

The Constitutional Law of the Republic of Tajikistan

"On Elections to the Majlisi Oli of the Republic of Tajikistan"

(Adopted on December 10, 1999, amended as of July 26, 2014)

Acronyms:

CCER - the CCER;

DEC - district election commission for elections of deputies of the Majlisi Namoyandagon;

PEC - PEC for the elections of deputies to the Majlisi Namoyandagon;

1. GENERAL PROVISIONS:

Article 1. Relations, regulated by this Law

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

Article 1.1. Legislation of the Republic of Tajikistan on Elections to the Majlisi Oli of the Republic of Tajikistan (amended as of 26.07.2014)

Legislation of the Republic of Tajikistan on Elections to the Majlisi Oli of the Republic of Tajikistan is based on the Constitution of the Republic of Tajikistan and consists of this constitutional law, other normative acts of the Republic of Tajikistan and international treaties ratified by Tajikistan.

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

Majlisi oli of the Republic of Tajikistan consists of two chambers –Majlisi Milli and Majlisi Namoyandagon.

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

Elections of deputies to Majlisi Namoyandagon are conducted on the basis of universal, equal and direct suffrage, by secret voting and by combined system of elections in which no quota is prescribed.

Participation in elections is free and voluntary.

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

Article 4. The universal suffrage

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

In Majlisi Milli and Majlisi Namoyandagon are appointed and elected citizens who meet the requirements of the Constitution of the Republic of Tajikistan and the present Law and residing in the territory of the Republic of Tajikistan not less than five last years.

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

The Constitution and the present Law determine the order and conditions for being elected and the disparity of posts occupied by citizens, with the status of member of Majlisi Milli and deputy of Majlisi Namoyandagon.

Article 5. Equal suffrage

Electorates participate in elections on the basis of equal right.

Article 6. Direct and indirect suffrage

People's deputies to Majlisi Namoyandagon are elected directly by the citizens of the Republic of Tajikistan.

The deputies of the local representative bodies elect members of the Majlisi Milli.

Article 7. Secret Voting

Voting at the elections of members of Majlisi Milli and deputies of Majlisi Namoyandagon is secret. Interference to the will expression of citizens is prohibited.

Article 8. Publicity while preparing and conducting elections to Majlisi Milli and Majlisi Namoyandagon

Preparation and conduction of elections of the members of Majlisi Milli and deputies of Majlisi Namoyandagon is implemented by election commissions in a transparent and open way.

Election commissions inform population about their work, formation of electoral precincts, on composition, location and working hours of election commissions, acquaint people with voters lists, list of political parties contesting the elections, provide information about candidates, voting and elections results.

Representatives of print media, television and radio are entitled to be present at the sessions of the election commissions, be present in voting premises, inform about preparation and conduction of elections as well as about the decisions of the election commissions.

Article 8(1). Status and authorities of national observers

Political parties, which have nominated their candidates, and self-nominated candidates in accordance with a defined procedure are entitled to appoint national observers, to implement observation in the voting premises on election day.

National observers have right to:

- Get familiarized with voter list;
- Be present in the voting premises from the beginning till the end of the work of the PEC;

- Observe issuing of ballots to voters;
- Be out of voting booths during voting;
- Observe the process of canceling unused invalid ballots, ballots that are in ballot boxes, of counting of votes in conditions enabling observation of the ballot counting.
- Be familiarized with the results protocols of the PECs and with protocols of the district election commissions on results of elections.
- appeal a decision, action (inaction) of an election commission to the higher level commission or to the court.
- Be present during the recounting of votes in relevant election commissions.

National observers have no right to:

- Issue ballots to voters.
- Sign voter list for receiving ballot by request of voter.
- Fill a ballot by request of voter.
- Commit any action, which interferes secrecy of the voting.
- Directly participate in counting of ballots, implemented by members of election commission.
- Commit any action, that hurdles the work of election commission, or participate in decision-making of the relevant election commission.

Article 8(2). Status and authorities of International observers

International observers are invited with the purpose to monitor the elections and its conduction in a transparent and public condition.

The activities of international observers are regulated in accordance with the present Law, other normative legal acts of the Republic of Tajikistan and relevant international instruments.

In accordance with the established procedure, international observers get permission and are accredited in the CCER of the Republic of Tajikistan (CCER) on base of the invitation. Invitation is sent by relevant bodies of the Republic of Tajikistan after the official promulgation of the decision on the appointment of the elections date.

The CCER issues determined identification cards to international observers. The mentioned identification card empowers the international observer to implement observation in the period of preparation and conduction of elections.

Within the territory of the Republic of Tajikistan, international observers are subject to protection of the Republic of Tajikistan.

International observers implement their activity independently and freely. Material and financial provision of their activity is covered by the side, that sends them or on their own accounts.

International observers have right to:

- Obtain documents, which regulate the process of elections and obtain necessary information and copies of electoral documents in the precinct election stations.
- Be in contact with political parties and individual candidates, who participate in the elections.
- Freely attend any polling station or voting premises, including on day of elections.
- Observe the process of voting, counting of votes and determining the outcomes in condition that provide visibility of ballot counting.
- Get familiarized with the results of considered complaints (statements) and remarks with regard to violation of electoral legislation.
- Inform representatives of the election commissions about their observation without intervening in their work.
- Freely express their point of view about preparation and conduction of elections after the elections.
- Submit their conclusion on observation of election process to CCER.

International observers have no right to:

- Be present in the polling booth, when a voter fills ballot paper.
- Influence voters disseminate any kind of agitation material and literature.
- Express any advantages of political parties, candidates or procedure of conducting of elections.
- Ask voters to whom they are going to vote.
- In their conclusions use the facts that are not well-grounded and not based on documents and which are not subject to inspection.
- Use their status to commit actions, that don't relate to the observation of election process.

In case of violation of Laws of the Republic of Tajikistan, commonly accepted principles and norms of international rights by international observers, the CCER annuls the accreditation of international observers.

International observers are obliged to:

- Observe the Constitution, Laws of the Republic of Tajikistan and international acts.
- Carry their identification cards accredited as international observers with themselves and present it by request of the election commissions.

- Accomplish their duties on the basis of principles of political neutrality, impartiality abstain from expressing any advantages, assessment of election commissions, state bodies and other organs, officials and other participants of election process.
- Not interfere the electoral process.
- make conclusions on the basis of observation and factual materials

Article 9. Financing of elections

Means for preparation and conduction of elections of members to Majlisi Milli and deputies to Majlisi Namoyandagon are allocated from the republican budget.

Candidates of Majlisi Namoyandagon and political parties, who participate in the elections, establish their electoral fund for financing the elections. The electoral funds of candidate and political parties are kept in the temporal bank account of “Amonatbank”- the State savings Bank of the Republic of Tajikistan and its departments. The mentioned electoral funds are used only for conducting the elections and by disposal of candidate and political parties.

“Amonatbank” - the State savings Bank of the Republic of Tajikistan and its departments open special temporary bank accounts for organizing electoral funds of candidates and political party on the basis of written notification of the relevant election commission. Profit is not to be withdrawn from these means. Electoral fund of candidate and political party are formed from account:

- Electoral funds allocated by the relevant election commissions.
- Personal funds of candidate, not exceeding 500 (five hundred) measures of calculation.
- Electoral funds of political party nominating a candidate to a single mandate constituency not exceeding 500 (five hundred) measures of calculation.
- Electoral funds of a political party nominating the list of candidates to the nationwide electoral constituency not exceeding 10,000 (ten thousand) measures of calculation.
- Donations of physical persons and legal entities.

