the National Assembly shall start 10 days after the elections for the Assembly of Representatives and finish 7 days before the elections for the National Assembly.

Candidates to National Assembly shall be proposed in the sessions of assemblies of people deputies of cities (with the exception of cities of regional subordination) and districts, Dushanbe, GBAO and regions when there is a quorum.

Resolution of the session concerning nomination of the candidates shall be taken by the majority of voices of the deputies of the local representative organs in a secret ballot, and the candidate shall be informed about the decision in the period of three days.

Local representative organs may propose only one candidate from an electoral district, where they are located. The local representative organs of Dushanbe and its districts may propose not more than two candidates from electoral districts of their location. At the same time several local representative organs may propose one candidate.

If no candidate has been proposed, or the number of proposed candidates is less than the established number, or when the proposed candidates have withdrawn their candidacy before their registration or when they have been excluded, in this case the Central Commission on Elections and Referenda upon proposal of district election commission can extend the time of the nomination of candidates for not more than 30 days.

Article 33. Citizens who do not have the right to be nominated as candidates to National Assembly and Assembly of Representatives

The following citizens do not have the right to be nominated as candidates to National Assembly and Assembly of Representatives:

citizens, who do not meet the requirements established by the Constitution Republic of Tajikistan and the present Law;

citizens recognized incapable by court, or kept in detention by a court verdict, or have been placed in the institutions of forced treatment by the decision of a court;

citizens on military service, officers, warrant officers, the staff of Military Forces, Ministry of

Security, Ministry of Interior, Ministry of Extraordinary Situations, President's Guard, Committee for defense of state borders of the Republic of Tajikistan, the State Property Committee, the officials of Tax Police, Custom House and other regular servicemen, who have not retired or have been transferred to the reserve;

professional servants of the religious organizations and unions, who continue exercise their duties;

citizens, who have been sentenced by a court for the committing of intentionally grave and especially grave crimes, irrespective of completion of the term of imprisonment;

citizens whose previous conviction have not been expunged;

citizens wanted by investigation organs in connection with a suspected criminal offence against the basis of the Constitutional order and state security, and other intentionally grave and especially grave crimes, with the exception of participants of political and military resistance, who have been amnestied.

Article 34. The requirements to the candidates

A citizen may not be a member of National Assembly and at the same time - a deputy of Assembly of representatives;

A deputy of Assembly of Representatives at the same time can not be a deputy of other representative organs and of the local self-government organs;

A member of National Assembly at the same time can not be a deputy of more than 2 state representative organs;

Members of the Government, judges, Prosecutor General, his deputies, prosecutors and other officials from the office of Public Prosecutor; deputies of the ministers and chairmen of State Committees, attached to the Government of the Republic of Tajikistan, heads of state organs attached to the Government of the Republic of Tajikistan, chairman of corporations and companies, associations and state corporations and their deputies, and also directors and officials of banks can not be members of National Assembly at the same time and they can be registered as the candidate to deputy only in that case when they right in their application that they will relieve from the post after being elected as the member of the National Assembly.

Article 35. Registration of candidates

For registration of candidates (the list of candidates) the following documents shall be submitted to the election commissions:

1. the protocol of the resolution of the congress (conference) of a political party, of the plenary session (conference) of city and regional organs of political parties about the nomination of candidates (the list of candidates); resolutions of the local representative organs about the nomination of candidates;
2. the application of the candidate about his consent for voting for his candidature, in this application his obligation to stop his activity in case if this activity does not correspond to deputy's mandate should be indicated;
3. information about the biography of the candidate with the indication of his name and surname, date of birth, place of work, his post and his permanent address;
4. information about the property, belonging to the candidate;
5. other documents, prescribed by this Law.

The information about the size and the sources of income of a citizen, who is a candidate, shall be available in a declaration on incomes of the candidate during a year before the appointment of elections (with the note from tax agency). If a citizen, candidate, in accordance with the Law of the Republic of Tajikistan about taxes is not obliged to present a declaration, than he shall bring the certificate about the total size of the income received by the organization where he works, the income during a year before the appointment of elections.

