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Unofficial translation
By the ODIHR Election Section

LAW OF TURKMENISTAN ON CENTRAL COMMISSION ON ELECTIONS AND REFERENDA

This Law determines the order of formation, powers and organisational-legal forms of the Central Election Commission's (CEC) activity in Turkmenistan.

Article 1.

CEC, within the framework of its powers, organises elections of the President of Turkmenistan, People's Representatives (халк векиллери), **Deputies of the Mejlis**, members of Gengeshis; it also organises the national referenda (hereinafter referred to as elections and referenda). CEC monitors on the whole territory of Turkmenistan the implementation of the laws on election and referendum.

CEC heads the system of the election commissions, which operate within the period of preparations and during elections and referenda.

CEC is a permanent body, has its own seal with the national emblem and with its name.

ARTICLE 2. THE GENERAL PRINCIPLES OF THE CENTRAL COMMISSION

The general principles of the Central Commission are the observance of law, independence, **impartiality**, collective decisions, openness and publicity.

The Central Commission in its work shall be guided by the Constitution of Turkmenistan, the present Law and other statutory instruments of Turkmenistan and shall not be connected with decisions of political parties and other public associations. Direct or indirect influence on the Central Commission and its members, connected with the performance of powers assigned to the Central Commission, shall be prohibited and legally liable.

On its activities CEC should report to the Mejlis of Turkmenistan.

ARTICLE 3. THE FORMING OF THE CENTRAL ELECTION COMMISSION

The Central Commission shall be **formed by the Mejlis of Turkmenistan** and comprised of a Chairman, two deputy Chairmen, a Secretary and 11 members, (chosen) from Turkmen citizens with experience in organising and conducting elections and referenda. *The above shall be elected and removed by the Mejlis of Turkmenistan.*

Velayat Hyakims, the Hyakim of Ashgabat, Political Parties and Social Organisations shall have the right to recommend to the Mejlis of Turkmenistan candidates for the Central Commission. (now: Candidatures are proposed by the President of Turkmenistan, Velayat Hyaldms, the Hyakim of Ashgabat, Political Parties and Social Organisations.

Candidates for Turkmenistan Presidential, People's Representatives (Halk Vekilleris), Mejlis and Gengeshi elections, as well as agents of candidates for Presidential, People's Representatives (Halk Vekilleris) and Mejlis elections in shall not have the

right to become members of the Central Commission. The powers of a member of the Central Commission shall expire immediately in case of his registration as a candidate or an agent of any of the above, or as a result of obtaining a status incompatible with membership in the Central Commission.

The Chairman, Deputy Chairmen, the Secretary and members of the Central Commission shall be removed by the Mejlis of Turkmenistan in case of :

1. *a written resignation;*
2. *a loss of Turkmen citizenship;*
3. *a systematic failure to perform official responsibilities;*
4. *commitment of an act, discrediting the Central Commission;*
5. *conviction by court.*

Election of removed and resigned members of the Central Commission shall be undertaken following the procedure described in this article.

A member of the Central Commission, belonging to a political party, shall suspend his membership in the party and shall not participate in activities of the party or undertake any work on its behalf for the period of his work at the Central Commission. (now: not there).

ARTICLE 4. THE POWERS OF THE CENTRAL COMMISSION

The Central Election Commission:

1. shall monitor on the whole territory of Turkmenistan the implementation of laws on elections and the referendum; shall secure its unified application; within its powers shall take decisions binding on the whole territory of Turkmenistan;
2. shall prepare for and conduct elections and referenda;
3. shall form and publish in the mass media (lists of) electoral and referendum districts with the definition of their boundaries and centres; *shall set the average number of electors (option: population) per electoral district in Turkmenistan; (not there)*
4. *shall produce an estimated cost of an electoral campaign or a national referendum and shall present it to the Mejlis of Turkmenistan; (not there)*
5. (4) shall form electoral commissions of Velayats and the city of Ashgabat;
6. (5) shall lead the work of territorial, district and station electoral and referendum commissions; shall listen to their reports; shall provide **legal, consultative, informative**, training, organisational and technical assistance to such commissions; *shall, if necessary, take decisions on matters related to the powers of a subordinate commission; (not there)*
7. (6) shall take decisions on the voting procedure for Turkmenistan nationals overseas; on recommendation of the Ministry of Foreign Affairs of Turkmenistan shall assign polling stations located overseas to administrative units or electoral districts in Turkmenistan ;
8. *shall register:*
 - *initiative groups of citizens for nominations for Turkmenistan Presidential elections;*
 - *candidates for Turkmenistan Presidential elections and their agents; the Central Commission shall issue appropriate identification documents to the above;*