Donations of physical persons to electoral funds of candidates shouldn't exceed 50 (fifty) and to the electoral fund of political party, it shouldn't exceed 100 (one hundred) measures of calculation. Charity funds of legal entities for electoral funds of candidates shouldn't exceed 100 (one hundred) and to the electoral fund of political parties, it shouldn't exceed 500 (five hundred) measures of calculation.

The maximum size of the electoral fund of a candidate shouldn't exceed 1500 (one thousand five hundred) and the one of a political party 30,000 (thirty thousand) measures of calculation.

Donations to the electoral fund of a candidate and a political party is prohibited by the following legal entities and physical persons:

- Foreign countries and foreign legal entities.
- Foreign citizens and stateless persons.

- Citizens of the Republic of Tajikistan that haven't reached age of 18.
- Legal entities that are established with participation of foreign investments.
- International organizations and international public movements.
- Local bodies of state government and local self-governments of villages (am. as of 14.03.2014).
- State organizations and organizations, where the share of state exceeds 30 per cent.
- Military units and other military structures and law enforcement bodies.
- Religious and charity organizations and organizations established by them.
- Contributions from unknown persons.

In cases of contribution to the electoral funds of candidates and political parties by legal entities and physical persons, who have no right to do so, or contributions of physical persons and legal entities exceed the limit provided in this article, such contributions are completely transferred to the republican budget according to the decision of the CCER. (am. as of 14.03.2014)

The state saving bank of the Republic of Tajikistan – “Amonatbank” and its departments by demand of the relevant election commission are obliged to inform the commission on the wire transfer to the electoral funds and expenditure of candidate and political organization.

All financial operations from the electoral accounts of candidate and political party are suspended one day prior to the elections.

The CCER determines the form of financial reports of election commissions on income and expenditures, and financial reports of candidate and political parties on wire transfer to their electoral fund and its expenditure.

Candidate and political parties return remaining means allocated from the budget to the relevant election commission not later than 30 days after the elections. Remainders of electoral funds of candidate and political party established from the personal means of candidate, political parties, physical persons and legal entities are returned to the contributors proportionally.

The CCER implements control over proper utilization of means allocated to relevant election commissions for administering elections, sources of correct recording and purposeful utilization of electoral funds by candidate and political parties.

Candidate and political party cannot use other means for conduction of elections except the electoral funds of candidate and political party. If a candidate or political party uses other sources but the means of the electoral funds of candidate and political party, the relevant election commission can cancel decision on registration of candidate and submitted list of candidates of political party.

Using state property and means not prescribed by law is prohibited.

II. ELECTION COMMISSIONS

Article 10. System of election commissions

To organize and conduct elections of members of the Majlisi Milli and deputies of Majlisi Namoyandagon the following election commissions are formed:

CCER.

District election commissions for elections of members of the Majlisi Milli.

District election commissions for elections of deputies of the Majlisi Namoyandagon (DECs).

PECs for the elections of deputies to the Majlisi Namoyandagon (PECs).

Election commissions are independent from any state bodies in their activity. Resolutions and other official acts of the election commissions, passed within their authority, are obligatory for all government bodies, local self-government, political parties, public associations, organizations and officials, candidates, voters and also for the lower election commissions.

Resolutions of election commissions contradicting the Constitution, the present Law and other normative and legal documents of Republic of Tajikistan, or those passed beyond their authority are cancelled by the higher election commission or by the court.

Formation and activity of other structures (organs, organizations) that substitute the election administration, completely or partially fulfil their responsibilities, or interfere their legal activities, or illegally intervene in their activities, or take their status and competencies is prohibited.

Article 11. Formation of the CCER

The CCER administers the system of election commissions of the Republic of Tajikistan and is legal entity and permanent body. Office term of the CCER is five years. The term ends when new members of the CCER are elected.

The CCER consists of a chairman, deputy chairman and 13 members.

Majlisi Namoyandagon elects the Chairman, deputy chairman and members of the CCER by proposal of the President of the Republic of Tajikistan within three days after the date of elections has been set.

The CCER publishes information on its staff, address and telephone numbers in the official media of the Republic of Tajikistan.

The CCER has its own staff.

Expenses of the CCER and its staff are covered from the Republican budget.

Article 12. Authority of the CCER

The CCER has the following authorities:

- 1) Implements control over execution of the present Law and secures its equal application throughout the territory of the Republic, within its authority issues instructions and interprets the implementation procedure of the present Law.
- 2) Forms single-mandate constituencies for the elections of deputies to the Majlisi Namoyandagon and gives them names and numbers.
- 3) Forms district election commissions for the elections of members of the Majlisi Milli and deputies of the Majlisi Namoyandagon and publishes information on their location.
- 4) Organizes the work of election commissions, determines the order of altering their staff; cancels resolutions of district election commissions on elections of members of the Majlisi Milli and deputies of the Majlisi Namoyandagon by its own or by proposal of the Prosecutor General of the Republic of Tajikistan in cases these resolutions contradict the present Law.
- 5) Resolves issues on including polling stations formed outside the Republic of Tajikistan to constituencies.
- 6) Creates equal conditions for candidates to participate in pre-election campaign.
- 7) Allocates funds to district election commissions, controls providing of election commissions with premises, transport and means of communication and settles other questions concerning the logistical support of elections.
- 8) Determines the form of ballots on elections of the members of Majlisi Milli and deputies of Majlisi Namoyandagon, voter lists, protocols of sessions of election commissions and other election related documents, the samples of ballot-boxes and seals of election commissions and the order of storage of election documents.
- 9) Prepares ballots for elections of the members of Majlisi Milli and the deputies of Majlisi Namoyandagon for all constituencies.
- 10) Listens to reports of heads of Ministries, State Committees, and state bodies under the Government of the Republic of Tajikistan, local executive bodies, local self-government bodies, and representatives of political parties on the preparation and conduction of elections.
- 11) Determines the order of participation of national observers, international observers, representatives of local and foreign media, and provides them with necessary documents.
- 12) Registers the list of candidates from political parties nominated in the single all-republican constituency and their proxies.
- 13) Issues appropriate certificates to the candidates registered in the single all-republican constituency and to the proxies of political parties.
- 14) Sums up the results of elections throughout the country, registers the elected deputies, and publishes reports on the results of elections and list of the elected members of Majlisi Milli and the deputies of Majlisi Namoyandagon.
- 15) Solves issues with regard to repeat elections of the members of Majlisi Milli and the deputies of Majlisi Namoyandagon.

16) Sets the date of elections for Majlisi Namoyandagon and members of Majlisi Milli to fill the seats of those quitted and provides their conduction.

17) Considers applications and complaints about decisions and actions of election commissions and makes decisions on them.

18) Provides submission of documents related to organization and conduction of elections to the archives.

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

Article 13. Formation of district election commissions

District election commissions on elections of members to Majlisi Milli and deputies to Majlisi Namoyandagon are:

1. District election commission on elections of members to Majlisi Milli.
2. District election commission (the CCER) on elections of deputies to Majlisi Namoyandagon from the single nationwide constituency.
3. DEC's in single-mandate constituencies.

District election commissions of Autonomous Mountainous Badakhshan Oblast (GBAO), oblasts, Dushanbe city, cities of republican significance and districts of republican subordination (cities and districts of republican subordination) are formed by the CCER not later than two months prior to elections of members of Majlisi Milli, each commission consisting of chairman, deputy chairman, secretary and not less than 8 commission members. These commissions operate as district election commissions on election of members to Majlisi Milli. DEC's are formed by the CCER not later than two months prior to elections, consisting of a chairman, deputy chairman, secretary and not less than 6 members.