Information about property, belonging to the candidate according to the right of ownership shall be submitted in a way, established by the Central Commission on Elections and Referenda of the Republic of Tajikistan.

In case of self-proposal for the registration a candidate should present the documents, indicated in point 3 of this article, and also the application about his consent for being voted for and the list with signatures.

Respective electoral commissions shall check the correctness of the signatures of voters, collected for the candidate. All signature lists or some of them, taken selectively, can be checked.

If any incorrectness in the signature list is found, which totals more than 3%, the candidate shall be refused of registration.

Respective election committee after checking the correctness of the process of nomination of the candidate and its conformity to this law, shall register the candidates or issues the proved resolution about the refusal of registration.

A candidate shall be registered only in one electoral district. One candidate is included only into one list of voters. This rule shall not be applicable to the candidate, included by the political party into single-mandated electoral district, or into the list of voters.

During the registration of candidates proposed by a political party, the fact of his nomination

by the political party shall be marked in the resolution of the electoral commission.

A candidate nominated by the local representative organ has the right to speak about his independent status or his relation to a political party.

If registration of a candidate (the list of candidates) is turned down, the respective electoral commission shall give within 24 hours to the candidate or the political party a copy of the resolution of the electoral commission with the indication of reasons for refusal.

The information about registered candidates shall be submitted to the Central Commission on Elections and Referenda on the day of registration.

Respective election commission during one week after registration of candidates in single-mandated electoral districts shall publish in press the information about the registration of candidates, their names and surnames, date of birth, belonging to any political party, their posts, working place and permanent addresses.

The Central Commission on Elections and Referenda shall publish in press the list of candidates from political parties not later than 7 days after the registration of list of candidates in the single all-republican electoral district.

The respective electoral commission in the period of three days shall give the candidate the corresponding candidate's certificate with the indication of the electoral district and the date of registration.

The registration of the candidates to the deputies of the Assembly of representatives shall start 45 days before the elections and finish 20 days before the elections.

The registration of the candidates for the National Assembly shall be completed within 3 days after receiving of all the necessary documents but not later then 4 days before elections.

**Article 36. The cancellation of the resolution about nomination of a candidate.
Declination of the candidature by the candidate.**

The organ of political party, who has proposed the candidate has right to cancel its own decision about the nomination of the candidate any time. According to this issue the decision shall be taken in the same way, which was prescribed for the nomination and then presented to the respective election commission. The district election commission shall strip this candidate of the candidate's status. The candidate can bring the application to the respective electoral commission and decline his candidature any time.

District election commission, which have registered the candidate shall inform the Central Commission on Elections and Referenda, the population of the electoral district, the organs of the political party, which has nominated the candidate about the repeal of the resolution on nomination of the candidate or withdrawal of candidature by the candidate.

Article 37. Status of candidates. All candidates shall have equal rights and obligations

The administration of enterprises, institutions and organizations where registered candidate works, shall release him from his duties any time and any day, beginning from the day of candidate's registration by the respective election commission up to the day of official announcement of the results of elections, and during this period they are obliged to preserve his average salary at the expense of organisation, enterprises and institution irrespective of the kind of property.

During conducting of elections the registered candidate may not be dismissed from his job or responsibilities by the initiative of the administration or transfer him to another post without his consent.

The time of the participation of the registered candidate in the elections is included into the length of service of the candidate.

The registered candidate may not be brought to prosecution, arrested or given the administrative punishment without the consent of the Central Commission on Elections and Referenda, with the exception of cases when he is caught in the time of committing a crime.

The candidates from the moment of their registration shall participate in elections on equal basis and have equal rights of participation in conducting of meetings before the elections and other meetings, equal rights for the use of media means, including radio and television.

Article 38. Proxies of candidates and political parties

Candidates and political parties, who have proposed the list of candidates shall be entitled to have trustees.

Trustees shall be registered by the election commission, which have registered the candidate (the list of candidates) upon the written request of the candidate, proposal of a political party and the application of the citizen with his/her consent to become a trustee. The election commission shall provide the trustee with prescribed certification.

A candidates may have up to 5 trustees and political parties which have proposed the list of voters may have up to 15 trustees..

