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**International Foundation for Election Systems (IFES)**

**Final Project Report**

**REPUBLIC OF UZBEKISTAN**

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**Analysis of the Amendments to the Law on  
Elections to the Oily Majlis (in English)**

**Suggested Discussion Topics for the Election  
Law Roundtable (1998)**

# **AMENDMENTS TO THE LAW ON ELECTIONS TO THE OILY MAJLIS OF THE REPUBLIC OF UZBEKISTAN**

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## **Introduction**

As was noted in an IFES Analysis of the existing Uzbek election law ("Election to the Oliy Majlis: A Technical Review of Law and Procedure," by Linda Edgeworth, dated January 1997, hereafter "The IFES Analysis"), the existing election law provides a minimalist but workable framework for the conduct of elections. The IFES Analysis also concluded that while the basic text of that law itself may be adequate, significant problems had been observed in the implementation of that law which called into question whether elections could be considered free and fair. Ms. Edgeworth observed that the law "lacks sufficient procedural detail to ensure uniform and equal application and consistent interpretation," (Page 2), and suggested many changes to the law.

Most problems observed in elections conducted under the existing law were not "legal" in nature, and it could not be said that the conduct of the elections violated the letter of the law. The majority of the problems were administrative in nature, with one result being that very few candidates actually received permission to participate in the elections.

There are two possible ways to address these problems. One way is to revise the election law by adding a substantial amount of explanatory language ("procedural detail") to make it clear what it means in practice to administer elections in an open manner. Another method is to issue extensive administrative regulations which explain how the law is to be interpreted, and if the regulations are read along with the basic text of the law, the combined text gives a complete set of detailed directives to election officials, candidates and voters. However, no amount of words in a law or in regulations can substitute for a genuine desire on the part of the Uzbek government and election officials to have elections which are free, fair and permit a broad spectrum of political parties and candidates to participate in the process. This commitment to the process is the only guarantee that elections will be meaningful.

The current proposed amendments to the election law make a few important changes which will help to open the electoral process to wider participation. However, these changes can be best characterized as timid and insufficient to remedy most of the deficiencies in election law and procedure noted by Ms. Edgeworth in the IFES Analysis. If the current proposed amendments are adopted as written, it will be necessary to issue detailed regulations which provide interpretative guidance to election officials and others to help ensure that the next round of elections is more open to broader participation.

On the positive side, the proposed amendments do add provisions which will permit initiative groups of citizens to nominate candidates, thus providing a means for candidates who are not supported by the existing political establishment to participate in election contests.

However, rather high qualification hurdles are erected which will, in all likelihood, mean that few if any candidates proposed by initiative groups will succeed in being registered as candidates. Another, more minor improvement, is that second-round elections will no longer require a 50% turnout to be considered valid.

Considering that Uzbekistan seeks to be viewed as the leader among the Central Asian nations, one might have wished that the proposed amendments would have been more sweeping in their scope and effective in their reach. However, while it can be said that these amendments are an improvement to the existing law, the improvements are marginal and do not provide encouragement that Uzbekistan will exercise a regional leadership role in election reform.

#### Points of Concern Identified in Existing Election Law & Procedure

The IFES Analysis of the election law identified multiple areas of concern and suggested many possible improvements. Those points will not be repeated here. However, in order to provide a context for an evaluation of the proposed amendments, a summary of the most important IFES recommendations is necessary.

Recommendations were made in eight issue areas: Transparency mechanisms; administrative structure; election scheduling; nomination and registration of candidates; candidate campaigns; polling; vote counting; and certification of winning candidates. A brief discussion of the most important issues raised and the how these issues are addressed in the proposed amendments follows.

##### A. Transparency

The IFES Analysis suggested that the law be amended to clarify the rights and obligations of observers, specify procedures for obtaining observer credentials, and require the publication of results in a manner which permits the vote count to be independently verified.

While the amendments provide some detail as to the rights and obligations of observers, these provisions should be spelled out in greater length to avoid confusion. The procedures for observers to obtain credentials remains unclear, particularly as to what observers who wish to view multiple polling sites in different areas must do to obtain official observer status. No amendments have been proposed to require publication of vote-count results at all levels of the counting process.

##### B. Administrative Structure

It appears by inference that a new separate law on the Central Election Commission is being developed which will make this a permanently-acting body in charge of all elections rather than a body formed anew for each election. This is a significant improvement. Hopefully, the new law on the CEC will incorporate other desirable reforms, including a clear grant of authority to the CEC to issue administrative regulations which interpret the election law.

##### C. Scheduling

The IFES Analysis suggested that most deadlines relating to the election process required clarification or changing in order to improve the administration of the elections.

No significant scheduling improvements have been proposed in the amendments, except for an elimination of the requirement that by-elections be held within two months of the premature withdrawal of a deputy. In response to a suggestion made in the IFES Analysis, the CEC is now required to accept or reject a candidate's nomination documents within seven days of receipt. There still remains a significant possibility that special elections or general elections not held on schedule may "surprise" political parties, who would be unable to participate since they would not be able to meet a six-month advance registration requirement.

#### D. Nomination and Registration of Candidates

The IFES Analysis suggested clarification in which prior crimes might disqualify a candidate from competing in an election. The amendments make it clear that only those previously convicted of an intentional crime (a felony) are to be excluded.

No amendments have been proposed which would require certain government officials who are candidates to take mandatory leave from their posts during an election campaign, although the law does require certain government officials to agree in advance to resign their position if elected.

As noted above, the amendments propose a new right for initiative groups of citizens to nominate candidates. This provides an important alternative path for candidates in a country where political parties remain weak and the prior law provided for nomination only through established political channels. However, the requirements for an independently-nominated candidate to achieve registration are rather difficult, and call into question whether many such candidates will succeed in achieving ballot access.

The IFES Analysis suggested that greater clarification on signature petition requirements is necessary. The proposed amendments do provide some clarification, particularly for registration of candidates nominated by initiative groups of citizens. However, these procedures should be standardized for all instances in which signatures of voters are required to be collected.

It was noted that the difficult registration process for political parties, and in particular the requirement that registered parties collect signatures in order to qualify to nominate candidates before each election, discouraged the participation of political parties in the electoral process. No amendments have been proposed to improve this situation.

The amendments also do not "level the playing field" among entities which have the right to nominate candidates. As written, nominees from government representative bodies will have the easiest access to the ballot, while the obstacles placed in the path of nominees from political parties and voter initiative groups remain significant. One method of achieving greater fairness would be to have all candidates, regardless of the entity which nominated them, to meet similar (or equally burdensome) requirements for registration.

#### E. Campaigns

No amendments have been proposed which address inadequacies in the current law regarding campaign finance, media access, and rules of fair campaigning.

#### F. Polling

Amendments have been proposed which improve ballot distribution and security. However, greater detail in this area would be desirable. Many of the technical recommendations suggested in the IFES Analysis concerning improvements to voting procedure have not been addressed in the amendments.

#### G. Vote Counting

Aside from the limited amendments which help to clarify the rights and obligations of observers, none of the technical recommendations regarding vote counting made in the IFES Analysis are reflected in the proposed amendments.

#### H. Certification of Results

The drafters of the amendments have accepted the suggestion that the 50% turnout requirement for second-round elections be eliminated.

### Specific Comments on the Major Amendments

#### Article 6:

This amendment is an improvement over the prior law in that it sets forth permitted and prohibited activities for election observers. This article could, however be improved.

The first sentence states that "preparation and conducting of the elections...are to be accomplished...openly and publicly." It would be very helpful to give guidance to the election commissions about what is meant by "openly and publicly." For example:

"The election commissions shall hold all regular meetings at a time and place easily accessible to the voters of the district, and shall publish a schedule of all regular meetings in the mass media (or newspaper of general circulation) not less than one week before the first regularly scheduled meeting is set to take place. In the event that special meetings must be held, notice of the time, place and purpose of the special meetings shall be published in the mass media not less than forty-eight hours before the scheduled time of the special meeting. Any actions taken by an election commission in a meeting which does not comply with these notice provisions shall be considered void."