Formation of the DEC's is implemented upon the proposal of local state executive bodies with the consideration of the suggestions of local branches of political parties within the constituency. (am. as of 14.03.2014)

Creation of district election commissions for elections of members to Majlisi Milli is implemented upon the proposal of chairmen of GBAO (Badakhshan oblast) and Dushanbe, and district election commissions on elections of members to Majlisi Milli from cities and districts of the republican subordination are formed upon the proposal of the Government of the Republic of Tajikistan.

Article 14. Authorities of DEC's

A DEC has the following authorities:

1. Controls the implementation of the present Law within the borders of the electoral constituency.
2. Forms polling stations, determines their numeration, forms PEC's and coordinates their activity.
3. Considers to reports of local state executive bodies, managers of enterprises, institutions and organizations on preparation and conduction of elections.

4. Distributes financial means among PECs, controls the providing of the PECs with premises, transport and communication means and considers other issues of logistical support for elections in its constituency.
5. Implements supervision for compiling voters lists and presents them to the public.
6. Organizes nomination of candidates to Majlisi Namoyandagon.
7. Ensures equal conditions for participation of candidates to Majlisi Namoyandagon for participation in election campaign.
8. Accepts appropriate documents from political parties and citizens (self - nominees), standing for candidacy to deputies.
9. Registers candidates for deputies to Majlisi Namoyandagon and their proxies, and issues appropriate identification cards for them, provides issuance of posters with biography of candidates of Majlisi Namoyandagon.
10. Arranges meetings of candidates for the Majlisi Namoyandagon with voters.
11. Delivers ballot papers to PECs.
12. Defines the results of elections in the constituency and submits them to the CCER; issues certificate for elected deputy to Majlisi Namoyandagon.
13. Organizes conduction of repeat voting and repeat elections, as well as elections of deputies to Majlisi Namoyandagon to fill the seats of those who left.
14. Considers applications and complaints against PECs decisions and actions and decides on them.
15. Exercises other powers in accordance with the present Law and other laws of Tajikistan.

Article 15. Powers of district election commission on elections of members to Majlisi Milli

A district election commission on election of members of Majlisi Milli has the following authorities:

1. Controls the implementation of the present Law within the territory of the constituency.
2. Considers to reports of local state executive bodies on issues connected with preparation and conduction of elections.
3. Compiles voter list.
4. Attends sessions of the assemblies of people's deputies of districts, cities and oblasts.
5. Accepts appropriate documents from local executive organs.
6. Confirms the content of the ballot-papers on election of members to Majlisi Milli in accordance with the sample, approved by the CCER.

7. Defines the results of election in constituency and submits it to the CCER, and issues certificates to elected members of the Majlisi Milli.
8. Considers received applications and complaints and takes decisions on them.
9. Organizes repeat elections of members to Majlisi Milli.
10. Exercises other powers in accordance with the present Law and other legislative and normative acts of the Republic of Tajikistan.

Article 16. Formation of PECs

A PEC is formed by the DEC from a single mandate electoral constituency not later than 45 days before elections consisting of not less than 5 and not more than 19 members, including a chairman, deputy chairman and a secretary. When it is necessary, number of members of PEC can be increased or reduced.

In the embassies and consular offices of the Republic of Tajikistan in foreign countries (hereafter the representations of RT in foreign countries) the polling stations are formed by the CCER based on proposals of the Ministry of Foreign Affairs, disregarding the provisions of para 1, 3,5,6 and 7 of the article 22 of this law; the duties of the chairperson of the PEC are fulfilled by the head of the representations of RT in foreign country. (am. as of 14.03.14)

Article 17. Powers of PECs

A PEC has the following authorities:

1. Compiles the voters list of the polling station;
2. Familiarizes voters with the voters list, accepts and considers applications on mistakes and inaccuracies made in the list and makes decision on relevant amendments to it;
3. Informs the population about location of the PEC, its working hours, date of elections and place of voting.
4. Prepares premises for voting, ballot-boxes and other election equipment.
5. Organizes voting at the polling station on the election day.
6. Counts the number of cast votes at the polling station.
7. Considers applications and complaints about the preparation of elections and conduction of voting and takes decisions on them.
8. Exercises other powers in accordance with the present Law and other legislative and normative acts of the Republic of Tajikistan.

Article 18. Membership in the election commissions

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

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

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

Candidates to Majlisi Milli and deputies to Majlisi Namoyandagon, local majlises of people's deputies cannot be members of election commissions. A citizen nominated as a candidate to members of Majlisi Milli or to deputies of Majlisi Namoyandagon and being a member of an election commission is considered released from obligations in the commission from the moment when he/she is registered as the candidate.

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

Article 19. Organization of the work of election commissions

A session of an election commission is considered competent if not less than two thirds of the commission members participate in it. All sessions of election commissions are conducted in public and are accessible for public and mass media. Decisions of the commission are taken in open voting by more than half of votes of the present members of the commission.

A member of a commission who does not agree with its decision has the right to express his/her dissenting opinion in written form, which is to be attached to the session minutes. If the votes are equally divided, the chairman's vote will be decisive.

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

Election commission has the right to appeal with questions on preparation and conduction of elections to the government organs, political parties and public associations, enterprises, institutions, organizations and officials who are obliged to consider the put question and reply to the election commission not later than within 3 days period of time.

The chairman, deputy chairman, secretary or any other member of the commission may be released in the period of preparation and conduction of elections from his/her practical or service duties by decision of commission. In this case his/her average salary will be secured from the account allocated for conducting elections.

District election commissions and PECs terminate their activity after the elections of members of Majlisi Milli and deputies of Majlisi Namoyandagon.

Article 20. Consideration of complaints on decisions of election commissions

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

Decisions of the CCER may be appealed to the Supreme Court of the Republic of Tajikistan within ten days after these decisions have been taken.

A complaint must be considered within three days after its submission, but if there are less than 6 days left before elections, it is considered immediately.

III. CONSTITUENCIES AND PRECINCTS

Article 21. Formation of electoral constituencies

Territorial electoral constituencies are formed for elections of the members of Majlisi Milli and the deputies of Majlisi Namoyandagon.

For elections of the members to Majlisi Milli five multi-mandate constituencies are formed in the territory of the Republic of Tajikistan including one constituency per the GBAO, oblasts, Dushanbe and one united constituency for all cities and districts of the republican subordination.

Location of district election commissions for elections of the members of Majlisi Milli in GBAO and oblasts are the relevant administrative centers of oblasts – in Khorog, Khujand and Kurgan-Tube, and for Dushanbe city and cities and districts of the republican subordination – in Dushanbe.

For election of the deputies to Majlisi Namoyandagon 41 single-mandate electoral constituencies are formed and for elections of the deputies of the Majlisi Namoyandagon according to the list, proposed by political parties, one nationwide constituency is formed.

Norms of number of voters at the polling station for elections of deputies to Majlisi Namoyandagon is determined by the CCER for each elections by dividing the total number of voters in the Republic of Tajikistan to the number of the single-mandate constituencies being formed in the territory.

Electoral constituencies are formed by the CCER.

In the period of formation of constituencies the following requirements must be observed:

1. Approximate equality of number of voters within the constituencies with acceptable deviation of no more than 15% of the total number of voters and no more than 20% in remote localities.
2. Constituencies form single territories within the GBAO, oblasts, Dushanbe city, cities and districts of the republican subordination. Formation of constituencies of regions not bordering each other is not permitted.

When observing the requirements of paragraphs 1 and 2 of this Article the territorial and administrative division of the Republic of Tajikistan is taken into account.

The CCER publishes the list of constituencies with indication of their borders, number of voters, location of district election commissions 5 days after setting the date of elections.

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

In order to provide favorable conditions for voters, polling stations are formed taking into consideration borders of districts, cities, districts in cities with purpose of forming maximum convenience for voters. Borders of polling stations must not cross the borders of constituencies.