Members of election commissions, personnel of law enforcement bodies, judges, military servicemen and foreign citizens may be trustees.

Trustees shall act within the authorities given them by candidates and political parties.

Trustees have rights:

to agitate in all legal forms and ways for the election of the candidate (list of candidates), advertise the pre-election programme of the candidate;

to participate in pre-election assemblies, meeting with the electors, and take part in pre-election debates;

to use the assistance of government organs and local self - government bodies for the conducting of pre-election conferences and meetings with voters;

to attend sessions of election commissions;

to be present in polling stations in the time of voting, counting of votes and summarizing of the results of voting;

to get acquainted with the documents of election commissions as well as the protocol of the vote count and the outcome of elections;

to complain about the acts of the election commissions and participate in the consideration of complaints and applications.

Trustees of the candidates, political parties may not have right to interfere into the work of election commissions.

Candidates, political parties have a right to recall their trustees any time and inform of it the election commissions.

The election commission shall invalidate the prescribed identifications, given to trustees, if they violate the requirements of the present Law.

The authority of trustees shall be ceased simultaneously with the revocation of the status of registered candidates, who have appointed these trustees, or recalling of the list of candidates, or withdrawal of political parties from elections.

Article 39. Conduct of pre-election agitation

The Government shall ensure conditions for free agitation to citizens and political parties during elections in accordance with the present Law.

Citizens, candidates, political parties may agitate freely and in legal forms and ways for participation in elections; discuss the pre-election programmes, political, business and personal characteristics of candidates as well as pre-election programmes of political parties, agitate for or against candidates in meetings and media

Commissions with local power organs and local self-government bodies shall assist in conducting these meetings, provide premises, inform in advance about the time and location of meetings and other necessary arrangements.

Equal conditions of access to Mass Media shall be guaranteed to candidates and political parties.

Agitation during elections shall be conducted in the following ways:

through Mass Media;

conducting of public campaign (conferences, meetings with citizens, debates and discussions);

publishing and distributing of the printed agitation materials;

in other forms, prescribed by the present law.

Candidates and political parties can determine independently forms and peculiarities of their agitation through Mass Media.

Members of election commissions, religious organizations, judges, personnel of law-enforcement bodies and military servicemen may not participate in pre-election agitation.

Participation in pre-election agitation is not possible for foreign states, organizations and citizens, persons without citizenship, international organizations and movements.

Journalists, other individuals engaged in creative work, staff members of Mass Media enterprises, if they are candidates or trustees, may not use these Mass Media for the coverage of news of election process.

This regulation does not concern agitation, conducted by the mentioned persons when state and local radio and television channels are used for free by a candidate.

When publishing the results of the opinion poll regarding the elections, Mass Media shall be obliged to indicate the organisation which conducted the poll, place and time of polling and number of participants, the ways and principles of collecting information, exact exposition of questions, assessment of eventual inaccuracies.

Pre-election agitation shall start from the date of the registration of the candidate (the list of the candidates) and finish twenty four hours before the elections.

The results of the opinion polls, forecasts of the elections outcome and other election related data may not be published in Mass Media in the course of five days before voting and on the election day.

Candidates and political parties have rights to give a talk on the Radio and Television once for free of charge.

Election commissions shall monitor the pre-election agitation in accordance with the established order.

Misuse the freedom of media, the agitation, which inspires hatred and social, race and national dissensions, calls to the seizure of the power and forcible change of the constitutional system and destruction of the country's integrity, agitation for war and other forms of misuse of the freedom of media, prohibited by the law of the Republic of Tajikistan may not be allowed in the agitation campaign.

Mass Media, which participate in pre-election campaign, have no right to publish information discrediting honour, dignity and business reputation of the candidates.

Violation of the requirements envisaged in this article shall be a reason for revocation of the decision on registration of a candidate (list of candidates)

VI. THE ORGANIZATION AND THE ORDER OF VOTING

Article 40. Premises of voting.

Local executive bodies shall put premises for voting at the disposal of polling station commission free of charge.

Voting in the elections to National Assembly shall take place in the buildings, where sessions of the local representative Assembly election of members of National Assembly are conducted.