While it may be logistically necessary to limit the number of observers at the polling place during the voting day, there is no reason to limit access during the preparation phase of the elections. The law should make it clear that "any person, including but not limited to representatives of political parties, mass media, ..." etc. may observe the preparations for an

election. This is because any interested citizen should be able to observe the procedures relating to the conduct of the elections, and also to avoid the exclusion of persons which may be omitted from a specific list of those permitted to attend. For example, the current language does not specifically permit candidates to attend and observe electoral commission meetings, and does not envision allowing representatives from non-political NGO's to observe. Language which permits any person not specifically excluded to attend is preferable to language which excludes any person not specifically permitted to attend.

It may be useful to set up two categories of observers: The first category, which allows "any person" to observe pre-election preparation without accreditation or affiliation, and the second being a more limited number of properly documented persons who may be present in the polls on polling day. Note that the current language as written permits only one representative of "mass media, TV and radio" to be present. This should be rephrased to make it clear that the limitation should apply only to one representative of each mass media outlet. For example, if there are three newspapers in a city, each newspaper should have the right to have one of its reporters present.

The law should also permit observers to be present when the precinct-level results are summarized by each higher election commission.

Another improvement would be a requirement that each precinct post the official results of the vote count in a public place, and provide that official copies of all precinct vote tallies be kept on file for several years in a public place, so that any interested citizen can independently verify the vote count as summarized and reported by election officials.

The current language states that observers must "notify" the okrug election commissions fifteen days in advance, and the commission will deliver documents to the observer within three days. This language does not appear to envision that any observers will ever be denied accreditation for any reason. If there is to be any discretion on the part of the election commissions as to whom may be accredited, clear standards should be set for what factors may be considered sufficient for denial of observer status.

It is also difficult for international observers, media and independent domestic observers to apply for observer registration in each okrug. Thought should be given to requiring the Central Election

Commission to certify international observers and those domestic observers who may wish to observe in more than one okrug on election day.

Observers should be entitled to accompany mobile ballot boxes if such boxes are to be used.

In addition, it should be made clear that observers have not only the right to be "present" during the vote count, but to be permitted to observe it in such a way that they can independently verify the accuracy of the vote count. The current language carried to an extreme interpretation would be satisfied if the observers were confined to an area at one end of a hundred meter long room while the vote count took place at the other end.

An attempt should be made to define what constitutes observer

"interference" with the vote count, and if an observer is accused of interference, what appeal provisions should be permitted. For example:

If the precinct election chairman determines that an observer is interfering in the vote count, that observer shall be warned but permitted to remain until the end of the count. If, after a warning, the observer continues to interfere, the Chairman may, on a vote of a majority of the precinct election workers present, exclude the observer from the counting-room. An excluded observer has the right to immediately appeal his exclusion to the next highest election commission. In no event may this procedure be used to exclude all observers from the counting room.

Finally, whatever is the language chosen, it should be the same for all laws relating to elections; that is, the procedures for the conduct of public and open elections, with observers present, should be the same for Presidential, Legislative and local electoral contests, and even for referenda. This prevents confusion on the part of election officials and observers.

#### Article 10:

A reference to a general law on creating a Central Election Commission is appropriate since the CEC should either be a permanently-acting body or be formed in the same manner regardless of the type of election (Presidential, legislative, etc.). Article 11, which specifies the powers of the CEC, might also be amended to refer to another law, since the listed powers of the CEC would logically also be the same regardless of the type of election.

#### Article 13:

The new clause 4.1 gives the district electoral commission the task of checking whether the signature forms are correct. The article is silent about what is to be done if the forms are found to be incorrect. A cross-reference to Article 22.1 would be useful to provide handy reference to the legal requirements for signature lists.

Clause 4.2 requires that the district commission give a dated receipt for the signature lists. However, there should also be a requirement that forces the commission to make a decision on the validity of the signature lists within a specified time limit.

#### Article 16:

Earlier articles specify that each election commission shall form the next-subordinate commission(s). Article 16 provides that certain legislative and local government bodies shall have the right to approve the election commissions. There is no provision for what is to be done if these commissions are rejected or are not approved in a timely manner. In addition, it should be clarified whether the power of approval is for the commission as a whole or permits the approval or rejection of individual members.

While in theory local approval of election commissions is a good idea, in practice the process may be cumbersome. It may be better simply to allow each election commission to appoint its immediately subordinate election commission without outside approval. After all, the higher-ranking commissions will find it in their self-interest to appoint the best-available



candidates to lower commissions, since they will have to rely on the quality of the work of the subordinate commissions when administering an election. In addition, if the Central Election Commission itself is appointed in such a way that a diversity of constituencies is represented at the highest level, it is likely that a similar diversity of interests will be carried down to lower levels along with the appointment process.

As an alternative to local approval of election commissions, the drafters might consider allowing local governing bodies to nominate a list of candidates for the election commission, requiring the higher election authorities to form a subordinate commission by choosing among the nominated persons on the list.

Article 20:

The requirements placed on political parties for the right to nominate candidates and participate in elections are onerous. While this is mitigated to some extent by the welcome addition of the right of citizen groups to nominate candidates (Article 22), it does place a burden on political parties to the point that all but the most established will be unable to or discouraged from participating in the election process.

The requirement that a party be registered with the Ministry of Justice six months before the date of elections may, in some instances, be unfair. For regularly-scheduled elections, where the date of the contest is known years in advance, the six-month deadline is workable. However, if special elections are called for any reason -- due to the premature dissolution of the Oily Majlis, or to replace deputies who have resigned or died -- the six month requirement ensures that many smaller parties will be unable to participate in an election.

In addition, the law requires that a party must, in addition to meeting the six-month registration requirement, collect 50,000 signatures in order to be qualified to participate in each election. No more than eight percent of these signatures may be collected from any one region. These provisions, separately and jointly, will ensure that many lawfully-registered political parties will be excluded from participation, and virtually ensures that any parties who might enjoy strong regional but not national support are permanently denied access to the electoral process.

In the past, it has been observed that many administrative hurdles have been placed on parties wishing to register with the Ministry of Justice. Ideally, the registration process should be very simple and open to all political parties who wish to register, regardless of whether they have a national or only a regional following. While it is reasonable to provide some minimal requirements for registration, in order to limit registration to political parties who actually have some support other than that of the organizers, the extensive nation-wide signature requirements and other hurdles place too great a bar to political participation.

In order to improve the situation, this law -- or a separate law -- should clearly specify the requirements that political parties must meet in order to register. Such a law should impose very reasonable signature, financial and other requirements. It is impossible to evaluate whether this law creates a fair playing field for political parties in the absence of legal norms to govern the political party registration process. However, this law -- as

it reads -- fails to meet international standards for free access to the political process for political parties.

It is important to hear the voices of parties from the entire political spectrum during the electoral process. There are, however, legitimate policy reasons to structure the election process to produce a legislature which is not dominated or incapacitated by many representatives of fringe political parties.

Note that if the goal of the drafters is to have an Oily Majlis which is not composed of representatives from many political parties, there are other more benign means of achieving this result. In Britain and the United States, winner-take-all single member constituencies favor the creation of a strong two-party system. In France, two-round elections permit broad participation of multiple political parties in the first round, while encouraging consolidation of votes to the largest political parties in the second. None of these systems rely on denial of the right of political participation to candidates from all legally-registered political parties, yet the result favors a national legislature dominated by the political parties which enjoy the broadest nationwide support.

Article 46 (not amended) provides that only candidates from political parties which have polled more than 5% of the nationwide vote may be seated in the legislature. Not only does this provision deny a voice to the constituency which elected this deputy, it becomes yet another incentive for candidates to avoid participating in elections under the banner of a political party. Note, for example, that there is no requirement that candidates nominated by legislative bodies or by initiative groups of citizens be a member of any party. These "independent" candidates are therefore not subject to the 5% national polling restriction which applies only to candidates nominated by political parties. This unequal treatment will further discourage the development of political parties and their participation in the election process.