Polling stations may be formed at representations of the Republic of Tajikistan in foreign states, sanatoriums, rest houses, hospitals and other in patient medical institutions, places of citizens residences located in remote and difficult access settlements, which are included in the constituencies in accordance with their location. The CCER settles questions of attaching polling stations formed outside the Republic of Tajikistan, to constituencies.

DECs form polling stations by proposals of the chairmen of cities and districts.

The fourth part was excluded as of 14.03.2014

Polling stations are formed within 25 days after setting the date of the elections. In the representations of the Republic of Tajikistan in foreign states and also in remote and difficult access settlements polling stations are formed within the same term and in exceptional cases – not later than 10 days prior to elections.

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

Chairmen of town and district based on proposal of the district election commission on formation of polling stations provide each polling station free premises for conduction of elections within 3 days.

DEC informs voters on the borders of each polling station indicating the location of a PEC and premises for voting.

IV. VOTER LISTS

Article 23. Voter list and order of its compiling

A voter list for elections of deputies of the Majlisi Namoyandagon is compiled for each polling station and signed by a chairman and secretary of the PEC. A PEC may involve representatives of the public to participate in compiling a voter list.

Local state executive bodies provide record of voters and submit information about voters living in the appropriate territory to PECs for compiling voter lists.

The base for including of a voter to voter list in a definite constituency is the fact living of the voter in the territory of the constituency.

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

Voter's name and surname, date of birth (for those attained 18 years also the day and month of birth) and address of voters is indicated in the lists.

Voter lists are compiled 15 days after the formation of PECs.

Lists of elector deputies are compiled 15 days before elections by district election commissions for elections of the members of Majlisi Milli upon proposal of chairmen of GBAO, oblasts, Dushanbe city,

cities and districts of the republican subordination and signed by chairmen and secretaries of commissions.

List of elector deputies is compiled in alphabetical or any other order and indicate names, dates of birth, names of the organs, that the voters represent them with their home addresses.

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

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

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

Article 24. Procedure of including citizens to voter list

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

A voter may be included to the voter list only in one polling station.

Voters living in the territory of the relevant polling station but omitted in the list due to some reasons are included into it according to the decision of the PEC.

Deputies of the following organs are included into the list of voters of Majlisi Milli:

1. Deputies of the Majlises of people's deputies of districts and cities situated within the territory of GBAO, oblasts and also deputies of Majlises of people's deputies of GBAO and oblasts.
2. Deputies of Majlises of people's deputies of districts, located in Dushanbe and deputies of Majlises of people's deputies of Dushanbe.
3. Deputies of Majlises of people's deputies of cities and districts of the republican subordination.

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

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

Lists of elector deputies for the election of the members of the Majlisi Milli are submitted for public acquaintance trough local media 7 days before elections.

Citizen is given an opportunity to get acquainted with voter list and check up the correctness of its compilation in the working premises of the election commission.

Each citizen has the right to complain about incorrect inclusion to the list or exclusion from the list, incorrect information about the elector. An election commission considers an application about omissions and mistakes in voter list within two days, but if a complain received on the eve of elections or on the day of elections, the commission considers it immediately and makes necessary corrections in the list, or gives a copy of the decision on declining of the application to the applicant. The decision of the election commission may be appealed to a court in accordance with the established procedure. The decision of the court is final. The election commission introduces corrections to the voter list in accordance with the decision of court.

Article 26. Securing citizens while changing place of residence

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

The election commission registers it in voter list with indication of the date. The glued envelope is sealed in the presence of the voter. The election commission is responsible for safe keeping of the envelope.

V. NOMINATION AND REGISTRATION OF CANDIDATES AND GUARANTIES OF THEIR ACTIVITY

Article 27. Appointment of elections of member to Majlisi Milli and deputies to Majlisi Namoyandagon

Elections of deputies of Majlisi Namoyandagon is appointed by the President of the Republic of Tajikistan at least 75 days before expiration of the term of office of deputies of previous Majlisi oli. Elections for Majlisi Milli is conducted 25 days after the elections of the Majlisi Namoyandagon.

In case of early dissolution of Majlisi oli, in situations determined by the Constitution of the Republic of Tajikistan, the President of the Republic of Tajikistan appoints elections of Majlisi oli not later than 80 days after the dissolution.

The date of elections is informed through the press and other Mass Media within three days after setting of elections.

Action or call for violations, cancellation or rescheduling the elections or actions or calls against the activities and election procedures defined by the Law is prohibited.

Article 28. Elections of deputies of Majlisi Namoyandagon

Deputy of Majlisi Namoyandagon is elected for the term of five years.

A person, who has attained the age of 25 years and has been the citizen of the Republic of Tajikistan minimum for the last five years, with higher education and a command of state language, can be elected a deputy of the Majlisi Namoyandagon.

Majlisi Namoyandagon consists of 63 deputies:

- 65% of the deputies (41 persons) of Majlisi Namoyandagon is elected from single-mandate constituencies.

35% of the deputies (22 persons) of Majlisi Namoyandagon is elected from the nationwide electoral constituency in proportion with the number of votes, which were given to candidates, nominated by political parties.

Article 29. Elections and appointment of members of Majlisi Milli

Member of Majlisi Milli are elected and appointed for five years term.

Majlisi Milli consists of 25 members elected on the basis of territorial interests, and include the former presidents, if they don't refuse such a right, and 8 members appointed by the President of the Republic of Tajikistan for the period of the authority of Majlisi Milli.

Three fourth of members of the Majlisi Milli (25 members) are elected by local representative state bodies on the basis of representation of territorial interests. These members are elected in equal proportion of five persons from GBAO, each oblast, Dushanbe, and cities and districts of the republican subordination.

Each former President of the Republic of Tajikistan becomes the life-long member of Majlisi Milli, if he does not refuse of such a right.

One fourth of members of Majlisi Milli (8 persons) are appointed by the President of the Republic of Tajikistan.

A citizen, who has attained the age of 35 years, and has higher education and a command of state language and has been a citizen of the Republic of Tajikistan for the last seven years minimum may be elected and appointed a member of Majlisi Milli. (am. as of 01.08.2012)

A member of Majlisi Milli, who is elected by the local representative state body has to permanently reside within the corresponding electoral constituency.

Article 30. The right for the promotion of candidates

Political parties have the right to nominate candidates and also citizens have the right to self-nominate to the deputies of the Majlisi Namoyandagon.

Political parties can also nominate persons as candidates, who are not members of political parties.

Political parties can nominate their candidates of Majlisi Namoyandagon if they get registration at the Ministry of Justice of the Republic of Tajikistan in the prescribed order before the setting of the date of elections and if they present documents about the sources of their income.

Majlises of people deputies of cities and districts, Dushanbe, GBAO and regions have the right to nominate candidates to the membership of the Majlisi Milli.

Article 31. Procedure of the nomination of candidates to Majlisi Namoyandagon

Nomination of candidates to Majlisi Namoyandagon by list of candidates in single-mandate electoral constituencies starts 60 days before the elections and ends 45 days before the elections.

Candidates to Majlisi Namoyandagon in single-mandate electoral constituencies from political parties is nominated by city (with the exception of party organ of Dushanbe), and regional organs of political parties on their plenary sessions (conferences) with the indication of the electoral constituency, from which their candidates are proposed.

Members of the electoral constituency commission have the right to participate in these plenary sessions.

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

In case when an electoral constituency embraces two or more districts or cities, nomination of candidates from political parties in this electoral constituency takes place in the joint city and district party organs plenary sessions. In this case one candidate is nominated in this electoral constituency.