These buildings must be located within the territory of those cities, where district election commission on elections of members of National Assembly are settled.

Premises for voting shall be equipped with polling booths and other special places for secret ballot. Ballot boxes shall be installed in such a way, that voters approaching them should go through the polling booths or rooms intended for secret ballot.

Article 41. Ballot-papers

For conducting of elections a voter shall take a ballot-papers, which is the special accounting document. Number of ballot-papers should be adequate to the number of registered voters.

In the ballot-papers shall be written in alphabetical order name and surname, date of birth, occupation (position), place of work and address of the registered candidate and information on those, who have nominated the candidate.

In case of election being conducted according to the list of candidates, names of political parties shall be written in the ballot-papers in alphabetical order of the Tajik alphabet.

The ballot-papers for elections to the Assembly of Representatives shall be printed not later than 10 days before elections and for the National Assembly not later than 3 days before elections in state language and in the language of the majority of population of the constituency. Election commissions shall pass ballot-papers by written act

The ballot-papers shall be delivered to the relevant election commission not later than 7 days before the elections and to the polling station commission – not later than 2 days before the elections.

Chairman of the election commission shall be responsible for the proper delivery of ballot-papers.

If some of the candidates or political parties withdraw from elections after the ballot-papers have been prepared polling station (district) commissions upon the instructions of higher commissions shall cross out all the data concerning the above mentioned candidates and political parties from the ballot-papers.

Premises where the ballot-papers are stored shall be locked and sealed and guarded by organs of the Ministry of Internal Affairs.

Article 42. Order of voting to Assembly of Representatives.

Voting shall be conducted in the election day from 6 a.m. to 8 p.m. In the polling stations attached to representative offices of the Republic of Tajikistan in foreign countries, sanatoriums, resorts, hospitals and other medical institutions, in remote and difficult to access localities polling station commission may announce the voting finished if all the voters included to the list have counted their votes.

Polling station commission informs the voters about the time and place of voting not later than 10 days before the elections.

Each voter should vote by himself. To vote instead for other is prohibited.

On the election day before the beginning of voting the chairman of the polling station commission shall examine the ballot-boxes and seal them with the sealing-wax in the presence of members of the commission, observers and other persons, representatives of mass media.

Polling station commission shall give ballot-papers on the basis of the list of voters upon presentation of a passport or other identity documents. Each voter shall receive a ballot-paper and sign the list of voters next to his/her name. Additional ballot-paper may not be given to a voter.

A voter shall fill in the ballot-paper no other persons shall be present except for the voter. A voter who unable fill in a ballot-paper by himself has a right to invite another person to the polling booths or room on his/her discretion except members of the election commission, observers, media representatives.

A voter should vote only for one candidate and for one political party. When voting for one candidate and one political party the voter should cross out names of candidates and political parties, against whom he/she votes.

A voter vote against all candidates and all political parties he/she shall cross out all candidates and all political parties.

If a voter have made a mistake when filling in the ballot-paper, he/she may ask from a member of the commission another ballot-paper. The member of the commission shall give him/her a new ballot-paper, make the proper note about it in the list of voters. The spoiled ballot-paper shall be taken out of accounting by written act.

A voter shall put the filled in ballot-paper into the ballot box.

If some voters are not able to come to the premises for voting due to their disease or other reasons at their request the polling station commission shall charge particular members of the commission to conduct member the voting at the place of residence of these voters and a note about it shall be made in the list of voters.

Those voters, that have not been included into the list of voters by any reason shall be included to the supplementary list of voters upon presentation documents of identity.

If a member of the election commission, observers and other persons break the work of the electoral commission or create obstacles to the citizens' suffrage and disturb the secret ballot, then such people shall be immediately striped out from the participation in the work of the commission and other people shall be withdrawn from the voting building. The commission shall take a relevant decision about it and has a right to apply to relevant organs in accordance with the laws of the Republic of Tajikistan about bringing these people to responsibility.

Article 43. The voting procedure in the election of members of National Assembly.

The election of the members of National Assembly shall be conducted on the joint session of all the representative bodies of Badakhshan, oblasts, Dushanbe, cities and districts of republican subordination.

