This Law defines the legal and organizational basis for the activities of the Central Commission on Elections and Referenda of the Republic of Tajikistan.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Central Commission for Elections and Referenda of the Republic of Tajikistan

1. The Central Commission for Elections and Referenda of the Republic of Tajikistan (hereinafter - the Commission) is a state body of the Republic of Tajikistan, organizes and conducts elections of the President of the Republic of Tajikistan, members of the Majlisi milli, deputies of the Majlisi namoyandagon of the Majlisi Oli of the Republic of Tajikistan and a nationwide referendum, manages the system of election commissions, and also oversees the organization and conduct of elections of deputies to the local Majlis of people’s deputies and the Jamoats, ensures compliance and uniformity in the execution of the legislation of the Republic of Tajikistan on elections and referenda.

2. The Commission is a collegial body and, in the exercise of its powers, is independent and not accountable to state authorities, self-government bodies of villages and villages, and officials.

3. The Commission is a legal entity, has settlement and other accounts, a seal and letterhead with its name and with the image of the State Emblem of the Republic of Tajikistan.

Article 2. Legislation of the Republic of Tajikistan on the Central Commission for Elections and Referenda

The legislation of the Republic of Tajikistan on the Central Commission for Elections and Referenda is based on the Constitution of the Republic of Tajikistan and consists of this Law, other regulatory legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan.

Article 3. Principles of the Commission

In its activities, the Commission implements the democratic principles of the electoral system and referendum, provides favorable conditions for the free expression of the will of voters and voters.

Article 4. Publicity in the activities of the Commission
1. The Commission operates transparently. The meetings of the Commission are held openly and are accessible to society and the media.
2. The Commission informs through the media about its composition and whereabouts, about meetings and decisions taken at them, as well as about the events held.

Article 5. Location of the Commission

1. The seat of the Commission is the capital of the Republic of Tajikistan - the city of Dushanbe.
2. The State flag of the Republic of Tajikistan is hung in the Commission building.

CHAPTER 2. ORDER OF EDUCATION AND COMPOSITION OF THE COMMISSION

Article 6. The order of formation and composition of the Commission

1. The Commission shall be composed of 7 members, including the chairman, deputy and 5 members, on the proposal of the President of the Republic of Tajikistan by the Majlisi Namoyandagon of the Majlisi Oli of the Republic of Tajikistan.
2. The Secretary of the Commission shall be elected at a meeting of the Commission from among its members.
3. A member of the Commission, as a rule, must have a higher legal or political science education.

Article 7. Term of office of a member of the Commission

The term of office of a member of the Commission is 7 years.

Article 8. Membership in the Commission

1. A person not younger than 30 years old, having only citizenship of the Republic of Tajikistan, a higher education, permanently residing in the territory of the Republic of Tajikistan for the last 5 years and speaking the state language may be elected a member of the Commission.
2. The following citizens shall not be elected to the Commission:
   - candidates for the post of President of the Republic of Tajikistan;
   - Candidates for membership of the Majlisi milli and deputies of the Majlisi namoyandagon of the Majlisi Oli of the Republic of Tajikistan;
   - candidates for deputies of the local Majlis of people's deputies and Jamoats;
   - members of the Majlisi milli Majlisi Oli of the Republic of Tajikistan;
   - deputies of the local Majlis of people's deputies and Jamoats;
   - members of political parties;
   - proxies of candidates for the post of President of the Republic of Tajikistan, members of the Majlisi milli and deputies of the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan and deputies to the local Majlisi of people's deputies;
- citizens recognized by the court as partially capable or incompetent;
- professional figures of religious associations;
- Citizens who have a criminal record for crimes committed through negligence, as well as citizens convicted of an intentional crime or on the basis of Article 32 of the Code of Criminal Procedure of the Republic of Tajikistan, are exempted from criminal liability for serious and especially serious crimes;
- pensioners of foreign countries.

3. A citizen who is a member of a political party is proposed to be a member of the Commission in the event that he has ceased membership in a political party in the prescribed manner.