Order of nomination of candidates to Majlisi Namoyandagon is determined by political parties. Resolution is passed on nomination of candidate to Majlisi Namoyandagon and a protocol is compiled. The following is recorded in the resolution: title of the resolution and the name of the party body, date, place, name and number of the constituency, decision of the considered issues, signature of the chairperson and the seal. The protocol contains the followings: the name of the party body, place and date, the number of its members, the number of participants, considered issues, name and number of the constituency, proposals on candidates, discussions about candidates, form of voting, results of voting, the text of the passed decision, signature of the chairperson and the one of secretary of the meeting and the seal. Political parties inform the candidate to the Majlisi Namoyandagon of the adopted decision not later than within two days.

List of candidates to Majlisi Namoyandagon in the nationwide electoral constituency is proposed by political parties on their congresses (conferences).

Political parties determine the order of listing of candidates.

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

The total number of candidates nominated by political parties may not exceed 45% of the total number of seats in the Majlisi Namoyandagon. (am. as of 14.03.2014)

List of candidates, proposed by political parties, protocol and the resolution of the congress (conference) of a political party, where the list of candidates have been proposed, is submitted to the CCER. The resolution includes the following:

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

Having considered the documents submitted by political parties, the CCER gives to the political party a certified copy of the lists or issues its grounded decision about the refusal to issue the lists.

In case of refusal to issue the list of candidates the political party can apply to the Supreme Court of the Republic of Tajikistan, which is obliged to consider this complaint within 6 days.

CCER publishes in media the lists of candidates of political parties, contesting the elections in the nationwide electoral constituency.

A self-nomination of a candidate to Majlisi Namoyandagon in single-mandate electoral constituency takes place through submitting to district election commission an application on nomination as a candidate. A candidate must collect no less than 500 support signatures of voters within this electoral constituency. Each voter has a right to sign in favor of only one candidate within the voter's constituency. Signature list contains surname, name and patronymic of the candidate and of the member of initiative group, place of residence, series and number of passport or another document proving the identity of the member of initiative group, ordinal numbers, surname, name and patronymic of signatory, date of birth, series and number of passport or another document proving the identity of signatory, place of his/her residence, the personal signature and the date of signing.

The CCER determines the samples of the signature lists.

Article 32. Procedure of candidates' nomination for the membership of Majlisi Milli

Nomination of candidates to the membership of the Majlisi Milli starts 10 days after the elections to Majlisi Namoyandagon and ends 7 days prior to the elections of Majlisi Milli.

Candidates to Majlisi Milli hall are nominated in the sessions of majlises of people's deputies of cities and districts, Dushanbe, GBAO and oblasts when there is a quorum.

Resolution of the session concerning nomination of the candidates are made the majority of voices of the deputies of the majlises of people's deputies in a secret ballot, and the candidate is informed about the decision within three days. (am. as of 14.03.2014)

Local representative state bodies may nominate only one candidate per electoral constituency, where they are located. The representative state bodies of Dushanbe and its districts may nominate no more than two candidates per electoral constituency of their location. One candidate may be nominated by several local representative state bodies.

If no candidate was nominated, or the number of nominated candidates is less than the established number, or when all nominated candidates withdrew their candidacy before their registration or were deregistered, the CCER upon proposal of district election commission adopts a decision to extend the period for nomination of candidates for not more than 30 days. (am. as of 14.03.2014)

Article 32(1). Electoral deposit (amended as of 26.07.2014)

Candidate to the deputies of Majlisi Namoyandagon before being registered and after examining appropriateness of his/her candidacy to the requirements of the Constitution and the present Law by the district election commission, he/she pays electoral deposit from his/her own account the amount of **100 (one hundred)** measures of calculation to the account of the CCER.

The electoral deposit will be returned to the candidate in case if he/she received no less than 10 per cent of votes within corresponding constituency. In case of self-withdrawal of a candidate or if nomination of a candidate is cancelled by the nominating party, the electoral deposit is transferred to the republican budget based on the decision of the CCER.

Political Parties that have nominated list of candidates of Majlisi Namoyandagon for the nationwide electoral constituency, after examination of the candidates' eligibility in accordance with the requirements of the Constitution and the present Law, based on request of the CCER, shall transfer electoral deposit to the account of the CCER from their own finance in the amount of **100 (one hundred)** measures of calculation per each nominated candidate. The electoral deposit is returned to those parties, who pass the 5% threshold. In all other cases the electoral deposit of political parties are not returned, but transferred to the republican budget.

Article 33. Citizens who do not have the right to be nominated as candidates to Majlisi Milli and Majlisi Namoyandagon

The following citizens do not have the right to be nominated as candidates to Majlisi Milli and Majlisi Namoyandagon:

- Citizens who do not meet the requirements established by the Constitution Republic of Tajikistan and the present Law.
- Citizens recognized incapable by court, or kept in detention by a court verdict, or have been placed in the institutions of forced treatment by the decision of a court.
- Citizens on military service, officers, warrant officers, the staff of Military Forces, Ministry of Security, Ministry of Interior, Ministry of Extraordinary Situations, President's Guard, Committee for defense of state borders of the Republic of Tajikistan, the officials of Tax Police, Custom House and other regular servicemen, who have not retired or have been transferred to the reserve.
- Professional servants of the religious organizations and unions, who continue exercise their duties.
- Citizens, who have been sentenced by a court for the committing of intentionally grave and especially grave crimes, irrespective of completion of the term of imprisonment and expunging their conviction.
- Citizens whose previous conviction have not been expunged.
- Citizens wanted by investigation organs in connection with a suspected criminal offence against the basis of the Constitutional order and state security, and other intentionally grave and especially grave crimes, with the exception of participants of political and military resistance, who have been amnestied.

Article 34. The requirements to the candidates

A citizen may not be a member of Majlisi Milli and at the same time - a deputy of Majlisi Namoyandagon.

A deputy of Majlisi Namoyandagon at the same time cannot be a deputy of other local representative state body and of the local self-government bodies of villages. (am. as of 14.03.2014)

A member of Majlisi Milli at the same time cannot be a deputy of more than 2 state representative organs.

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

Article 35. Registration of candidates

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

1. The protocol of the resolution of the congress (conference) of a political party, of the plenary session (conference) of city and regional organs of political parties about the nomination of candidates (the list of candidates); resolutions of the local representative state body about the nomination of candidates.
2. The application of the candidate about his consent for voting for his candidature (in this application his obligation to stop his activity in case if this activity does not correspond to deputy's mandate should be indicated).
3. Information about the biography of the candidate with the indication of his name and surname, date of birth, place of work, his post (occupation) and his permanent address.
4. Information about the size and source of income of the candidate.
5. Information about the property, belonging to the candidate.
6. Medical certificate on mental health.
7. Document on electoral deposit.
8. Certificate on being not brought to criminal responsibility and having been not brought suit against. The present certificate is presented based on demand of the district election commission by the relevant state bodies.

It is prohibited to demand documents not specified in Part 1 of the present article.

The information about the size and the sources of income of a citizen, who is a candidate, is available in the declaration on incomes of the candidate during a year before the appointment of elections (with the note from tax agency).

If a citizen, candidate, in accordance with the Law of the Republic of Tajikistan about taxes is not obliged to present a declaration, than he/she brings the certificate about the total size of the income received by the organization where he works, the income during a year before the appointment of elections.

Information about property, belonging to the candidate according to the right of ownership is submitted in a way, established by the CCER.

In case of self-proposal for the registration a candidate presents the documents, indicated in point 3,4,5,6 of this article, and also the application about his consent for being voted for and the list with signatures.

Respective election commissions check the correctness of the signatures of voters, collected for the candidate. All lists or part of them, taken selectively, can be checked.