This session shall be opened by the chairman of the constituency commission and preside it. On this session the minutes shall be written, which shall be signed by the chairman and secretary of the commission.

The joint session of the local representative bodies for the elections of National Assembly shall be considered authorized in case if more than a half of all the voters delegates from each local representative organ have participated. In case of non-presence of the required number of voters delegates, the session shall be delayed. The building, where the general session of the voters delegates was conducted, shall be used by the constituency commission for voting.

One may not vote for the election to National Assembly outside the voting premises.

The election of the member of National Assembly on the sessions of relevant local representative organs shall be considered valid in case when more than a half of the voters delegates have voted. The session shall be closed after the announcement of the results of voting by the chairman of the constituency.

Article 44. The order of absentee voting.

If the voter cannot come to the polling station, where he is included in the list of electors, in the day of elections, he has right to come beforehand to the building of relevant constituency commission and vote by filling of the ballot paper. The electoral commission shall provide the secrecy of his voting and not allow the incorrect expression of his will and also provide the protection of ballot and counting of electors' vote in the time of identifying of voting results and determining the outcome of the elections.

The ballot paper filled up by the voter beforehand shall be put into the envelope, glued up and signed in glued place by two members of the relevant electoral commission and then it shall be confirmed by the seal of the electoral commission and the signature of the voter. The glued envelope shall be preserved by the secretary of the relevant electoral commission in the building of the constituency commission prior to the moment of passing of ballots to the polling station commission. In the day of voting, before the beginning of voting, the chairman of the polling station commission in the presence of the member of polling station commission, observers and other persons shall give the information about the number of electors, who have voted beforehand and then show the envelopes with the ballots and the list of electors, who have voted beforehand. After that he shall open the envelopes keeping the secrecy of the voters' will and cast the ballots into the ballot boxes. The number of electors who have voted in advance, shall be registered in the minutes about the results of voting before the beginning of voting. In the list of electors against the name of the electors, who have voted in advance there shall be put the note "Voted beforehand".

The absentee voting shall not be allowed in the election of the members of National Assembly.

Article 45. The minutes of the polling station commission about the voting results.

Polling station commission and constituency commission for the elections to the National Assembly shall draw the protocol about the summarizing of the voting results.

These items shall be covered in the protocol of the commissions:

1. Number of protocol copies.
2. Indication of the relevant electoral commission;

3. The word "Protocol";
4. The name of the electoral commission with indication of the number of the polling station for elections of deputies of Assembly of Representatives.
5. The lines of the protocol where shall be the following records:
 - a. the number of electors, the delegates of the electors enrolled into the list of voters and also the list of the electors added to the main list.
 - b. The number of ballots received by the election commission.
 - c. The number of ballots given to the electors who have voted beforehand
 - d. The number of ballots excluded from the account;
 - e. The number of ballots, which were given to the electors of the polling station and to the electors delegates on the joint sessions of the local representative bodies in the day of voting.
 - f. The number of ballots in the voting the ballot boxes.
 - g. The number of valid ballots.
 - h. The number of ballots which were considered as valid.
 - i. The number of the votes of electors, the delegates of electors given for the candidate, political parties which were included into the ballot.
 - j. The number of electors votes, who have voted against all the candidates and all the political parties.

The following lines should be also written in the minutes about the summarizing of the results of voting:

- a. the name, the surname of the chairman, the secretary and other members of the electoral commission
- b. the date of the signing of the minutes;
- c. the seal of the electoral commission.

The numbers, which come in this part of this article are written in the minutes about the summarizing of the results of voting in figures and in letters.

VII. Sealing of the results of voting.

Article 46. Counting of electors votes and drafting of minutes on summarizing of the results of elections by election commissions.

The counting of the votes of electors and the delegates of the voters begins after the completion of the voting and continues without break until the identifying of the results of voting. After the expiry of the voting time and before the opening of ballot boxes the member of the polling station (constituency) commission excludes the unused ballots in the presence of observers and other persons. The exclusion of the unused ballots is made by cutting of the right side of the lower part of the ballot. The number of these ballots is announced and then it is included into the minutes. Then the chairman of the relevant election commission checks the safety of the seal and sealing-wax of the mobile ballot boxes and gives the members of the commission the possibility to make sure about the safety of the seal and seal-wax and then opens the mobile ballot boxes.