CHAPTER 3. LEGAL STATUS OF THE COMMISSION, CHAIR, DEPUTY, SECRETARY AND MEMBER OF THE COMMISSION

Article 9. Powers of the Commission

The commission has the following powers:
- organizes and holds elections of the President of the Republic of Tajikistan, members of the Majlisi milli and deputies of the Majlisi namoyandagon of the Majlisi Oli of the Republic of Tajikistan, a nationwide referendum in the manner established by the legislation of the Republic of Tajikistan;
- manages the system of election commissions;
- exercises control over the organization and conduct of elections of deputies to the local Majlis of people's deputies and Jamoats;
- ensures the rights of citizens of the Republic of Tajikistan in elections and referenda;
- ensures compliance with the principles of the electoral process and the referendum process established by the Constitution of the Republic of Tajikistan and the legislation of the Republic of Tajikistan;
- controls the uniform application of the legislation of the Republic of Tajikistan on elections and referenda in the territory of the Republic of Tajikistan;
- establishes a sample of ballots for elections and referenda;
- accepts, within the limits of its authority, binding instructions and explanations for the correct and uniform application of the legislation of the Republic of Tajikistan on elections and referenda;
- conducts accreditation of international observers from foreign states and international organizations in accordance with the legislation of the Republic of Tajikistan and issues them certificates of a standard form;
- organizes conferences, seminars and training sessions for members of election commissions and referendum commissions;
- organizes, together with ministries and departments, local executive bodies of state power, relevant measures for organizing and conducting elections and referenda;
- organizes the necessary measures to improve the legal culture of voters, voters and other participants in the electoral process and the referendum process;
- summarizes the results of elections and referenda and announces their result;
- exercises other powers provided for by the constitutional laws of the Republic of Tajikistan “On the election of the President of the Republic of Tajikistan”, “On the elections of the Majlisi Oli of the
Republic of Tajikistan”, “On the referendum of the Republic of Tajikistan”, “On the election of deputies to the local Majlis of people's deputies”, this Law and other normative legal acts of the Republic of Tajikistan.

Article 10. Powers of the Chairman of the Commission

1. The Chairman of the Commission has the following powers:
   - directs the activities of the Commission and its apparatus;
   - convenes meetings of the Commission and presides over them, presents the agenda of the meeting for consideration and approval of the Commission;
   - signs the decisions and protocols of the Commission;
   - monitors the implementation of the decisions of the Commission;
   - gives written and oral instructions to the deputy chairman and members of the Commission;
   - provides consideration of appeals of citizens and legal entities received by the Commission;
   - invites representatives of government bodies, political parties, public associations, enterprises, institutions, other organizations and individuals to attend meetings of the Commission;
   - represents the Commission in relations with state authorities, self-government bodies of towns and villages, political parties, public associations, enterprises, institutions and other organizations, officials, international organizations and foreign states;
   - appoints and dismisses the staff of the apparatus of the Commission;
   - exercises other powers provided for by this Law and other regulatory legal acts of the Republic of Tajikistan.

2. Within the limits of his authority, the chairman of the Commission issues orders and orders on issues relating to the activities of the Commission and its apparatus.

3. In the event that the chairman of the Commission cannot exercise his powers, or the specified position of the chairman is vacant, the powers of the chairman shall be performed by the deputy chairman of the Commission.

Article 11. Powers of the Deputy Chairman of the Commission

1. The deputy chairman of the Commission has the following powers:
   - performs certain duties arising from the powers of the Commission;
   - within the limits of its authority, ensures the execution of instructions and orders of the chairman;
   - exercises other powers provided for by this Law and other regulatory legal acts of the Republic of Tajikistan.

2. In the event that the Deputy Chairman of the Commission is unable to exercise his powers, or the specified position of the Deputy Chairman is vacant, the powers of the Deputy Chairman shall be performed by the Secretary of the Commission.

Section 12. Powers of the Secretary of the Commission

The Secretary of the Commission has the following powers:
- organizes the preparatory work for the meeting of the Commission and provides the members of the Commission with the materials in question;
- draws up minutes of Commission meetings and signs them;
- fulfills the instructions of the Chairman of the Commission;
- is the head of the apparatus of the Commission;
- exercises other powers provided for by this Law and other regulatory legal acts of the Republic of Tajikistan.