If invalid signatures are found and that leads to the number of valid collected signatures less than 500, and (or) if incorrect information on incomes and property belonging to candidate has been submitted, the candidate's registration is rejected. (am. as of 14.03.2014)

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

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

During the registration of candidates proposed by a political party, the fact of his nomination by the political party is recorded in the relevant resolution of the election commission.

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

The information about registered candidates from the day of registration is submitted to the CCER.

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

The CCER publishes in press the list of candidates from political parties not later than 7 days after the registration of list of candidates in the nationwide electoral constituency.

The respective election commission in the period of three days gives the candidate the corresponding candidate's certificate with the indication of the electoral constituency and the date of registration.

The registration of the candidates to the deputies of the Majlisi Namoyandagon starts 45 days before the elections and finish 20 days before the elections.

The registration of the candidates for the Majlisi Milli is completed within 3 days after receiving of all the necessary documents but not later then 4 days before elections.

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

The body of political party, who has proposed the candidate, has right to cancel its own decision about the nomination of the candidate any time. According to this issue the decision is taken in the same way, which was prescribed for the nomination and then presented to the respective election commission. The district election commission deprives the candidacy status of this candidate. The candidate, by submission

an application to the respective district election commission can withdraw no later than 7 days before election day. District election commission, which has registered the candidate, informs the CCER, the population of the electoral constituency, the organ of the political party, which has nominated the candidate about the repeal of nomination of the candidate or withdrawal of candidature by the candidate. (am. as of 14.03.2014)

Article 37. Status of candidates

All candidates have equal rights and obligations.

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

During conducting of elections, it is prohibited to dismiss the registered candidate from his/her job or responsibilities by the initiative of the administration or transfer him to another position without his consent.

The time of participation of the registered candidate in the elections is included into the work experience of the candidate.

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

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

A candidate may campaign his/her platform of future activities. A candidate's platform must not contradict the Constitution of the Republic of Tajikistan.

Violation of the requirements prescribed in this article by the candidate will cause cancellation of the resolution of election commission on the candidate's registration.

Article 38. Proxies of candidates and political parties

Candidates and political parties, who have proposed the list of candidates, are entitled to have proxies.

Registration of the proxies takes place by the election commission, which has registered the candidate (the list of candidates) upon the written request of the candidate, proposal of a political party and the application of the citizen with his/her consent to become a proxy. The election commission provides the proxy with prescribed identification card within three days.

Candidates may have up to 5 proxies and political parties which have proposed the list of candidates may have up to 5 proxies for each candidate. Members of election commissions, personnel of law enforcement bodies, judges, military servicemen and foreign citizens cannot be proxies.

Proxies act within the authorities given by candidates and political parties.

Proxies have rights:

- To campaign the election of the candidate (list of candidates) in any legal forms and ways and agitate the pre-election platform of the candidate.
- To participate in pre-election meetings and gatherings with the voters, and take part in the pre-election debates.
- To use the assistance of state bodies and local self - government bodies of villages for conducting of pre-election conferences and meetings with voters.
- To attend sessions of election commissions.
- To be present in polling stations in the time of voting, counting of votes and summarizing the voting results.
- To get acquainted with the documents of election commissions as well as the protocol of the vote count and the outcome of elections.
- To complain about the acts of the election commissions and participate in the consideration of complaints and applications.

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

Candidates, political parties have a right to recall their proxies any time and inform the election commissions on that.

The election commission invalidates the prescribed identifications, given to proxies, if they violate the requirements of the present Law.

The authorities of proxy are ceased simultaneously with the revocation of the status of registered candidates, who have appointed these proxies, or recalling of the list of candidates, or withdrawal of political parties from elections.

Article 39. Conducting pre-election campaign

The State provides conditions for conducting pre-election campaign to citizens and political parties with no obstacles during elections in accordance with the present Law.

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

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

The officials of local state bodies cannot preside the meetings of candidates and voters. (added 14.04.2014)

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

Agitation during elections is conducted in the following ways:

- Through Mass Media.
- Conducting of public events (conferences, meetings with citizens, debates and discussions).
- Publishing and distributing of the printed agitation materials.
- In other forms, prescribed by the present law.

Candidates and political parties can determine independently forms and peculiarities of their campaign through Mass Media. Members of election commissions, religious organizations, judges, personnel of law-enforcement bodies and military servicemen may not participate in pre-election campaigns.

Participation in pre-election campaign is prohibited for foreign states, organizations and citizens, persons without citizenship, international organizations and movements.

Journalists, other individuals engaged in creative work, staff members of Mass Media offices, if they are candidates or proxies, cannot use these Mass Media for the coverage of news of election process. This regulation does not concern agitation, conducted by the mentioned persons in the free states and local radio and television channels.

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

Pre-election campaign starts from the date of the registration of the candidate (the list of the candidates) and ends twenty four hours before the elections.

The results of the opinion polls, forecasts of the elections outcome and other researches related to elections cannot be published in Mass Media five days prior to voting and on the Election Day.

Each candidate in the single mandate district has right to 20 minutes and each political party has the right to have 40 minutes airtime in the state radio and TV. (am. as of 14.03.2014)

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

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

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

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

VI. THE ORGANIZATION AND THE ORDER OF VOTING

Article 40. Premises of voting

The premises for voting are provided by the local executive state bodies to the PECs free of charge.

Voting premises for the elections to Majlisi Milli are the premises where the sessions of the local representative state bodies on election of members of Majlisi Milli take place. These premises must be located within the territory of those cities, where district election commission on elections of members of Majlisi Milli are settled.

Premises for voting are equipped with polling booths and other special places for secret ballot. Ballot-boxes have to be placed in a visible and accessible place for the commissions members and observers the way that voters approach them coming out of the voting booths.

On the elections day, in the premises of voting, presence of armed persons and persons in uniforms, including law-enforcement employees, except for the cases to eliminate violations, is prohibited.

Article 41. Ballot-papers

Ballot papers are published by the CCER and they should have not less one security degree.

For conducting of elections a voter takes a ballot-papers, which is the special accounting document. Number of ballot-papers should be adequate to the number of registered voters, that they should be counted, examined at the presence of member of polling district commission and entered to the protocol before the beginning of voting.

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

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

After the list of candidates and list of political parties in the ballots a separate line is placed containing correspondingly “against all” and “against all lists of political parties” (am. as of 14.03.2014).

The ballot-papers for elections to the Majlisi Namoyandagon are printed not later than 10 days before elections and for the Majlisi illi not later then 3 days before elections in state language and in the language of the majority of population of the constituency.

Election commissions pass ballot-papers by written act.

The ballot-papers are delivered to the relevant election commission not later than 7 days before the elections and to the PEC—not later than 2 days before the elections.

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

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

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

Article 42. Order of voting to the election of deputies of Majlisi Namoyandagon

Voting is conducted in the election day from 6 a.m. to 8 p.m.

At the polling stations attached to representative offices of the Republic of Tajikistan in foreign countries, sanatoriums, resorts, hospitals and other medical institutions, in remote and difficult to access localities PEC may announce the voting finished if all the voters included to the list have counted their votes.

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

Each voter votes by himself. To vote instead for others is prohibited.

On the Election Day before the beginning of voting the chairman of the PEC examines the ballot-boxes and seals them with the sealing-wax in the presence of members of the commission, observers and other persons, representatives of mass media.

PEC issues give ballot-papers on the basis of voter list upon presentation of a passport or other identity documents. Each voter receives one ballot-paper and sign voter list next to his/her name, second name and surname. Giving additional ballot-paper to a voter is prohibited.