Finally, this Article provides that the sanction for fake signatures on signature lists is deprivation of the right to participate in an election. This "single-sanction" provision is unduly harsh and makes all political parties subject to the whim and caprice of the reviewing agency. It is a fact of life that all signature petitions will contain some signatures which are not verifiable, and some -- hopefully fewer -- which are false. It is better to provide some leeway for unverifiable or false signatures. For example: "If less than five percent of the signatures are unverifiable or appear to be false, the application shall be approved." It is also wise to provide that statistical sampling techniques may be used to verify accuracy.

#### Article 22:

The new right of citizens' initiative groups to nominate candidates is a great improvement over the old law. However, the requirement that the candidates nominated by an initiative group collect 8% of the voters' signatures before being placed on the ballot is quite steep. This percentage should be lowered.

In addition, the requirement that a citizen may sign a signature form in support of only one candidate is not a good policy. A citizen who has not yet decided whom he will vote for in

the election may wish to have multiple candidates compete in the election. Such a citizen should have the right to support the candidacy of as many persons as he wishes.

Article 43:

The amendment to this article, which eliminates the 50% turnout requirement in repeat elections, is a good change.

Article 45:

The elimination of the requirement that an election be held within two months to fill a vacant seat is good, since two months is a very short time for elections to be organized. However, the other deadlines remaining in the section are very close to the date of the election, and thought should be given to extending these periods. Finally, does the phrase "organized with the observance of the present Law" mean that political parties will be given at least six month's notice of the special election so that they may comply with registration requirements in advance of the special election?

Conclusion and Suggestions for Improvement

The proposed amendments are a step in the right direction. All of the amendments operate to improve the election law. None can be characterized as a step backward.

That said, it can be generally concluded that the proposed amendments do not go far enough to adequately address many of the concerns highlighted in the IFES Analysis. A good example is the amendments concerning election observers: While the proposed language setting forth the rights and duties of observers is better than nothing, it is also true that this language needs more detail in order to avoid confusion on the part of election officials and observers and disruption in the polling places.

Further, no new amendments have not been proposed to address many important issues observed in the IFES Analysis. Significant omissions include problems of election scheduling, campaign finance, candidate access to registration, the registration and role of political parties, and technical issues of voting and vote-counting. Amendments should be drafted to address these issues.

Much work remains to be done, particularly in improving the text of the proposed amendments and in drafting new amendments which will address issues not yet considered. However, the drafters are to be commended for recognizing that the existing election law needs improvement, and for taking the first step on the path toward a better election law for Uzbekistan.

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## Baghlan

### THE LAW OF THE REPUBLIC OF UZBEKISTAN On changes and amendments to some legislative acts of the Republic of Uzbekistan

The Oliy Majilis of the Republic of Uzbekistan **DECREEES:**

Make changes and amendments to the following legislative acts of the Republic of Uzbekistan:

I. In the Law of the Republic of Uzbekistan as of February 15, 1991 "On social associations in the Republic of Uzbekistan" (Bulletins of the Supreme Soviet of the Republic of Uzbekistan, 1991, No.4, article 76; 1992, No.9, article 363; Bulletins of the Oliy Majilis of the Republic of Uzbekistan, 1997, No.4-5, article 126):

**in the name and in the wording of the article 17** the words "economic activity", "of the economic activity", "to the economic activity" should be replaced respectively by the words "other enterprising activity", "of the other enterprising activity", "to other enterprising activity":

**the first sentence in the first part of the article 18** should be amended by the words "and also the objects of intellectual property".

II. In the Law of the Republic of Uzbekistan as of November 18, 1991 "On the elections of the President of the Republic of Uzbekistan" (Bulletins of the Supreme Soviet of the Republic of Uzbekistan, 1992, No.1, article 34):

the content of the article 1 should be made in the following wording:

"The elections of the President of the Republic of Uzbekistan shall be carried out by the citizens of the Republic of Uzbekistan on the basis of universal, equal and direct suffrage by secret ballot.

All citizens of the Republic of Uzbekistan who have reached the age of 35, having a fluent command of the state language, permanently residing in the territory of Uzbekistan for not less than ten years just before the elections can be elected as President of the Republic of Uzbekistan.

President of the Republic of Uzbekistan shall be elected for a term of 5 years.";

**the third part of the article 2** should be made in the following wording:

"Citizens who have been legally certified as insane as well as persons in prisons on the court sentence shall not participate in the elections of the President of Republic of Uzbekistan" ;

the content of the article 4 should be made in the following wording:

"The elections of the President of the Republic of Uzbekistan shall be provided by the Central Election Committee of the Republic of Uzbekistan,

by district election and ward election committees.

Members of the Central Election Committee shall be approved by the Oliy Majilis.

Members of the district election committees shall be approved by Central Election Committee on recommendation of Jokargy Kenes of the Republic of Karakalpakstan, regional and the Tashkent city Soviets of the peoples' deputies.

Members of the ward election committees shall be approved by respective district election committees upon presentation from local powers and local authorities”;

the content of the article 5 should be given in the following wording:

“The elections of the President of the Republic of Uzbekistan shall be conducted openly and publicly by election committees.

Election committees shall inform the citizens about its activity, about formation of constituencies and wards, composition of election committees, their location and the time of their work, election registers, lists of political parties participating in the elections, inform about candidates to the President of the Republic of Uzbekistan, election returns.

Mass media of the Republic of Uzbekistan shall make coverage of the election process.

Representatives (observers) from political parties and from representative power bodies (one from each) that have nominated candidates to the President of the Republic of Uzbekistan, mass media representatives, the observers from other countries, international organizations and movements shall have the right to participate in all the election activities, and also at polling stations on the election day at the votes counting.

The interested organizations shall inform district election committees of their observers at least 15 days before the elections.

District election committee issues a mandate to the observer within five days after submission of the application from the interested organization, a sample for mandate shall be determined by the Central Election Committee of the Republic of Uzbekistan.

The observers shall have the right:

to participate at the meetings on nomination of candidates to the President of the Republic of Uzbekistan, at the sessions of district and ward election committees;

to be present at the polling place and observe over the preparation activity, placement and sealing up ballot boxes, hand over ballot

papers to citizens;

to be present at the vote accounting and protocol procedure at the ward election committee;

to request for and receive copies of documents on the election returns certified by appropriate election committees;

to inform a higher level committee about observation, if there are reasons to consider that the violations of this Law had taken place at the polling place

The observers shall not be allowed:

to be present in the voting booth while the voter makes notes in the ballot paper

to influence on the voters, to spread any campaign materials or literature;

to ask the voters for whom they voted or extend any assistance to the voters while they make notes in the ballot paper;

to get involved in the activity of the ward election committee including seal up ballot boxes, their exposure and vote accounting;

**article 6** shall be given in the following wording:

**“Article 6. Financing of the elections of the President of the Republic of Uzbekistan**

The expenses related to preparation and conducting elections of the President of the Republic of Uzbekistan shall be covered by the state funds of the Republic of Uzbekistan. Financing and other financial support of candidates to the President of the Republic of Uzbekistan at the other expenses shall not be allowed.

The political parties, social associations, enterprises, organizations and citizens of the Republic of Uzbekistan may voluntarily transfer their funds to hold the elections. These funds shall be accepted by the Central Election Committee to use them during election campaign”;

6) the content of the **article 8** shall be given in the following wording:

“ The election of the President of the Republic of Uzbekistan shall be scheduled by the Oliy Majlis at least three months before the expire of the term of office of the President of the Republic of Uzbekistan.