**Article 13. Rights and obligations of a member of the Commission**

1. Rights and obligations of a member of the Commission:
   - submission of proposals on the agenda of the meeting of the Commission, presentation of their opinions and arguments on the issues discussed, participation in the debate;
   - participation in meetings of the Commission, objective voting on decisions;
   - participation in the development of regulatory legal acts and other acts on the organization and conduct of elections and referenda, as well as other issues falling within the powers of the Commission;
   - fulfillment of the tasks assigned to him for distribution;
   - execution of instructions of the Commission, the chairman, deputy chairman for monitoring the activities of election commissions and referendum commissions;
   - consideration of applications and the provision of information to the Commission on the results of the review on behalf of the Commission and the Chairman of the Commission;
   - the exercise of other powers provided for by this Law and other regulatory legal acts of the Republic of Tajikistan.

2. A member of the Commission shall not have the right to participate in the election campaign and propaganda of registered candidates and in campaigning on issues submitted to a referendum.

**Article 14. Labor activity of a member of the Commission**

1. The Chairperson, Deputy Chairperson and members of the Commission shall be a public post of state power of the Republic of Tajikistan.

2. The Chairman, Deputy Chairman and members of the Commission shall carry out their activities on a professional and ongoing basis. They can not occupy another position, engage in entrepreneurial activity, with the exception of scientific, creative and pedagogical activities.

3. The salary of the chairman, deputy chairman and members of the Commission shall be established by the President of the Republic of Tajikistan.

4. In accordance with the legislation of the Republic of Tajikistan, the Chairperson, Vice-Chairperson and members of the Commission shall be granted annual paid labor leave for a period of 45 calendar days.

5. Pension provision of the chairman, deputy chairman and members of the Commission is carried out in the manner prescribed by the legislation of the Republic of Tajikistan.
6. Material and social guarantees of the chairman, deputy chairman and members of the Commission, medical, social and other security and services are carried out in the manner prescribed by the legislation of the Republic of Tajikistan.

**Article 15. Recall of the chairman, deputy chairman and members of the Commission**

1. The Chairperson, the Vice-Chairperson and the members of the Commission shall respond on the proposal of the President of the Republic of Tajikistan Majlisi Namoyandagon Majlis Oli of the Republic of Tajikistan.

2. The Chairperson, the Vice-Chairperson and the members of the Commission shall call ahead of schedule on the following grounds:
   - application for refusal of membership at will;
   - termination of citizenship of the Republic of Tajikistan;
   - obtaining citizenship of another state;
   - travel outside the Republic of Tajikistan for permanent residence;
   - non-compliance with the requirements of Article 8 of this Law;
   - entry into legal force of a guilty verdict against him;
   - a court decision declared missing or declared dead;
   - not participate in meetings of the Commission without good reason;
   - participation in the election campaign and propaganda of registered candidates and on issues submitted to the referendum, as well as the identification of his impartiality in the issues under consideration;
   - failure to perform their duties for a long time (at least four months continuously) for health reasons or other valid reasons;
   - non-compliance with the requirements of the Law of the Republic of Tajikistan “On streamlining traditions, celebrations and ceremonies in the Republic of Tajikistan”;
   - in connection with the transfer to another job;
   - in case of death.

3. In the event that the grounds provided for in paragraph 2 of this article arise, before considering the question of early recall of the chairman, deputy chairman and member of the Commission, their authority shall be suspended by decision of the Commission.

**CHAPTER 4. ORGANIZATION OF THE COMMISSION**

**Article 16. Organization of the Commission**

The activities of the Commission are organized in accordance with this Law, other legislative acts of the Republic of Tajikistan, the Rules of Procedure of the Commission, as well as acts adopted by the Commission.

**Article 17. Form of activity of the Commission**

1. The activities of the Commission shall be in the form of a meeting. The meetings address issues related to the powers of the Commission.
2. Meetings of the Commission shall be convened as necessary, and during elections and referenda at least once a month.
3. Meetings of the Commission shall be held in the event of the presence of at least two-thirds of the members of the Commission.

**Article 18. Decisions of the Commission**

1. Based on the results of consideration of issues, the Commission adopts decisions and monitors their implementation.
2. Decisions of the Commission are adopted by open vote and the support of more than half of the members of the Commission. In the event of a tie, the presiding vote is decisive.