A voter fills in a ballot-paper in a polling room or booth in secret. Presence of other persons when filling in a ballot-paper except for voter is prohibited. A voter who unable fill in a ballot-paper by himself has a right to invite another person to the polling booths or room on his/her discretion except members of the election commission, observers, media representatives.

A voter should vote only for one candidate and for one political party. A voter marks an empty box with “+” sign next to the name of a candidate or a party he or she is voting for. (am. as of 14.03.2014)

A voter who votes against all candidates and all political parties has to mark an empty box with “+” sign in the line containing correspondingly “against all” and “against all lists of political parties”. (am. as of 14.03.2014)

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

A voter casts the filled ballot-paper into the ballot box.

If some voters are not able to come to the premises for voting due to their disease or other reasons, at their request the PEC charges special members of the commission to conduct the voting at the place of residence of these voters at presence of observers and proxies and a note about it will be made in voter list.

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

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

Article 43. The voting procedure in the election of members of Majlisi Milli

The election of the members of Majlisi Milli is conducted on the joint session of all the representative state bodies of GBAO, oblasts, Dushanbe, cities and districts of republican subordination.

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

The joint session of the local representative state bodies for the elections of Majlisi Milli is considered authorized in case if more than a half of all the voters delegates from each local representative state body have participated. In case of non-presence of the required number of voter delegates, the session will be delayed.

In building, where the general session of elector representatives is conducted, the constituency commission organizes a place for voting.

One may not vote for the election to Majlisi Milli outside the voting premises.

The election of the member of Majlisi Milli on the sessions of local representative state bodies are considered valid in case when more than a half of the voters delegates have voted.

The session will be closed after the announcement of the voting results by the chairman of the constituency.

Article 44. The order of absentee voting

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

The ballot paper filled up by the voter beforehand has to be put into the envelope, glued up and signed in glued place by two members of the relevant election commission and then it is confirmed by the seal of the election commission and the signature of the voter. The glued envelope is preserved by the secretary of the relevant election commission in the building of the constituency commission prior to the moment of passing of ballots to the PEC.

In the day of voting, before the beginning of voting, the chairman of the PEC in the presence of the member of PEC, observers and other persons gives the information about the number of voters, who have Early Voting and then show the envelopes with the ballots and the list of voters, who have Early Voting.

After that he opens the envelopes keeping the secrecy of the voters' will and cast the ballots into the ballot boxes. The number of voters, who have voted in advance, has to be registered in the protocol about the voting results before the beginning of voting and in the list of voters against the name, second name and surname of the elector, who has voted in advance there has to be put the note "Early Voting".

The absentee voting is not be allowed in the election of the members of Majlisi Milli.

Article 45. The protocol of the PEC about the summarizing the voting results

PEC and constituency commission for the elections to the Majlisi Milli draws the protocol about the summarizing of the voting results.

The following items are covered in the protocol of the commissions:

1. Number of the protocol copies.
2. Indication of the relevant election commission.
3. The word "Protocol N".
4. The name of the election commission with indication of the number of the polling station for elections of deputies of Majlisi Namoyandagon.
5. The lines of the protocol contain the following records:
 - a. the number of voters, the delegates of the voters enrolled into voter list and also the list of the voters added to the main list.
 - b. The number of ballots received by the election commission.
 - c. The number of ballots given to the voters who have Early Voting.
 - d. The number of ballots excluded from the account.
 - e. The number of ballots, which were given to the voters of the polling station and to the voters delegates on the joint sessions of the local representative state bodies in the day of voting.
 - f. The number of ballots in ballot boxes.
 - g. The number of valid ballots.
 - h. The number of ballots which were considered as invalid.
 - i. The number of the votes of voters, the delegates of voters given for the candidate, political parties which were included into the ballot.
 - j. The number of voters votes, who have voted against all the candidates and all the political parties.

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

- a. the name, the surname of the chairman, the secretary and other members of the election commission.
- b. the date of the signing of the protocol.
- c. the seal of the election commission.

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

VII. DETERMINING RESULT OF VOTING

Article 46. Counting of voters votes and drafting of protocol on summarizing of the results of elections by election commissions (amended as of 26.07.2014)

The counting of the votes of voters and the delegates of the voters begins after the completion of the voting and continues without break until the establishment of the voting results.

After the expiry of the voting time and before the opening of ballot boxes the members of the precinct (constituency) election commission cancel and count the unused ballots in the presence of observers and other people. The cancellation of the unused ballots is made by cutting of the right lower corner of the ballot. The number of these ballots is announced and included into the voting results protocol. Then the chairman of the relevant election commission checks whether the seal and sealing-wax of the mobile ballot boxes are intact and enables the members of the commission to check the intactness of the seal and seal-wax, and then opens the mobile ballot boxes.

Members of the precinct (constituency) election commission count the ballots accordingly to the lines of voting results protocol and enter the relevant numbers in this protocol.

The actual count of elector votes and the votes of the elector delegates is conducted in special places equipped to enable the members of the commission access to the votes. The members of the election commissions with the exception of the chairman and the secretary of the commission are not allowed to have any writing items during vote count. At the same time the activity of the members of the commission during the vote count should be transparent for the people present there.

The unofficial form ballots are not taken into account during counting. The unofficial form ballots are those, the content and the form of which do not correspond to the content and form of the ballot papers, approved in accordance with this law.

The members of precinct (constituency) election commission sort the ballots given for every candidate and for every political party as well as the unofficial and invalid ballots.

After that the elector votes and the votes of the elector delegates are counted according to the official ballots separately per each candidate, each political party.

Invalid ballots are counted separately. The ballots are considered as invalid where more than one candidate or more than one political party is left or where all the candidates and all the political parties are left and also those ballots where it is impossible to establish the voter's will. If there are any doubts on the validity of a ballot, then precinct (constituency) election commission resolves this issue by voting and the reason why the ballot was invalidated is indicated on its reverse side.

The members of the precinct (constituency) election commission enter into the voting results protocol the number of invalid ballots, then the number of valid ballots found in ballot boxes.

The voting results protocol is filled **in pen** in two copies and signed by the chairperson and all present members of the precinct (constituency) election commission with indication of the date and time of signing. The protocol is considered valid if it is signed by more than a half of the members of the commission. While signing the protocol those members of the precinct (constituency) election commission who do not agree with the content of the protocol are entitled to attach their dissenting opinion to the protocol, which shall be noted in the protocol.

The first copy of the voting results protocol after being signed is immediately submitted to the higher election commission together with other election documents, including ballots, applications and complaints, and subsequent decisions taken on them and acts, drawn by the precinct (constituency) election commission.

The second copy of the protocol as well as the seal of precinct (constituency) election commission are kept by the secretary of the commission till accomplishment of commissions' activities.

Approved copy of protocol on results of voting is introduced to all members of precinct (constituency) election commission by chairman or by secretary and their copies are posted on the wall of polling station for the period of three days and nights.

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

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

On identification of omissions and mistakes of the protocol and if there are any doubts about the correctness of drafting of protocol received from the lower election commission, the lower election commission has right to take the decision about the repeated vote count by the lower commission. The repeat vote counting takes place with the obligatory participation of the member of higher election commission and in presence of observers and proxies. On the results of the repeated vote count of the voters (elector delegates) the election commission drafts the protocol about the voting results with the mark "The repeated vote count". The protocol is immediately submitted to the higher election commission.

Article 48. Determination of the results of elections to Majlisi Namoyandagon

On the basis of the protocol of the PEC the constituency commission determines the results of the elections of the deputies to the Majlisi Namoyandagon in single-mandate constituencies and the voting results in the single all republican constituencies within their territory and then immediately submit them to the CCER.

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

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

The CCER determines the results of the voting in single-mandate constituencies all over the republic on the basis of protocol of constituency commissions.