A member of the polling station (constituency) commission counts the ballots and inserts

the relevant numbers accordingly to the lines of minutes about the summarizing of the results of voting. The direct count of electors votes and the votes of the electors delegates is conducted in the places specially equipped for it and where the members of the commission do not have the access . The Members of the election commissions with the exception of the chairman and the secretary of the commission are not allowed to have any writing tools during vote count. At the same time the activity of the members of the commission during the vote count should be transparent for the people present there.

The ballots of unordinary form are not taken into account. Those ballots are considered as unordinary, where the contents and their form does not correspond to the contents and form of the ballots, confirmed in accordance with this law.

Members of polling stations and constituency commissions select the ballots given for every candidate and for every political party and at the same time segregate the unordinary invalid ballots . After that the votes of the electors according to the ballots of ordinary form are accounted according to each candidate and each political party. Invalid ballots are counted and kept separately. Those ballots are considered as invalid where more than one candidate or more than one political party is left or where all the candidates and all the political parties are left and also those ballots where it is impossible to identify the voter's will. If there are any doubts on the invalidity of the ballots, then polling station (constituency) commission resolves this issue by voting and then on the back side of the ballot indicates the reason why it was considered invalid .

The members of the polling station (constituency) commissions at first include the number of invalid ballots into the minutes and then the number of ballots of ordinary form, which have come out from ballot boxes. The minutes about the summarizing of the results of voting is drafted in two copies and all the present members of the polling station (constituency) commission sign it with the indication of the date and the location. The minutes is considered valid if it is signed by more than a half of the members of the commission. During the signing of the minutes those members of the commission who do not agree with the contents of the minutes have right to add their special opinion to the minutes and there should be done the relevant note about it in the minutes.

The first copy of the minutes about the summarizing of the results of voting after being signed is immediately submitted to the higher election commission together with other election documents, including ballots, applications and complaints, the resolutions accepted on them and acts, drawn by the polling station and constituency commissions.

Article 47. Order of the defining of results of voting by the higher electoral commission.

The first copies of the minutes of the polling station (constituency) commissions about the results of voting after being signed by the members of the commission are directly submitted to the higher commission.

On identification of omissions and mistakes of the minutes and if there are any doubts about the correctness of drafting of minutes received from the lower electoral commission, the lower electoral commission has right to take the decision about the repeated vote count

by the lower commission. The repeated vote count shall take place with the obligatory participation of the member of higher election commission. On the results of the repeated vote count of the electors (electors delegates) the electoral commission drafts the minutes about the results of voting with the mark "The repeated vote count". The minutes is immediately submitted to the higher election commission.

Article 48. Order of determination of the results of elections to Assembly of Representatives.

On the basis of the minutes of the polling station commission the constituency commission determines the results of the elections of the deputies to the Assembly of Representatives in one-mandate constituencies and the results of voting in the unified republican constituency within their territory and then immediately submit them to the Central Election Commission.

In one-mandate constituency the candidate is considered elected, if he has gained more than 50% of the votes of electors participated in the elections.

The election in the one-mandate constituency is considered invalid if less than half of the voters, enrolled in the list, have participated in the elections.

The Central Commission on Election and Referenda determines the results of the voting in one-mandate constituencies all over the republic on the basis of minutes of constituency commissions.

On the basis of the minutes of constituency commissions the Central Commission for Elections and Referenda counts the electors votes according to the unified republican constituency by collecting the information from the minutes. The election in the unified republican constituency is considered invalid, if less than a half of electors enrolled into the lists have participated in it.

Political parties, which have gained less than 5% of the elector votes, are deprived of getting the deputy mandate of the unified all-republican constituency.

Those political parties, which have gained 5% and more of the votes of electors, participated in elections, in accordance with the stipulated provisions of this law, receive deputy mandates.

The distribution of the deputy mandates among the candidates is done in accordance with the list of candidates from political parties according to the order of their enrollment in the list, which was confirmed by the Central Electoral Commission.