The election date shall be made public through the press and other mass media not later than three days after it was set”;

**in the second part of the article 9** the words “their boundaries” should be excluded, and the words “10 days” should be replaced by the words “15 days”;

the content of the **article 10** should be given in the following wording:

“Election wards shall be formed with due regard for the boundaries of districts, cities, city regions to create conveniences for the voters at maximum. Election wards shall also be formed in military units and shall be part of constituencies in places of their disposition.

Election wards may be formed at representative offices of the Republic of Uzbekistan abroad, in sanatoriums, holiday homes, hospitals, and other stationary medical establishments, as well as in remote and inaccessible areas. These election wards shall be part of constituencies in accordance with their location. The matter of referring of election wards formed outside Uzbekistan to constituencies shall be decided by the Central Election Committee”;

the content of the **article 11** should be given in the following wording:

“Election wards shall be formed by district election committees upon presentation by khokims of regions, cities. In military units election wards shall be formed by district election committees upon presentation by commanders of military units or formations. At the representative officers of the Republic of Uzbekistan abroad election wards shall be formed by the Central Election Committee upon presentation by the Ministry of Foreign Affairs of the Republic of Uzbekistan.

Election wards shall be formed at least on the 30<sup>th</sup> day after the election date is fixed. In military units, at representative offices of the Republic of Uzbekistan abroad as well as in remote and accessible areas, election wards shall be formed within the same time limit, and in cases of emergency - at least 5 days before the election date.

Election wards, as a rule, shall be formed of not less than 20 and not more than 3000 voters.

The polling station for election ward shall be allocated by the khokimiyats (municipal councils) of districts, cities.

The district election committee shall notify voters about the boundaries of each election ward and the location of the ward committee and the polling station;

the content of the **article 12** should be given in the following wording:

“The organization and holding of the election of the President of the Republic of Uzbekistan shall be carried out by the following election committees:

Central Election Committee of the Republic of Uzbekistan;

District election committees on the election of the President of the Republic of Uzbekistan;

Ward election committees on the election of the President of the Republic of Uzbekistan”;

**article 13** should be given in the following wording:

**“Article 13. Formation of the Central Election Committee of the Republic of Uzbekistan**

The Central Election Committee of the Republic of Uzbekistan shall be formed in accordance with the Law of the Republic of Uzbekistan “On Central Election Committee of the Republic of Uzbekistan”;

in the **article 14**:

the words from the **title** “on the elections of the President” should be excluded;

**point 1** should be given in the following wording:

“1) shall supervise the observance of the present Law and ensure its uniform application throughout the territory of the Republic of Uzbekistan, issue instructions and clarify matters related to the organization of the election within its powers;

from the **point 8** the words “pre-election meetings and sessions should be excluded;

**point 9** should be given in the following wording:

“9) listen to reports by representatives of state bodies, political parties and other public associations on matters related to the preparation for and holding of the election”;

the content of **article 15** should be given in the following wording:

“A district election committee shall be formed by the Central Election Committee not later than on the 20<sup>th</sup> day after the election date is fixed and shall include a Chairman, Deputy Chairman, a Secretary and at least 6-8 committee members”;

**point 2 of the article 16** should be given in the following wording:

“2) shall form election wards, give them numbers within constituency, publish their lists with addresses”;

the wording of the **article 17** should be the following:



"A ward committee shall be formed by the district election committee not later than on the 50<sup>th</sup> day after the election date is fixed and shall comprise 5-19 members including a Chairman, Deputy Chairman and a Secretary. If a commission is formed of up to 7 members, a Chairman and a Secretary are elected.

In case of need, the number of members of a ward committee may be either increased or decreased.

At representative offices of the Republic of Uzbekistan abroad the functions of the Chairman of the ward committee shall be fulfilled by their heads";

**article 19** should be added by the fifth, sixth, seventh, eighth and ninth parts as in the following:

"A member of an election committee may be dismissed from his post either upon submission of an application or in case of divesting him of the powers.

A committee member may be divested of his powers by the body that formed the committee in case of violation of the present Law by the member or in case of systematic failure to carry out his own commitments. The Chairman, Deputy Chairman and Secretary and members of election committees can not be members of political parties. Candidates to the President of the Republic of Uzbekistan, their proxies may not be members of election committees. A person may be a member of only one election committee".

**The fifth part** should be considered as the **part tenth**;

**in the article 22:**

in the part 2 the words "Councils of Peoples' Deputies" should be replaced by the words "Khokimiyaty of the regions and the cities";

**the fourth part** should be added by the words "at the representative offices of the Republic of Uzbekistan abroad" after the words "on the election wards formed";

**in the article 23:**

**The first part** after the words "formed" should be added by the words "at the representative offices of the Republic of Uzbekistan in foreign countries", and the word "ten" should be replaced by the word "fifteen";

in the **third part** the words "peoples'" and the "peoples'" should be excluded;

19) the article 24 should be replaced by the articles 24, 24(1) and 24(2) with the following wording:

## **"Article 24. The right to nominate candidates for election of the President of the Republic of Uzbekistan**

The political parties and the representative bodies of the power shall have the right to nominate a candidate for election of the President of the Republic of Uzbekistan.

A political party may nominate a candidate for the election of the President of the Republic of Uzbekistan provided it was registered with the Ministry of Justice of the Republic of Uzbekistan at least six months before the election had been scheduled.

### **Article 24 (1). Documents to be submitted by political parties for the participation in the election of the President of the Republic of Uzbekistan**

To participate in the election of the President of the Republic of Uzbekistan, a political party shall, within 20 days after setting of the election date, submit the following documents to the Central Election Committee: an application for the participation in the election signed by the party leader; certificate from the Ministry of Justice containing information about registration of the political party; information about a future candidate to the President of the Republic of Uzbekistan.

Upon submission of the documents defined in the first part of this article, the Central Election Committee shall take a decision permitting the party to take part in the elections and within 5 days shall issue a dated certificate and forms of lists of signatures of a certain form to a representative of the political party.

### **Article 24 (2). Procedure for nomination of candidates to the President of the Republic of Uzbekistan**

Nomination of candidates to the President of the Republic of Uzbekistan shall begin on the 25<sup>th</sup> day after the election date was set and finish 45 days before the election.

Candidates to the President of the Republic of Uzbekistan shall be nominated by supreme bodies of political parties as well as at the sessions of Zhokargy Kenes of the Republic of Karakalpakstan, regional and Tashkent city Councils of People's Deputies.

The supreme body of the political party, a representative body of the power may nominate one candidate to the President of the Republic of Uzbekistan.

The political parties shall have the right to nominate as candidates to the President of the Republic of Uzbekistan only its own members or non-party candidates, while representative body may nominate a candidate to the President regardless of his membership in any party. Minutes of the nomination of candidates shall be taken.

Heads of political parties, representative body of a power shall submit

applications to the Central Election Committee requesting registration of their candidates to the President of the Republic of Uzbekistan. The following shall be attached to the application:

a resolution of the supreme body of a political party, Zhogargy Kenes of the Republic of Karakalpakstan, regional Council of People's Deputies or that of the city of Tashkent on the nomination of candidates to the President of the Republic of Uzbekistan;

minutes of the meeting of the supreme body of a political party, sessions of Zhokargy Kenes of the Republic of Karakalpakstan, regional and Tashkent city Councils of the peoples' deputies on nomination of candidate to the President of the Republic of Uzbekistan, with a full name of a candidate to the President< date of birth, profession, position (occupation), place of work and residence, party membership;

application of a candidate to the President of the Republic of Uzbekistan on his consent to run.

A leader of the political party shall also present lists of signatures to support nominated candidate to the President of the Republic of Uzbekistan. Lists of signatures shall contain signatures of not less than one percent of all the voters of the Republic of Uzbekistan. A political party may collect not more than eight percent of signatures out of total number in one administrative territorial formation (The Republic of Karakalpakstan, region, Tashkent city).

The voters shall have the right to sign only once in support of one candidate. At the same time a voter shall indicate his/her full name, year of birth (at the age of 18 years - additionally the date of birth), address of residence, series and number of passport, and also date of signing.