On the basis of the protocol of constituency commissions the CCER counts the voters votes according to the single nationwide constituency by collecting the information from the protocol.

The election in the single nationwide constituency is considered invalid, if less than a half of voters enrolled into the lists have participated in it.

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

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

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

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

The CCER drafts the protocol about the distribution of deputy mandates among the political parties from the single nationwide constituency in accordance with the rules, stipulated by this law.

These points are included into the protocol:

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

If none of political party has gained 5% of votes, the CCER considers the deputy mandates according to single nationwide constituency undistributed.

In this case the CCER appoints the repeated election in the single all republican constituency.

Article 49. Repeated voting for Majlisi Namoyandagon

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

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

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

During the repeated voting the PEC can announce the voting finished any time, if all the voters enrolled into the list have voted.

Article 50. Deputy mandates distribution

The CCER counts the votes of the voters given for the political parties if they constitute 5% or more from the amount of votes of voters, participated in the voting in single all republican constituency. Total number of voters votes is divided into 22 (the number of deputies mandates from the single all republican constituency). The result is the number of votes necessary for one deputy mandate. Then the number of votes gained by each political party participated in the distribution of deputy mandates is divided to the number of votes, necessary for each deputy mandate. The result is the number of deputy mandates which will be received by relevant list of candidates.

If after this there are remaining undistributed mandates, they are divided for the second time. The undistributed mandates are given one per each political party.

In case of equal number of votes the advantage is given to that list of candidates, who has gained more elector's votes. If the number of elector votes is equal then the advantage is given to that list of candidates, who were registered earlier.

Article 51. Determination of the results of elections to Majlisi Milli

The constituency commission for the election of the members of Majlisi Milli, which is conducted in the place of voting, counts the votes. The vote count begins immediately after the finishing of voting.

The candidates are considered elected if they have gained the major number of the votes of delegate deputies who have participated in the voting. If the number of votes is equal, the advantage is given to the older candidate.

The results of the elections is written in the protocol summarizing the results of elections in the constituency and it is signed by the chairman and all the present members of the constituency commission and then it is immediately submitted to the CCER.

Article 52. Order of appointment and registration of members of Majlisi Milli

One fourth of the members of the Majlisi Milli is appointed by the President of the Republic of Tajikistan by his order not later than 30 days after the election of the Majlisi Namoyandagon.

Elected and appointed candidate to the members of the Majlisi Milli should inform in written form the CCER about cessation of his position which does not correspond the status of the member of the Majlisi Milli in the period of three days.

The CCER after receiving of the application from the elected and appointed candidate about the cessation of the position which does not correspond to the status of the member of Majlisi Milli, register the candidates and the former presidents, who have not refused of being the member of the Majlisi Milli.

If during the elections or during the vote count or identification of the results of elections the law have not been observed, the CCER has right to consider the election invalid and not to register the member of the Majlisi Milli. It is possible to apply to the Supreme Court of the Republic of Tajikistan about the Resolution about the recognition of elections invalid in the period of 10 days.

Article 53. Repeat elections

If in the single-mandate constituency for the Majlisi Namoyandagon not more than two persons nominate their candidacies and if none of them is elected, or if the elections have been recognized invalid or in the all republican single constituency none of the political parties has gained the right for the distribution of deputies mandates, then the CCER orders the constituency commission to hold the repeat elections. In this case the CCER can take a decision of holding repeat elections with a new staff of constituency and PEC. The voting is held in the same polling stations and according to voter list, which were prepared for the main elections.

The person whose candidacy was nominated for the deputy of the Majlisi Namoyandagon during the main elections and who was registered can not be nominated as a candidate in this constituency for the repeat elections.

The repeat elections are held at least two months after the main elections. The election commissions are formed in accordance with the order, defined by this law and nomination and registration of candidates, political parties and other election relevant activities take place in an order stipulated in this law.

Article 54. Registration of deputies of Majlisi Namoyandagon

The relevant constituency commission informs the elected candidate after the signing of the tabulation protocol.

The deputies, who were elected in the result of distribution of mandates according to the list of candidates are informed by the CCER.

The CCER registers the elected candidates to the Majlisi Namoyandagon in the period of 3 days after the official publication of the election results.

If during the elections or during the vote count or in the time of determining the results of elections, the law has not been observed, which can impact the determination of the winner candidate, the CCER can consider the election invalid. It is possible to appeal to the Supreme Court of the Republic of Tajikistan on the resolution about recognition the election invalid in the period of 10 days.

If the election is considered invalid in separate polling stations, then by the resolution of the CCER the voting results in these polling stations are excluded from the general results of election, in conditions if the election are considered valid without them.

Article 55. Publication of the results of elections of the members of Majlisi Milli and the deputies of Majlisi Namoyandagon

Preliminary results of elections to Majlisi Milli and Majlisi Namoyandagon are announced via mass media within 24 hours after the elections are conducted.

The CCER publishes the information about the results of elections all over the Republic of Tajikistan and the list of the members of the Majlisi Milli and deputies of Majlisi Namoyandagon not later than two weeks after elections.

Article 56. Certificates of members of Majlisi Milli and deputies of Majlisi Namoyandagon

After the publication of the list of the deputies of the Majlisi Namoyandagon, registered by the CCER, the constituency commission gives each elected candidate the certificate about being elected.

After confirmation of the authority of the members of Majlisi Milli and deputies to Majlisi Namoyandagon by the CCER, the mentioned commission issues them the certificates of members of Majlisi Milli and deputies of Majlisi Namoyandagon.

Article 57. Conducting of elections to the members of Majlisi Milli and deputies of Majlisi Namoyandagon instead of excluded members and deputies

In case when the authority of the member of Majlisi Milli and deputy of the Majlisi Namoyandagon is prematurely terminated from the single-mandate constituency, the new election is conducted within three months after the termination of their authorities. The election is appointed by the CCER at least two months before the date of election and is held in accordance with the requirements of this law. The constituency commission is formed 50 days before the elections and the polling stations commissions are formed one month before the elections and the registration of candidates to the members of Majlisi Milli and deputies of Majlisi Namoyandagon ends one month prior to the elections.

If the authorities of deputy, elected in the result of distribution of deputy mandates among the political parties is prematurely terminated, then his mandate is given by the decision of the CCER to the candidate who is enrolled into the list after the elected persons.

If there are no candidates left in the list, then the mandate is vacant until the next elections.

If the authority of the member of Majlisi Milli and the deputy of Majlisi Namoyandagon is terminated one year before the termination of Majlisi Milli and deputies of Majlisi Namoyandagon, then the elections are not held.

Article 58. Responsibility for non-observation of this law

Persons who impede the citizens of Republic of Tajikistan to free use of their suffrage and of their right to be elected and the right of conducting of pre-electoral campaign, by force, deceptions, threats and by other ways and also the members of the election commissions, officials from the state agencies and political parties, who commit falsification of the electoral documents and intentionally count the votes in wrongly, infringe the secrecy of voting and infringe this law in other ways are brought to responsibility in accordance with the provisions of law. Also, persons who humiliate the honor and dignity of the candidate by publication of defamation in press or by other means, or insult the members of election commissions are also called for responsibility.

Article 59. On considering the Law of the Republic of Tajikistan “On the Elections to Majlisi oli of the Republic of Tajikistan” invalid

The Law of the Republic of Tajikistan from December 1, 1994 “On Elections to Majlisi oli of the Republic of Tajikistan” (Akhbor of the Supreme Council of the Republic of Tajikistan, 1994, #23-24, Article 444) will be considered invalid from the date the present Law comes into force.

President of the Republic of Tajikistan E.Sh. Rahmonov

Dushanbe, December 10, 1999, #856