The deputies that have been elected from the one-mandate constituencies to the Assembly of Representatives are excluded from the lists of candidates. In this case the deputy mandate is given to the candidates by the order of their enrollment in the list

Central Commission for Elections and Referenda drafts the minutes about the distribution of deputy mandates among the political parties from the unified republican constituency in

accordance with the rules, stipulated by this law.

These points are included into the minutes:

- the name of the political party which has right for distribution of deputy mandates;
- the name and surname of the elected deputies from each list of candidates.

If none of political party has gained 10% of votes, the Central Commission for Elections and Referenda considers the deputy mandates according to unified republican constituency undistributed.

In this case the Central Commission for Elections and Referenda appoints the repeated election in the unified republican constituency.

Article 49. Repeated voting for Assembly of Representatives.

If in one-mandate constituency more than two candidates for the deputy of Assembly of Representatives were proposed for voting and no one was elected, the constituency commission takes a decision to hold the repeated voting for two candidates who have gained the majority of votes. The constituency commission informs the Central Commission for Elections and Referenda and the electors of the constituency about this resolution. The repeated voting is held in the constituency in the period no later than two weeks within the territory of those polling stations and according to those lists of electors and in accordance with the requirements of this law.

That candidate is considered the elected deputy of the Assembly of Representatives, who has gained more votes than the other candidate in the repeated voting under the terms that more than a half of the electors enrolled in the list have participated in this voting.

If during the repeated voting one of the candidates is excluded by any reason, the voting is held for one candidate. In this case the candidate for becoming the deputy should gain more than a half of the votes of electors who had participated in this voting.

During the repeated voting the polling station commission can announce the voting finished any time, if all the electors enrolled into the list have voted.

Article 50. Deputy mandates distribution order.

The Central Electoral Commission counts the votes of the electors given for the political parties if they constitute 5% or more from the amount of votes of electors, participated in the voting in unified republican constituency. The result is the number of votes necessary for one deputy mandate. Then the number of votes gained by each political party participated in the distribution of deputy mandates is divided to the number of votes, necessary for each deputy mandate. The result is the number of deputy mandates which will be received by relevant list of candidates.

If after this there are remaining undistributed mandates, they are divided for the second time. The undistributed mandates are given one per each political party, having the majority of vote balance. In case of equal number of votes the advantage is given to that list of candidates, who has gained more elector's votes. If the number of electors votes is equal then the advantage is given to that list of candidates, who were registered earlier.

Article 51. Determination of the results of elections to National Assembly.

The constituency commission for the election of the members of National Assembly, which is conducted in the place of voting, counts the votes. The vote count begins immediately after the finishing of voting. The candidates are considered elected if they have gained the major number of the votes of delegate deputies who have participated in the voting. If the number of votes is equal, the advantage is given to the older candidate.

The results of the elections is written in the minutes summarizing the results of elections in the constituency and it is signed by the chairman and all the present members of the constituency commission and then it is immediately submitted to the Central Commission for the Elections and Referenda.

Article 52. Order of appointment and registration of members of National Assembly.

One fourth of the members of the National Assembly is appointed by the President of the Republic of Tajikistan by his order not later than 30 days after the election of the Assembly of Representatives. Elected and appointed candidate to the members of the National Assembly should inform within three days in written form the Central Commission for Elections and Referenda about cessation of his position which does not correspond the status of the member of the National Assembly in the period of three days.

The Central Commission for Elections and Referenda after receiving of the application from the elected and appointed candidate about the cessation of the position which does not correspond to the status of the member of National Assembly, register the candidates and the former presidents, who have not refused of being the member of the National Assembly. If during the elections or during the vote count or identification of the results of elections the law have not been observed, the Central Commission for Elections and Referenda has right to consider the election invalid and not to register the member of the National Assembly. It is possible to apply to the Supreme Court of the Republic of Tajikistan about the Resolution about the recognition of elections invalid.

Article 53. Repeated elections.