A signatory list shall be certified by the person who was collecting signatures with a full name, address of residence, number of passport, and also by the head of regional, city structure of an appropriate political party.

Collection of voters signatures shall be held in the places of residence, service, study during election campaigns and also in other places, where canvassing and collection of signatures are allowed by legislative acts.. Any forms of compulsion and bribery of the voters by the persons collecting signatures will cause legal responsibility.

After completion of signatures collection the authorized representative of a political party shall submit to the Central Election Committee signature lists made separately for the Republic of Karakalpakstan, each province and the city of Tashkent.

The Central Election committee shall issue a certificate to the person, who submitted the documents with the date and the time of the documents' acceptance.

Central Election Committee within seven days shall check and give conclusion on conformity of the submitted documents with the requirements of this Law.

In case of forgery of signatures in the lists the Central Election Committee shall refuse to a political party of acceptance of documents for registration of the nominated candidate.

The Central Election Committee shall inform the leaders of appropriate parties and representative bodies of power in a certain order about the found discrepancies and deviations from the requirements of this Law in the presented to the registration documents.

The Central Election Committee shall finish the acceptance of the documents for registration of candidates to the President of the Republic of Uzbekistan at least 7 days before the expire of the term for registration”;

**articles 25 and 26** should be in the following wording:

**“Article 25. Registration of candidates to the President of the Republic of Uzbekistan**

On the basis of the documents defined by the article 24 (2) of this Law, the candidates to the President of the Republic of Uzbekistan shall be registered with the Central Election Committee.

A person registered as candidate to the President of the Republic of Uzbekistan shall be issued a registration certificate in accordance with this Law.

The Central Election Committee shall publish in the press a report on registration with the names, date of birth, party affiliation, position, place of residence and work, and also with the name of the body, which nominated a candidate to the President of the Republic of Uzbekistan.

The following citizens shall not be subject to registration as candidates to the President of the Republic of Uzbekistan:

citizens, who were convicted before for intentional crime;

citizens prosecuted by law due to lawsuit raised against them;

professional clergymen of religious confessions and associations.

**Article 26. Deprivation of a status of candidate to the President of the Republic of Uzbekistan. Lifting of candidacy by the candidate to the President of the Republic of Uzbekistan**

A political party, representative body of the power have the right at any time before the elections to cancel the decision on nomination of candidate to the President of the Republic of Uzbekistan. This person shall be deprived of a status of candidate to the President of the Republic of Uzbekistan by Central Election Committee. A political party, representative body of the power may

suggest the Central Election Committee on registration of new candidate before expire of the term for nomination of candidates to the President of the Republic of Uzbekistan.

A registered candidate to the President of the Republic of Uzbekistan shall also be deprived of his/her status in case of termination of activity of a political party nominated a candidate to the President of the Republic of Uzbekistan.

A candidate to the President of the Republic of Uzbekistan may lift his/her candidacy at any time before the day of elections. For that he/she shall apply for the Central election Committee”;

**part three of the article 27 should be replaced by the parts of the following wording:**

“Election ballot papers shall be printed on the order of Central Election Committee in the state language not later than 20 days before the elections. Ballot papers may be printed in the languages, which are used by the majority of the population of the constituency in accordance with the decision of district election committee.

Ward election committees get ballot papers from district election committees not later than three days before the elections. The number of issued and received ballot papers the Chairman or Deputy Chairman or Secretary of appropriate district and ward election committees shall approve by their signature.

The number of ballot papers received by ward election committee may not exceed the number of voters included in the lists of the voters within election ward more than half percent. In the right higher corner of ballot paper the signatures of two members of a ward election committees. Ballot papers, which are not certified by the commission shall not be taken into account at the votes counting”;

**Elena**

22) to word the name of the article IV as following:

**"Article IV. PRE-ELECTION AGITATION. GUARANTIES OF THE RIGHTS OF THE CANDIDATES TO PRESIDENT OF RU. PROXIES IF CANDIDATES TO PRESIDENT OF RU. "**

23) change article 28 to articles 28 and 28(1) of the following content

"Article 28. Pre-election Agitation

Pre-election Agitation begins from the day of the Central Election Commission registers the candidates to President of RU.

The candidates to President of RU have equal rights to use means of mass media, meet the voters in meetings or in any other convenient for the voters

way. The meetings for the voters are organized by the district election commission together with district or city khokimiat. Election commissions, district and city khokimiats provide to the candidates to President of RU equipped lodging for the meetings. The voters are notified of the meetings in timely manner.

State entities, public associations, heads of enterprises, institutions, organizations, entities of citizens' self-government should provide cooperation to candidates to President of RU in organization of the meetings with the voters and provide necessary inquiry information and information materials.

The candidates to President of RU are entitled to the right to give speeches on their future activities programs. The programs of the candidates should not be directed against the sovereignty, integrity and security of the Republic, should not infringe on health and morality of the People, should not contain war propaganda, ethnic hatred, race and religious hostility, appeals to violent change of the Constitutional Regime, appeals to actions that would limit constitutional rights and freedoms of the citizens.

No agitation on the day of election is allowed.

Article 28(1). Guaranties of the rights of the candidates to President of RU.

All registered candidates to President of RU have equal rights.

A Candidate to President of RU has the right to be free from his/her duties at work without wage deduction for the time he/she spends at the meetings with voters, gives pre-election speeches on television or radio. The medium wage compensations are provided through funds appropriated for conducting elections.

The candidate to President of RU has the right to use all kinds of state public passenger transportation free of charge (not including transportation within city transportation, taxi and other kinds of specially arranged transportation) within the territory of RU.

Candidate to President of RU can not be instituted with criminal proceedings, arrested or can not incur an administrative punishment superimposed by a court order without the consent of the Prosecutor General of RU. In case such consent is granted by the Procurator General, the Procurator General notifies the Central Election Commission about it.

Taking into custody, as well as examination of candidate's personal belongings, luggage, transport, living or work accommodation.

24) in article 29:

to take out the words "on President Elections" from part one;

to take out part two:

25) in article 30:

to change number "7" with number "6", to change the word "five" with the word "ten" in part one;

to add after "at the electoral district, established" the words

"in representatives of the RU in foreign countries" in part two.

26) after the words "members of election commission" in part one of article 32 add the words "observers and proxies of candidates";

27) in article 35:

take out the words "on the Elections of the President of RU" in part one. After the words "election commissions" add the words "and protocols of district election commissions, formed under the auspices of representatives of the RU in foreign countries";

to take out the words "on elections of the President of the RU" in part four;

28) to word part two of article 36 as following:

"The candidate is elected when he/she receives the greater amount of votes in comparison to the other candidate at the second voting, provided that the number of votes for this candidates exceeds the number of votes against him/her.

29) to word article 38 as following:

"Article 38. Entry in to the President Post of the RU.

The President of the RU entries into his/her post after taking the oath at the Oliy Majlis meeting no later than two month after the official announcement of President election results by the Central Election Commission.

The acting President of the RU performs his/her commission until the newly elected President's entry into the post.

## **Behzod**

5) the article 17 is to be designed in following edition

X. To the Law of the Republic of Uzbekistan from December 28, 1993, "On Elections to the Oliy Majlis of the Republic of Uzbekistan" ("Supreme Soviet of the Republic of Uzbekistan News," 1994, #1, p. 6):

1) The content of the **article 6** is to be designed in following edition:

"The preparation and conducting of the elections to the Oliy Majlis are to be

accomplished by elections commissions openly and publicly.

Elections commissions inform citizens about their work, creating polling areas (okrugov), polling districts (uchastkov), about the staff of election commissions, their location and time of work, lists of voters, list of political parties participating in election, forward the data on the deputy nominees and the results of voting and election.

Mass information media of the Republic of Uzbekistan give a coverage of the preparation and conducting of election.