- *initiative groups of citizens for a national referendum and the agenda for a referendum;*
 - *election blocs formed by political parties and public associations at elections; (not there)*
9. (7) shall secure the observance of equal legal conditions for candidates for Turkmenistan Presidential, People's Representatives (Halk Vekilleris), and Mejlis elections, political parties, public associations and election blocs in election campaigns.
 10. (8) shall define the procedure of using government mass media in election campaigns; **(informs the population on the preparations procedure for elections or referenda).**
 11. (9) **on recommendation of the Ministry of Foreign Affairs of Turkmenistan shall accredit at the Central Commission observers of foreign governments and international organisations for elections and referenda; shall define the period of their accreditation; shall issue identification documents of a set format to them;**
 12. (10) *shall produce and approve an estimated cost of an election or referendum within the national budget allocation; shall allocate financial resources to electoral and referendum commissions; shall control the appropriate use of the resources, and shall procure commissions with premises, transport and communication means and materials; shall report to the Mejlis of Turkmenistan on expenditure of resources allocated from the budget for elections and referenda; (more simple: shall provide with all this, without mentioning budget)*
 13. (11) shall set the time of the poll on the polling day;
 14. (12) shall establish the format of ballot papers and absent voter opinion sheets, lists of electors, minutes of electoral (referendum) commissions meetings, samples of ballot boxes and seals of commissions; shall publish election and referendum documents; shall design the procedure of keeping election and referendum documents;
 15. (13) shall listen to reports of government and public bodies on matters related to elections and referenda;
 16. (14) in case of a joint election and referendum poll shall confirm that lists of eligible voters for an election and referendum, polling stations, electoral territorial, district and station commissions are the same for the election and referendum;
 17. (15) shall sum up the results of an election or referendum; shall publish announcements on them in the mass media; (16) shall register elected President of Turkmenistan, People's Representatives (Halk Vekilleris), Deputies of the Mejlis and shall print public announcements on the above;**(new point now)**
 18. *shall issue an identification document to the elected President of Turkmenistan. The Chairman of the Central Commission shall entrust to the President the identification document and standard of the President of Turkmenistan;*
 19. *shall issue a temporary identification document to an elected Deputy of the Mejlis upon public announcement in the mass media; (not there)*
 20. (17) shall take decisions on a repeated poll in an election or referendum;
 21. (18) shall take decisions on a repeated poll in a Presidential, People's Representatives (Halk Vekilleris) and Mejlis election;

22. (19) shall announce and hold elections of resigned and relieved people's representatives (Halk Vekilleris) and Deputies of the Mejlis;
23. (20) shall announce and hold elections of a Gengeshi in case of dissolution of a Gengeshi;
24. *in accordance with the number of electors (option: population) in an administrative unit shall define the number of Mejlis mandates for the administrative unit; (not there)*
25. (21) shall validate if a candidate for a presidential election meets the requirements of the constitution and statutory instruments;
26. (22) shall consider appeals and complains on decisions and acts of an election or referendum commission and shall take decisions on them;
27. (23) shall form working groups and other bodies for organizational, legal and technical support of an election or referendum;
28. (24) shall maintain and develop connections with foreign government bodies and international organisations, responsible for elections and referenda;
29. (25) shall undertake other responsibilities assigned to the Central Commission by statutory instruments of Turkmenistan.

ARTICLE 5. PRINCIPLES OF THE CENTRAL COMMISSION (Writes: ORGANISATION OF WORK OF THE CEC)

The work of the Central Commission shall be undertaken on the basis of joint decision making, free and open discussion; the Central Commission shall take decisions within its powers.

Meetings of the Central Commission shall be summoned perforce by the Chairmen, and also on demand of at least one third of its members and shall be chaired by the Chairman, and in his absence or on his behalf by a Deputy Chairman of the Central Commission.

A meeting of the Central Commission shall be considered competent if at least two thirds of its members are present. Decisions of the Central Commission shall be taken by a majority of votes in an open vote; decisions shall be in the form of resolutions. In case of equality of votes the vote of the Chairman shall be considered decisive. The Chairman and in his absence a Deputy Chairman and the Secretary of the Commission shall sign Resolutions of the Central Commission.

In case of valid absence of the Chairman, his Deputies or the Secretary of the commission, their responsibilities may be delegated on a decision of the Central Commission to other Commission members.

On decision of the Central Commission Deputy Chairmen, the Secretary and members of the Commission may be released from their professional responsibilities at preparatory stages, during an election or referendum and in other cases defined by this law and shall be entitled for a remuneration from the resources allocated for the election or referendum.

The Chairman of the Central Commission shall organise the work of the Commission and its staff, shall hire and release its staff and shall take the full financial responsibility for the allocated resources. (not there)

Decisions of the CEC, whenever necessary, should be made public or brought into attention of the population in some other way.

ARTICLE 6. THE BINDING FORCE OF CENTRAL COMMISSION DECISIONS

Decisions of the Central Commission taken within its powers shall be binding to all government and public bodies, enterprises, agencies and organisations.

Decisions of the Central Commission on matters connected with the realization of the electoral rights of the citizens of Turkmenistan may be appealed against in the Supreme Court of Turkmenistan *in cases envisaged by laws of Turkmenistan. (not there)*

ARTICLE 7. SUPPORT FOR THE WORK OF THE CENTRAL COMMISSION

The Central Commission shall have the right to hold permanent staff; the number of such staff shall be established by the Cabinet of Ministers of Turkmenistan on recommendation of the Chairman of the Central Commission. At the preparatory stage and during an election or referendum the Chairman of the Central Commission shall have the right to enlarge staff on a temporary basis within allocated resources.

The Chairman, Secretary and staff of the central commission, except for support staff, shall be on public service.

The remuneration, social protection, medical and other support to the Chairman, Deputy Chairmen, Secretary and members of the Central Commission shall be provided in the way defined by laws of Turkmenistan

ARTICLE 8. THE FINANCING OF THE CENTRAL COMMISSION

The overall volume of financing of the Central Commission shall be indicated in a separate entry in the National Budget.

An estimated expenditure of the Central Commission within the allocated amount shall be approved by a resolution of the Commission.

ARTICLE 9. ENFORCEMENT OF THE LAW

This Law shall come into force upon its publication. (not there).

as follows:

ARTICLE 7. SUPPORT FOR THE WORK OF THE CENTRAL COMMISSION

Organisational, legal, technical, informative support for the activity of the CEC is provided by the Mejlis of Turkmenistan.

The financing of the activity of the CEC is provided by the State budget of Turkmenistan.

PRESIDENT OF TURKMENISTAN
Ashgabad, 30 April 1999

SAPARMURAT TURKMENBASHI