**Section 19. Enforcement of Commission Decisions**

1. The execution of the Commission’s decisions adopted within its powers is mandatory for all state bodies, self-government bodies of towns and villages, political parties, public associations, enterprises, institutions, other organizations and officials, candidates, voters, as well as all electoral commissions and referendum commissions.
2. The decisions of the Commission in the prescribed manner may be appealed to the Supreme Court of the Republic of Tajikistan within ten days after their adoption.
3. The Commission has the right to apply, on issues related to the preparation and conduct of elections and referenda, to state bodies, self-government bodies of villages and villages, political parties, public associations, enterprises, institutions, other organizations and to officials who are required to consider and give Commission response no later than three days.

**Article 20. Procedure for submitting applications to the Commission**

Citizens and legal entities of the Republic of Tajikistan have the right to apply to the Commission on issues within its competence. Appeals are considered in the manner prescribed by this Law, legislative acts on elections and referenda, as well as other regulatory legal acts of the Republic of Tajikistan.

**Article 21. Duties of the ministries and departments of the Republic of Tajikistan in organizing and conducting elections and referenda**

When organizing and conducting elections and referenda, ministries and departments of the Republic of Tajikistan are obliged to assist the Commission in accordance with the legislation of the Republic of Tajikistan.

**Article 22. Duties of local executive bodies of state power in organizing and conducting elections and referenda**

When organizing and conducting elections and referenda, local executive bodies of state power are obliged:
- provide, within the time and in the manner established by the Commission, relevant information about citizens of the Republic of Tajikistan residing in the territory of the respective city and region who are entitled to elect and vote;
- Allocate appropriate premises for the respective election and referendum commissions to host and conduct elections and referenda;
- provide the appropriate election and referendum commissions with the necessary equipment;
- Allocate appropriate halls and appropriate seats to the relevant election commissions for organizing meetings of candidates for the President of the Republic of Tajikistan, members of the Majlisi milli and deputies of the Majlisi namoyandagon of the Majlisi Oli of the Republic of Tajikistan, deputies to the local Majlisi of people's deputies, their proxies with voters, and also for campaign meetings groups on issues put to a referendum with voters;
- to represent, in the established manner, candidates for members of district election commissions and district referendum commissions, as well as precinct election commissions and precinct referendum commissions;
- perform other duties stipulated by constitutional laws on elections and referenda and other legislative acts of the Republic of Tajikistan.

CHAPTER 5. INTERNATIONAL COOPERATION OF THE COMMISSION

Article 23. Cooperation with election bodies of foreign states and international organizations (associations)
1. The Commission may cooperate with election bodies of foreign states and international organizations (associations) on election issues.
2. The Commission in the prescribed manner may join industry-specific international organizations (associations).

Article 24. Participation of a member of the Commission as part of international observers
A member of the Commission in the prescribed manner may participate as an international observer in the preparation and conduct of elections and referenda in foreign states.

CHAPTER 6. STAFF OF THE COMMISSION AND MATERIAL AND FINANCIAL SECURITY OF THE COMMISSION

Article 25. Apparatus of the Commission
1. To ensure the activities of the Commission, the apparatus of the Commission is created.
2. The staff of the apparatus of the Commission are civil servants.
3. The apparatus of the Commission, in accordance with its Regulation, provides the organizational, methodological, information-analytical, and material and technical activities of the Commission. The position of the apparatus of the Commission is approved by the Commission.
4. The structure and staffing of the Commission apparatus is approved by the President of the Republic of Tajikistan on the proposal of the chairman of the Commission.

Section 26. Financing of the Commission
1. Financing of the Commission's activities is carried out at the expense of the state budget of the Republic of Tajikistan.
2. The state budget of the Republic of Tajikistan annually provides for a separate line of funds necessary to ensure the activities of the Commission.

3. The property necessary for the Commission to carry out its activities is in the operational management of the Commission and is the property of the Republic of Tajikistan.

CHAPTER 7. FINAL PROVISIONS

Section 27. Responsibility for Non-Compliance with the Requirements of this Law

Individuals and legal entities for non-compliance with the requirements of this Law shall be held liable in the manner prescribed by the legislation of the Republic of Tajikistan.

Section 28. Procedure for the entry into force of this Law

This Law shall enter into force after its official publication.

The President
Republic of Tajikistan Emomali Rahmon

Dushanbe city
July 19, 2019
No. 1642