Only one observer from each political party, representative authorities, initiative groups of voters nominated candidates to deputies, representatives of mass media, TV and radio, observers from other countries, international organizations and movements are entitled to take part in all activities related to the preparation and conducting of election, in the voting rooms in the day of election and in the course of calculation of votes. Their authorities are to be supported by the appropriate documents.

The concerned organizations and initiative groups of voters notify area (okrug) election commissions about their observers not less than fifteen days before election.

Area (okrug) election commissions within three days after notification of the concerned organization or initiative group of voters, delivers a mandate for the observer the sample of which is determined by the Central election commission of the Republic of Uzbekistan.

Observers are entitled:

- to attend the meetings on nomination of candidates to deputies and the sittings of area (okrug) and district (uchastkoviy) election commissions.

- to be present on polling station and observe the election preparation activity, installing and sealing the polling boxes, issuing the ballots to citizens;

- to be present during the votes counting and making records of proceedings for the district election commissions;

- to request and obtain copies of documents on the results of election certified by the appropriate election commission;

- to report the higher commission about their observation if there is a reason to think that the current Law was violated on the polling station.

Observers are (prohibited) forbidden:

- to be at the voting room at the time when a voter makes marks in his ballot;

- to influence upon voters and distribute any propaganda materials and literature;



ask voters who they voted for and in some way help voters to make marks in the ballot;

to interfere with the activity of the district election commission including sealing up of polling boxes, their opening and calculation of votes;

2) **in the second paragraph of article 9** the words “on election to Oliy Majlis” to be replaced with “of the Republic of Uzbekistan”;

3) **article 10** should be set forth as follows:

**“ Article 10. Creation of the Central election commission of the Republic of Uzbekistan**

The central election commission of the Republic of Uzbekistan should be created in accordance with the Law of the Republic of Uzbekistan “on the Central election commission of the Republic of Uzbekistan”;

4) **in item 6 of article 11** the words : “and representative authorities” are to be replaced with “representative authorities and initiative groups of voters”;

5) **article 13** should be supplemented with items 4 1 and 4 2 which are the following:

“4 1 ) should obtain from the authorized representatives of the initiative groups of voters signatory forms on collection of signatures in support of candidates to deputies, and check their being composed correctly.

4 2) should deliver to the authorized representatives of initiative groups of voters the dated receipt about obtaining of signatory forms in support of the candidate to deputy”;

6) **article 16** should be supplemented with **part one** which is the following:

“Members of area (okrug) election commissions shall be approved at recommendation of the Djokargi Kenes of the Republic of Karakalpakstan, regional and Tashkent city Councils of people deputies. Members of district (uchastkovyi) election commissions shall be approved at representation of the local authorities and self-government bodies”.

**Parts one, two, three, four and five** shall be respectively **parts two, three, four, five and six**;

7) **article 20** shall be set forth as follows:

“Political parties, Djokargi Kenes of the Republic of Karakalpakstan, regional and Tashkent city Councils of people deputies and citizens have right to nominate candidates to deputies of Oliy Majlis.

Political party may nominate candidates to deputies of Oliy Majlis only if it is registered in the Ministry of Justice not less than 6 months before the day of election and collected not less than fifty thousand voters’ signatures who support its participation in the election.

The fixed samples of signatory forms are delivered by the election commission after election was fixed.

In one of administrative and territorial units (Republic of Karakalpakstan, region, Tashkent) a political party may collect not more than eight percent of signatures out of fifty thousand voters.

In case of falsification (faking the) of signatories in the signatory forms (podpisnye listy) the Central election commission deprives political party of right to participate in elections”;

8) in **article 22**:

**the title** is to be designed in following edition:

**“Article 22. Initiating the candidates to the deputies of Oily Majlis by the political parties and representative authoritative bodies.”;**

to exclude **parts five, six, seven and eight**;

9) to add **articles 221 and 222**

**“Article 221. Initiating the candidates to the deputies of Oily Majlis directly by citizens.**

Any citizen or the group of citizens of the Republic of Uzbekistan who have the right to vote can create the initiative group, no less than 100 voters for initiating the candidates to the deputies of Oily Majlis.

Individual authorized (empowered) by initiative group submits the request to the relevant district election commission to register the group. Following is to be enclosed to the request:

the list of the members of the initiative group with their family names, first names, middle names, dates of birth, addresses and the passport numbers;

the records of the initiative group meeting decision to authorize the representative and the proxy made up in the order set up by law;

decision and the records of the initiative group of voters meeting on initiating candidate to the deputies, which specify his/her family name, first name, middle name, date of birth, profession, position (occupation), place of work, address and party membership.

District election commission makes sure that documents submitted match with law requirements and makes a decision on registration or not the initiative group of voters within five days after submitting.

After making the decision on registration of initiative group of voters authorized voter is given the registration certificate and the fixed samples of signatory forms.

If the area (okrug) election commission refuses to register the initiative group of voters it should give (provide) a motivated reason.

Initiative group of voters may collect signatures of voters in support of a candidate to deputy only after its authorized representative obtained a registration certificate.

Initiative group of voters which nominated a candidate to deputy shall collect in his support not less than eight percent of signatures out of the total voters of the area (okrug) if number of signatories is proportional in each mahalla, kishlak or aoul.

Sample of signatory forms is determined by the Central election commission. Surname, first name, middle name, date of birth, profession, position (occupation), place of work and residence and party membership of the candidate to deputy should be indicated in the signatory form.

Voter may sign once in support of only one candidate. For all this, voter shall indicate his surname, first name, middle name, year of birth (aged eighteen - additionally day and month of birth), address of the place of residence, series and number of passport and the date of signature.

Signatory form shall be certified by the member of initiative group of voters collected signatures with indication of his surname, first name, middle name, address of the place of residence, series and number of passport and by the authorized representative of initiative group of voters with the same data.

Signatures shall be collected at the place of work, service, study, residence, pre-election activities (measures) and other places where propaganda and collection of signatures is not prohibited by legislation. Any forms of compulsion and bribery of voters by the person collecting signatures shall lead to liability provided by law.

After the signatures are collected, the authorized representative of initiative group of voters shall hand over the signatory forms separately on each mahalla, kishlak and aoul to the appropriate area (okrug) election commission. Area election commission shall check if signatory forms were made in a correct way and within five days shall hand over the appropriate record of proceedings to the Central election commission.

## **Article 222. Documents to be forwarded to the Central election commission for registration of the candidates to deputies of Oliy Majlis.**

Leader of political party, representative authorities, authorized representative of initiative group of voters shall give an application requesting the Central election commission to register candidates to deputies. The following shall be attached to the application:

decision of the higher body of political party, Djokargi Kenes of the Republic of Karakalpakstan, regional, Tashkent city Council of people deputies, initiative group of voters to nominate candidates to deputies of Oliy Majlis;

records of the sitting of the higher body of political party, session of Djokargi Kenes of the Republic of Karakalpakstan, regional, Tashkent city Council of people deputies, meeting of initiative group of voters on nomination of candidates to deputies of Oliy Majlis in which surname, first name and middle name of the deputy candidate are indicated, date of birth, profession, position (occupation), place of work and residence, party membership, and also the name and number of a constituency;

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deputy candidate's application on the consent to be a candidate for a correspondent constituency;

an application to resign from the post for persons specified in item 2 of Article 23 of this Law in case they are elected deputies of Oli Mazhlis.

Any person who filed the documents shall be given a receipt by the Central Election Commission that shall specify the date and time of filing documents.

Within seven days period the Central Election Commission shall check the documents and provide its conclusion on the compliance of the filed documents with the requirements of this Law.