If in one-mandate constituency for the Assembly of Representatives not more than two persons have promoted their candidacies for the deputy of the Assembly of

Representatives and if none of them has been elected, or if the elections have been recognized invalid or in the unified republican constituency none of the political parties has gained the right for the distribution of deputy mandates, then Central Commission for Elections and Referenda charges the constituency commission to hold the repeated elections. In this case the Central Commission for Elections and Referenda can take a decision of holding of repeated elections with a new staff of constituency and polling station commission. The voting is held in the same polling station and according to the list of voters which were prepared for the main elections.

The person whose candidacy was promoted for the deputy of the Assembly of Representatives during the main elections and who was registered that time, can not be promoted as a candidate from this constituency during the repeated elections. The repeated elections are held at least two months after the main elections. The electoral commissions are formed in accordance with the order, defined by this law and the promotion and registration of candidates, political parties and other election relevant activities take place in an order stipulated by this law.

Article 54. Registration of deputies of Assembly of Representatives.

The relevant constituency commission informs the elected candidate after the signing of the minutes of summarizing of the election results. The deputies, who were elected in the result of distribution of mandates according to the list of candidates are informed by the Central Commission for Elections and Referenda. Central Commission for Elections and Referenda registers the elected candidates to the Assembly of Representatives in the period of 3 days after the official publication of the of the election results.

If during the elections or during the vote count or in the time of identification of the results, the law has not been observed, the Central Commission for Elections and Referenda can consider the election invalid and not register the deputy of the Assembly of Representatives. It is possible to appeal to the Supreme Court of the Republic of Tajikistan over the resolution about the consideration of election invalid in the period of 10 days.

If the election is considered invalid in some polling stations, then by the resolution of Central Commission for Elections and Referenda the voting results in these polling stations are excluded from the general results of election on the terms that the election should be considered valid without them.

Article 55. Publication of the results of elections of the members of the National Assembly and the deputies of the Assembly of Representatives.

The Central Commission for Elections and Referenda publishes the information about the results of election all over the republic and the list of the deputies of the members of the National Assembly and the Assembly of Representatives not later then two weeks after elections.

Article 56. Certificates of the members of National Assembly and the deputies of Assembly of Representatives.

After the publication of the list of the deputies of the Assembly of Representatives registered by the Central Commission for Elections and Referenda, the constituency commission gives each elected candidate the certificate about being elected. After the confirmation of the authority of the members of the National Assembly and deputies to Assembly of Representatives by the Central Commission for Election and Referenda, this committee gives them the certificates of the members of the National Assembly and the Deputy of Assembly of Representatives.

Article 57. The conducting of elections of the members of National assembly and the deputies of the Assembly of Representatives instead of excluded members and deputies.

In case when the authority of the member of the National Assembly and the Deputy of the Assembly of Representatives is prematurely terminated, the new elections is conducted in the period of three months after the termination of the authority. The election is appointed by the Central Commission for Elections and Referenda at least two months before the time of election and it is held with the observation of the requirements of this law. The constituency commission is formed 50 days before the elections and the polling stations commissions are formed one month before the elections and the registration of candidates to the members of the National Assembly and the deputies of the Assembly of Representatives is finished one month before the elections.

If the authorities of the deputy, elected in the result of distribution of deputy mandates among the political parties, is prematurely terminated, then his mandate is given by the decision of the Central Commission for Elections and Referenda to the candidate who is enrolled into the list after the elected persons. If there are no more candidates, then the mandate is vacant until the next elections.

If the authority of the member of the National Assembly and the deputy of the Assembly of Representatives is terminated at least one year before the termination of the National Assembly of Representatives, then the elections are not held.

Article 58. Responsibility for non-observation of this law.

Persons who disturb the citizens of Republic of Tajikistan to free use of their suffrage and of their right to be elected and the right of conducting of pre-electoral propaganda through force, deceptions, threats and by other ways and also the members of the electoral commissions, officials from the state agencies and political parties, who commit falsification of the electoral documents and intentionally count the votes in a wrong way, infringe the secrecy of voting and infringe this law in other ways are brought to responsibility in accordance with this law. Also persons who humiliate the honour and dignity of the candidate by publication and spreading of false information in press or by other means, or

insulting the members of the electoral commission are also brought to responsibility.

SOURCE: IFES.

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Please send your comments and suggestions to elect@essex.ac.uk