The Central Election Commission in accordance with the established procedure shall inform the leaders of the corresponding political parties, representative power bodies and authorized representatives of initiative voters' groups on the found disparity and deviations from the requirements of this Law;

10) paragraph 2 of item 1 of Article 23 shall have the following interpretation:

" earlier convicted citizens for the intentional crime";

11) in item 1 of Article 24 the words "in representative power bodies" shall be replaced with the words "representative power bodies, initiative voters' groups";

12) Article 25 shall be amended with item 5 with the following content:

" It shall be prohibited to carry out campaigning that includes providing to voters free of charge or on easy terms of commodities, services (with an exception for information ones) as well as money payments";

item 5 shall be considered as item 6 ;

13) in Article 28 the words " (with an exception for a taxi and registered trips of other transportation means)" shall be replaced with the words "(with an exception for the city public transport, taxi and registered trips of other transportation means)";

14) item 1 of Article 29 after the words "a representative power body" shall be amended with the words "an initiative voters' group";

15) Article 34 shall be amended with item 2 with the following content:

" The amount of voting- papers received by a precinct election commission shall not exceed the amount of voters included into the voters' list of a constituency for more than 0.5.%. Signatures of two members of a precinct election commission shall be put in the top right corner of a voting paper and they shall be stamped with a seal of a precinct election commission. Not

stamped by an election commission voting papers shall be not taken into account in counting";

16) in item 1 of Article 36 the figure "7" shall be replaced with "6";

17) in Article 39:

item 1 after the words " an election commission" shall be amended with the words " observers and trusted persons";

18) from item 1 Article 42 shall be excluded the words "in election of deputies to Oli Mazhlis";

item 2 of Article 43 shall have the following interpretation:

"Elected shall be considered a candidate to Oli Mazhlis deputies who in the course of a repeat elections received the largest amount of votes of voters participating in voting with regard to another candidate on condition that the amount of votes cast for such candidate exceeds the amount of votes cast against him/her";

20 ) item 2 of Article 44 shall be excluded;

21) from item 1 of Article 45 there shall be excluded the words "within a two-months period from the moment of a candidate's withdrawn";

22) Article 50 after the words "representatives of political parties" shall be amended with the words "members of voters' initiative groups".

XI. In the Law of the Republic of Uzbekistan of May 5, 1994 "On the election to oblast, rayon, and city Soviets of the peoples' deputies" (Vedomosti of the Supreme Soviet of the Republic of Uzbekistan, 1994, N 5, page 125):

1) the content of Article 6 shall have the following interpretation:

"The preparation and conducting of elections to oblast, rayon and city Soviets of peoples' deputies shall be carried out by election commissions openly and transparently.

Election commissions shall inform citizens on their activity, on the establishment of constituencies, election districts, on the composition of election commissions, their location and time schedule, acknowledge them with voters' lists, the list of participating in elections political parties, provide information of the deputies candidates, results of voting and elections.

Mass media of the Republic of Uzbekistan shall cover the course of preparation and conducting of elections.

One observer from a political party, representative power body, self-administration body of citizens, voters' initiative group nominating a candidate to a deputy, printed mass media, TV and radio representatives, observers

from other states, international organizations and movements shall have the right to participate in all actions for the preparation and conducting of elections, to attend the premises for elections on the election day and in counting of votes. Their authority shall be certified by a corresponding documents.

Interested organizations, initiative voters' groups shall declare their observers in the territorial election commissions not less than 15 days before the day of elections.

Any territorial election commission shall within 5 days after receipt of an application from an interested organization, voters' initiative group shall issue a mandate to an observer, the sample of which shall be established by a corresponding oblast, rayon, city election commission.

Any observer shall have the right:

to attend meetings on nomination of candidates to deputies, meetings of territorial and precinct election commissions;

to be present at an electoral district and observe the course of preparation, placement and sealing of ballot boxes for voting, issue of voting papers to citizens;

to be present at the calculation of votes and making of a protocol by a precinct election commission;

to request and receive certified by a corresponding election commission copies of documents on the results of elections;

to inform a superior commission of his/her observations if there are some grounds to consider that there were made some violations of this Law at an electoral district.

The voters shall not:

be present in a voting booth when a voter makes his/her marks in a voting paper; influence voters, distribute some campaigning materials and literature;

ask voters for whom they cast their votes or provide any assistance to voters making some marks in a voting paper;

interfere into the activity of a precinct election commission including the sealing of ballot boxes, their opening, calculation of votes";

2) in item 5 Article 11 the words "and self-administration bodies of citizens" shall be replaced with "self-administration bodies of citizens, voters' initiative groups";

3) Article 13 shall be amended with items 1/1 and 1/ 2 with the following content:

"1/1 ) shall accept from authorized representatives of voters' initiative groups signature lists for collecting signatures in support of a deputy candidate, check

its correctness;

1/ 2) shall issue to authorized representatives of voters' initiative groups a certificate on receipt of signature lists in support of a deputy candidate with a date on it";

4) Article 16 shall be amended with items 1 and 2 with the following content:

" Members of an oblast and a territorial election commissions for elections to oblast Soviet of peoples' deputies shall be approved upon a recommendation of rayon and city Soviets of peoples deputies.

Members of rayon, city and territorial election commissions for elections to a rayon, city Soviet of peoples deputies, as well as members of precinct election commissions shall be approved upon a recommendation of self-administration bodies of citizens".

Items 1, 2, 3, 4 and 5 shall be correspondingly considered as items 3, 4, 5, 6, and 7.

5) In Article 20:

Item 1 after words "city Soviets of peoples deputies" shall be amended with the words "directly citizens";

Item 2 shall have the following interpretation:

"The right to nominate candidates to rayon, city Soviets of peoples deputies shall have political parties, bodies of self-administration of citizens and citizens directly";

6) In Article 22

The name shall be as following:

"Article 22. Nomination of candidates to deputies by political parties, representative power bodies and bodies of self-administration of citizens";

items 7, 8, 9 and 10 shall be excluded;

7) amend with Articles 22/ 1 and 22/ 2 with the following content:

Each citizen or a group of citizens of the Republic of Uzbekistan enjoying a voting right can make an initiative group of voters with an amount of not less than fifty voters of a corresponding constituency for nomination of a candidate to become a deputy to an oblast, rayon, city Soviet of peoples deputies.

An authorized representative of an initiative voters' group shall file an application with a corresponding oblast, rayon, city election commission with a request to register a group. The application shall be enclosed with:

a list of an initiative voters' group members that shall specify their

family, first and second names, dates of birth, addresses of their residence, series and numbers of their passports;

a decision of a meeting of a voters' initiative group on an appointment of an authorized representative and his/her power of attorney issued in accordance with the established by the Law procedure;

a decision and a protocol of a meeting of voters' initiative group on the nomination of candidate to a deputy that shall specify his/her family, first and second names, date of birth, profession, position (occupation), place of work and residence, party membership.

After having determined that the filed documents are in compliance with the requirements of this Law, a corresponding oblast, rayon, city election commission within 5 days after the receipt of the documents shall take a decision on the registration of a voters' initiative group or a decision on a rejection to register such group.

After a decision is taken to register a voters' initiative group, an authorized representative shall be issued a relevant registration certificate and shall be given signature lists forms of the established design.

If a decision is taken to reject registration of a voters' initiative group a corresponding oblast, rayon, city election commission shall provide it with a motivated respond.

Any voters' initiative group shall have the right to collect voters signatures in support of a candidate to a deputy only after its authorized representative receives a registration certificate.

Any voters' initiative group that nominated a candidate to a deputy shall collect in his/her support not less than 8 % of signatures of the total amount of voters on condition of a proportional distribution of the amount of citizens who put their signatures in each makhalla, kishlak or aul.

Any signature list form shall be established by a relevant oblast, rayon, city election commission. Any signature list shall specify the family, first and second names, date of birth, profession, position (occupation), place of work and residence, party membership of a candidate to a deputy.

Voters shall be authorized to put their signatures only once in support of only one candidate. While doing it a voter shall specify the family, first and second names, date of birth, profession, position (occupation), place of work and residence, passport number and series and the date when he/she put his/her signature.

Any signature list shall be certified by voters' initiative group member who collected signatures who shall specify his/her family, first and second names, date of birth, profession, position (occupation), place of work and residence, passport series and number as well as an authorized representative of the voters' initiative group who shall specify the same information.



The collection of voters signatures shall be made at the place of work, service, studying, residence in the course of campaigning actions as well as in other places where campaigning is not prohibited by the legal acts. Any forms of voters' compulsion and bribery on behalf of a person collecting signatures shall lead to a responsibility established by the Law.

After completion of signatures collection an authorized representative of a voters' initiative group shall file signature lists made separately according to each makhalla, kishlak or aul with a corresponding territorial election commission. Any territorial election commission shall check the correctness of signature lists and within a five day period shall file a protocol with a corresponding oblast, rayon, city election commission.

Article 22/ 2 Documents filed with an oblast, rayon, city election commission for a registration of candidates to deputies

The leader of a corresponding body of a political party, rayon, city Soviet of peoples deputies, a body of self-administration of citizens, authorized person of an initiative voters' group shall file an application with a corresponding oblast, rayon, city election commission with a request to register candidates to deputies. The application shall be enclosed with:

a decision of a corresponding body of a political party, rayon, city Soviet of peoples deputies, meeting of citizens (representatives), voters' initiative group on a nomination of candidates to deputies;

a protocol of a meeting of a corresponding body of a political party, session of a rayon, city Soviet of peoples representatives, meeting of citizens (representatives), meeting of an initiative voters' group on a nomination of candidates to deputies that shall specify the family, first and second names of a candidate to deputies, his/her date of birth, profession, position (occupation), place of work and residence, party membership and the number of a constituency;

a candidate to a deputy's application on his/her consent to run for a relevant constituency;

an application with a request to resign from the occupied position for persons specified in item 2 of Article 23 of this Law in case he/she is elected as a candidate.

Any person who filed the documents shall be given a receipt that shall specify the date and time of filing documents by a corresponding rayon, city election commission.

The relevant oblast, rayon, city commission within 7 days shall check the documents and provide a conclusion on a compliance of the filed documents with the requirements of this Law.

Any oblast, rayon, city election commission shall according to the established

order inform the leaders of corresponding bodies of political parties, rayon and city Soviets of peoples deputies, bodies of self-administration of citizens and authorized representatives of voters' initiative groups on the found disparity and deviations from the requirements of this Law";

8) paragraph 2 of item 1 of Article 23 shall have the following interpretation:

" earlier convicted citizens for the intentional crime";

9) in item 1 of Article 24 the words "bodies of self-administration of citizens" shall be amended with the words " initiative voters' groups";

10) Article 25 shall be amended with item 6 with the following content:

" It shall be prohibited to carry out campaigning that includes providing to voters free of charge or on easy terms of commodities, services (with an exception for information ones) as well as money payments";

item 6 shall be considered as item 7 ;

11) in Article 27 the words " (with an exception for a taxi and registered trips of other transportation means)" shall be replaced with the words "(with an exception for the city public transport, taxi and registered trips of other transportation means)";

12) item 1 of Article 28 after the words "a body of self-administration of citizens" shall be amended with the words "an initiative voters' group";

13) Article 33 shall be amended with item 2 with the following content:

" The amount of voting- papers received by a precinct election commission shall not exceed the amount of voters included into the voters' list of a constituency for more than 0.5.%. Signatures of two members of a precinct election commission shall be put in the top right corner of a voting paper and they shall be stamped with a seal of a precinct election commission. Not stamped by an election commission voting papers shall be not taken into account in counting";

14) in item 1 of Article 35 a figure "7" shall be replaced with a figure "6";

15) in Article 38:

item 1 after the words " an election commission" s hall be amended with the words " observers and trusted persons";

item 5 after the words " an form of a voting paper" shall be amended with the words "the procedure of printing, dates of delivery of voting paper to electoral districts";

16) item 2 of Article 42 shall have the following interpretation:

"Elected shall be considered a candidate who in the course of a repeat

elections received the largest amount of votes of voters participating in voting with regard to another candidate on condition that the amount of votes cast for such candidate exceeds the amount of votes cast against him/her";

17 ) item 3 of Article 43 shall be excluded;

18) from item 1 of Article 44 there shall be excluded the words "within a two-months period from the moment of a candidate's withdrawal";

19) Article 49 after the words "bodies of self-administration of citizens " shall be amended with the words "members of voters' initiative groups".

## **SUGGESTED DISCUSSION TOPICS FOR THE ELECTION LAW ROUNDTABLE**

A wide-ranging discussion on the following topics would be useful to stimulate thought and action on how the drafters might further improve the election law. Specific suggestions on how to improve the proposed amendments are set forth in the above analysis. General and wide-ranging suggestions for improvement in the election law are set forth in the IFES Analysis prepared by Ms. Edgeworth, and are collected for convenience in Appendix A of that document.

### ***Ballot Access:***

What steps can be taken to minimize the obstacles which all candidates must clear to obtain registration? How many of these steps should be written into the law? Are some of these steps better addressed using regulations issued internally by the CEC? What is an appropriate level of support which all candidates must demonstrate (through signature petitions or otherwise) before being entitled a place on the ballot and consequent state funding of their election campaign?

### ***"Levelling the Playing Field":***

Are there any good policy reasons to continue a system which discriminates against some candidates depending on which entity nominated them? Is there a way to devise a system in which all candidates must meet the same requirements for ballot access regardless of which entity nominated them? Should some or all candidates who already occupy government positions be required to step down from office during the period of the campaign? Are there adequate safeguards written into the law to prevent candidates who already hold government office from using the status or resources of their official posts in ways which give them an unfair advantage vis a vis other candidates?

### ***Political Party Development:***

Is it a policy goal to encourage the development of political parties which exercise a meaningful role in the electoral process? If so, what mechanisms can be inserted into the law to encourage the development of political parties? Are there items in the current law which should be deleted in order to encourage the role of political parties? (For example, if only political parties and citizen initiative groups had the right of nomination, the importance of political parties would increase.) Is it worth providing some funding to political parties (independent of that provided to candidates) so that the parties can publicize their general positions on the issues? Should political parties be permitted to accept contributions directly from the citizens or other legal entities in order to publicize their message?

### ***Helping to Ensure a Workable Majlis:***

Is it a policy goal to discourage an elected Majlis which is composed of many representatives of fringe political parties or many candidates without party affiliation? If so, what system of elections will encourage candidates from across the political spectrum to participate in the

campaign but will help ensure that a Majlis with a workable (centrist) political majority is ultimately elected? Is there a fairer means of accomplishing this without the current 5% threshold requirement? If the 5% requirement is retained, how can it be administered without discriminating against those candidates who run for election on a party platform while posing no obstacle to seating those who are elected without party affiliation?

***Standardization of Common Procedures:***

Which election procedures are common to all types of elections and referenda? (Some examples may be: Rules for gathering signatures, preparation of voter lists, polling, vote counting, etc.) Should these common provisions be made a part of a separate law on election administration to which all specialized election laws can refer? If not, what steps can be taken to ensure standardization of procedures among the separate laws for each type of election and referenda?

***Improving of Election Administration:***

What steps can be taken to lessen the need for frequent elections and repeat elections? Should the minimum turnout requirement be lowered or abolished for all elections? Should various types of elections and referenda be combined into one poll? Can the system of "negative voting" be eliminated in order to reduce voter confusion and to make ballot counting simpler? Are there alternative means of appointing election commissions which will increase the accountability of all levels of the system to the CEC? Are there some additional activities which the CEC should be required to perform in order to ensure that critical issues of election procedure are administered fairly and equally across the entire territory of Uzbekistan (e.g. candidate registration)?

***Scheduling:***

Do the various dates set into the law provide realistic time frames for the preparation and conduct of all elections, including repeat, run-off and special elections? How does the 6-month advance registration requirement for political parties work to prevent them from participating in some elections? Is this intentional?

***Funding:***

Should alternatives to 100% state funding be explored? If so, what accounting and other controls should be placed on campaigns?